8:39-2.6 Waiver

(a) The Commissioner or his or her designee may, in accordance with the general purposes and intent of the Health Care Facilities Planning Act, P.L. 1971, c.136 and c.138, N.J.S.A. 26:2H-1 et seq., and amendments thereto, and the standards in this chapter, waive sections of this chapter if, in his or her opinion, such waiver would not endanger the life, safety, or health of the facility's residents or the public.

(b) A facility seeking a waiver of the standards in this chapter shall apply in writing to the Director of the Long-Term Care Licensing and Certification Program of the Department.

(c) A written application for waiver shall include at least the following:

1. The nature of the waiver requested;
2. The specific standards for which a waiver is requested;
3. Reasons for requesting a waiver, including a statement of the type and degree of hardship that would result to the facility or any individual upon full compliance; An alternative proposal which would ensure resident safety; and
1. Documentation to support the application for waiver.

(d) The Department reserves the right to request additional information before processing an application for waiver.

(e) The Department shall issue to the facility written confirmation of either a grant or denial of any waiver request.

8:39-2.9 Chronic hemodialysis services
(a) If a facility provides hemodialysis services to its own long-term care residents only, the following conditions shall be met:

1. The facility shall be authorized to provide the service by the Long-Term Care Licensing and Certification Program of the Department subsequent to the submission and review of the information contained in this subchapter. The application shall describe how the standards in (a)2 through 4 below will be met. The facility shall comply with ambulatory care requirements for a chronic dialysis provider, in accordance with N.J.A.C. 8:43A-24, and the application shall describe how such compliance will be achieved. Waivers from the nine station minimum requirement at N.J.A.C. 8:43A-24.2 shall be considered on an individual basis;
(a) After due consideration, the Department, upon recommendation from the Board, may waive any provisions of this chapter for good cause, if such a waiver would not endanger the health, safety, or welfare of residents in a nursing home.

(b) An individual seeking a waiver of the provisions in this chapter shall apply in writing to the Executive Director of the Board.

(c) A written application for waiver shall include the following:
   (i) The nature of the waiver requested;
   (ii) The specific provision for which a waiver is requested;
   (iii) Reasons for requesting a waiver;
   (iv) An alternative proposal which would ensure the health and safety of the residents; and
   (v) Documentation to support the waiver application.

SUBCHAPTER 4. ADMINISTRATIVE EXPERIENCE REQUIREMENT
(d) The Board may waive, in accordance with N.J.A.C. 8:34-1.8, and after review of an individual’s application, some or all of the hours required to meet the administrative experience requirement set forth at N.J.A.C. 8:34-4.2(a). This may include a waiver of any of the hours set forth at N.J.A.C. 8:34-4.2(b)1-9.

SUBCHAPTER 7. CONTINUING EDUCATION
8:34-7.7 Waiver of continuing education credits

(a) The Board or its designee may, in accordance with N.J.A.C. 8:34-1.8, waive all or part of the continuing education requirement for the licensing period. All such requests to the Board by the licensee shall be in writing and accompanied by written documentation supporting the reasons for the request.

(b) Waivers shall be granted for one licensure period at a time. If the situation for which the waiver was granted continues, the licensee shall reapply in writing to the Board for a renewal of the waiver.