

WILENTZ, GOLDMAN & SPITZER P.A.

NEW JERSEY REGULATORY UPDATE

June 2004

In order to continue providing our healthcare clients with timely information impacting upon their practices, we are pleased to present the firm's June 2004 New Jersey Regulatory Update. This update is provided as a brief summary of regulatory changes published in the New Jersey Register during May 2004. This update is provided for informational purposes only and the reader is urged to review the entire text of the changes as published in the New Jersey Register. Further, this summary represents only selected changes that may affect our healthcare clients who are licensed professionals. As such, please be aware that there are many other regulatory changes that may affect our healthcare clients, such as licensed healthcare facilities, that are not addressed in this summary.

This summary is provided by Michael F. Schaff, Esq., Douglas Watson Lubic, Esq., and John P. Murdoch II, Esq. of the law firm of Wilentz, Goldman & Spitzer, P.A. with offices in Woodbridge, Eatontown, New York City and Philadelphia. If you have any questions, please do not hesitate to contact John Murdoch at 732-855-6008 or via e-mail at jmurdoch@wilentz.com.

PHYSICIANS AND LICENSED SPEECH-LANGUAGE PATHOLOGISTS - Proposed new rule to permit speech-language pathologists to perform fiber optic endoscopic examination of swallowing ("FEES").

On May 3, 2004, the Audiology and Speech-Language Pathology Advisory Committee proposed new rule N.J.A.C. 13:44C-7.2A that, if adopted in its present form, would allow licensed speech-language pathologists to perform Fiber Optic Endoscopic Examinations of Swallowing ("FEES"). The Director of the Division of Consumer Affairs has consulted with the Board of Medical Examiners and it was determined that speech-language pathologists, with proper training, could perform FEES provided that a physician with training in the procedure was present.

The rule would establish criteria that must be met by a speech-language pathologist prior to performing FEES including, but not limited to: (i) specific training requirements; (ii) restrictions on the performance of FEES by a speech-language pathologist at only licensed healthcare facilities or in the office of a physician who has received training in endoscopic examinations during residency; (iii) performance of FEES only when a physician who received training during residency in endoscopic examinations is present; and (iv) performance of FEES only upon the written request of a physician.

Comments to the proposed new rule must be submitted by July 2, 2004 to:

Renee Clark, Executive Director
Audiology and Speech-Language Pathology Advisory Committee
Division of Consumer Affairs
124 Halsey Street
P.O. Box 45002
Newark, NJ 07102

NURSE AIDES AND PERSONAL CARE ASSISTANTS - Extension of expiration date for criminal history background checks until October 19, 2004.

On May 17, 2004, Notice was published in the New Jersey Register advising that the expiration date of the criminal history record background checks of applicants for nurse aide and personal assistant certification regulations was extended from April 19, 2004 until October 19, 2004. Such extension was granted to permit the Department of Health and Senior Services time to review and finalize the language of the proposed new regulations that include recent statutory changes and to ensure that the regulations are adequate.

NURSING HOME ADMINISTRATORS - Proposed readoption with amendments governing nursing home administrators.

On May 17, 2004, the Department of Health and Senior Services published the proposed readoption with amendments to the rules for licensure of nursing home administrators and the rules governing the Nursing Home Administrators Board. All nursing home administrators and nursing homes are strongly encouraged to review the entire text of the proposed readoption with amendments as the specific proposed changes are beyond the scope of this update.

Any comments to the proposed readoption with amendments must be submitted by July 16, 2004 to:

Barbara Goldman, Executive Director
Nursing Home Administrators Licensing Board
Long Term Care Systems
New Jersey Department of Health and Senior Services
P.O. Box 367
Trenton, NJ 08625-0367

The information provided in this summary is for discussion purposes only and shall not be considered legal advice or legal opinion on any specific facts or circumstances. The contents of this summary and any related information and/or materials are intended solely for general information purposes only. You are urged to consult your own attorney concerning your own situation and any specific legal questions that you may have. You may also contact John Murdoch of the law firm of Wilentz, Goldman & Spitzer, P.A. at (732) 855-6008 or via e-mail at jmurdoch@wilentz.com.