

**CHAPTER 43**

**STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES**

**Authority**

N.J.S.A. 26:2H-1 et seq., particularly 26:2H-5.

**Source and Effective Date**

R.2005 d.73, effective February 22, 2005.  
See: 36 N.J.R. 3016(a), 37 N.J.R. 591(b).

**Chapter Expiration Date**

Chapter 43, Standards for Licensure of Residential Health Care Facilities, expires on February 22, 2010.

**Chapter Historical Note**

Chapter 43, Boarding Homes for Sheltered Care, was adopted as R.1974 d.319, effective November 19, 1974. See: 6 N.J.R. 396(c), 6 N.J.R. 472(e). Chapter 43 was renamed Residential Health Care Facilities by R.1980 d.366, effective August 8, 1980. See: 12 N.J.R. 394(b), 12 N.J.R. 518(d).

Pursuant to Executive Order No. 66(1978), Chapter 43, Residential Health Care Facilities, was readopted as R.1990 d.568, effective October 24, 1990. See: 22 N.J.R. 2499(a), 22 N.J.R. 3581(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, Residential Health Care Facilities, was readopted as R.1992 d.502, effective November 19, 1992. See: 24 N.J.R. 2506(a), 25 N.J.R. 109(a).

Chapter 43, Residential Health Care Facilities, was repealed and Chapter 43, Standards for Licensure of Residential Health Care Facilities, was adopted as new rules by R.1993 d.473, effective October 4, 1993 (operative February 12, 1994). See: 25 N.J.R. 25(a), 25 N.J.R. 4631(a). Pursuant to Executive Order No. 66(1978), Chapter 43 expired on October 4, 1998.

Chapter 43, Standards for Licensure of Residential Health Care Facilities, was adopted as new rules by R.1998 d.579, effective December 7, 1998. See: 30 N.J.R. 3633(a), 30 N.J.R. 4221(b). Chapter 43, Standards for Licensure of Residential Health Care Facilities, expired on December 7, 2003.

Chapter 43, Standards for Licensure of Residential Health Care Facilities, was adopted as R.2005 d.73, effective February 22, 2005. See: Source and Effective Date.

Petition for Rulemaking. See: 39 N.J.R. 4341(a).

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**SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS**

**8:43-1.1 Scope**

The rules in this chapter pertain to all facilities that provide residential health care services. These rules constitute the basis for the licensure of residential health care facilities by

the New Jersey State Department of Health and Senior Services.

**8:43-1.2 Purpose**

Residential health care facilities provide sheltered care and services, in a homelike setting, to residents who do not require skilled nursing care, in order to assist residents to maintain personal interests and dignity as well as to protect their health and safety. The aim of this chapter is to establish minimum rules with which a residential health care facility must comply in order to be licensed to operate in New Jersey.

**8:43-1.3 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Advanced practice nurse” means an individual who is so certified by the New Jersey State Board of Nursing in accordance with N.J.S.A. 45:11-23 et seq.

“Assistive device” means a leg brace, splint, cane, crutch, special shoe, back brace, walker, wheelchair, or prosthesis.

“Available” means ready for immediate use (pertaining to equipment) or capable of being reached (pertaining to personnel), unless otherwise defined.

“Basic physical plant services” means heat, power, lighting, water, food and staff.

“Cleaning” means the removal by scrubbing and washing, as with hot water, soap or detergent, or vacuuming, of infectious agents and of organic matter from surfaces on which and in which infectious agents may find conditions for surviving or multiplying.

“Commissioner” means the New Jersey State Commissioner of Health and Senior Services.

“Communicable disease” means an illness due to a specific infectious agent or its toxic products which occurs through transmission of that agent or its products from a reservoir to a susceptible host.

“Conspicuously posted” means placed at a location within the facility accessible to and seen by residents and the public.

“Contamination” means the presence of an infectious or toxic agent in the air, on a body surface, or on or in clothes, bedding, instruments, dressings, or other inanimate articles or substances, including water, milk, and food.

“Controlled Dangerous Substances Acts” means the Controlled Substances Act of 1970 (Title II, Public Law 91-513) and the New Jersey Controlled Dangerous Substances Act of 1970, N.J.S.A. 24:21-1 et seq.

“Current” means up-to-date.