

CHAPTER 43F

**STANDARDS FOR LICENSURE OF
ADULT DAY HEALTH SERVICES FACILITIES**

Authority

N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5;
and Reorganization Plan No. 001-1996.

Source and Effective Date

R.2007 d.107, effective March 19, 2007.
See: 38 N.J.R. 3115(a), 39 N.J.R. 1481(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 43F, Standards for
Licensure of Adult Day Health Services Facilities, expires on March 19,
2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 43F, Manual of Standards for Licensure of Non-Residential
Medical Day Care Facilities, was adopted as R.1979 d.452, effective
January 2, 1980. See: 11 N.J.R. 437(b), 11 N.J.R. 622(b).

Chapter 43F, Manual of Standards for Licensure of Non-Residential
Medical Day Care Facilities, was repealed and Chapter 43F, Manual of
Standards for Licensure of Adult Day Health Care Facilities, was
adopted as new rules by R.1990 d.136, effective February 20, 1990.
See: 21 N.J.R. 3385(a), 22 N.J.R. 635(a).

Subchapter 23, Physical Plant, and Subchapter 24, Functional Re-
quirements, were adopted as R.1990 d.421, effective September 4, 1990.
See: 21 N.J.R. 3403(a), 22 N.J.R. 2703(a).

Pursuant to Executive Order No. 66(1978), Chapter 43F, Manual of
Standards for Licensure of Adult Day Health Care Facilities, was
readopted as R.1995 d.128, effective February 7, 1995. See: 26 N.J.R.
4532(a), 27 N.J.R. 939(a). Pursuant to Executive Order No. 66(1978),
Chapter 43F, Manual of Standards for Licensure of Adult Day Health
Care Facilities, expired on February 7, 2000.

Chapter 43F, Standards for Services and Licensure of Adult and
Pediatric Day Health Services Facilities, was adopted as new rules by
R.2001 d.205, effective June 18, 2001. See: 32 N.J.R. 1920(a), 33
N.J.R. 2121(a).

Chapter 43F, Standards for Services and Licensure of Adult and
Pediatric Day Health Services Facilities, was renamed Standards for
Licensure of Adult and Pediatric Day Health Services Facilities; Sub-
chapter 2, Medicaid Eligibility and Program Participation for Adult and
Pediatric Day Health Services, was repealed and Subchapter 2, Li-
censure Procedures, was adopted as new rules; Subchapter 3, Admin-
istration and Organization, was renamed Administration; Subchapter 4,
Assessment; Plan of Care; Participant's Rights, was renamed Participant
Rights; Subchapter 5, Participant Assessment and Plan of Care, was
adopted as new rules; Subchapter 5, Services, was recodified as Sub-
chapter 6, General Services; Subchapter 6, Staff Requirements, was
repealed; Subchapter 7, Facility, was repealed and Subchapter 7,
Nursing Services, was adopted as new rules; Subchapter 8, Pediatric Day
Health Services Facilities, was recodified as Subchapter 19; Subchapter
8, Medical Services; Subchapter 9, Pharmaceutical Services; Subchapter
10, Dietary Services; Subchapter 11, Rehabilitation Services; Subchapter
12, Social Work Services; Subchapter 13, Activities Services; Sub-
chapter 14, Physical Plant Requirements; Subchapter 15, Medical
Records; Subchapter 16, Infection Control, Sanitation, and House-
keeping; Subchapter 17, Transportation Services; and Subchapter 18,
Quality Improvement, were adopted as new rules; and Appendices A
through F, were repealed by R.2005 d.388, effective December 19, 2005
(operative February 1, 2006). See: 36 N.J.R. 5240(a), 37 N.J.R. 385(a),
4931(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of
Chapter 43F, Standards for Licensure of Adult and Pediatric Day Health
Services Facilities, was extended by gubernatorial directive from
December 15, 2006 to June 15, 2007. See: 39 N.J.R. 195(a).

Chapter 43F, Standards for Licensure of Adult and Pediatric Day
Health Services Facilities, was readopted as R.2007 d.107, effective
March 19, 2007. See: Source and Effective Date. See, also, section an-
notations.

Chapter 43F, Standards for Licensure of Adult and Pediatric Day
Health Services Facilities, was renamed Standards for Licensure of
Adult Day Health Services Facilities; Subchapter 16, Infection Control,
Sanitation, and Housekeeping, was renamed Infection Control, Sani-
tation and Housekeeping; and Subchapter 19, Pediatric Day Health
Services Facilities, was repealed by R.2009 d.345, effective November
16, 2009 (operative April 1, 2010). See: 40 N.J.R. 6266(a), 41 N.J.R.
4212(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

8:43F-1.1 Scope and purpose

The rules in this chapter pertain to all facilities that provide adult day health services, regardless of the source of payment. These rules constitute the basis for the licensure of adult day health services facilities by the New Jersey Department of Health and Senior Services. The Medicaid rules for adult day health services are contained in N.J.A.C. 8:86. Adult day health services facilities provide specialized, integrated care to participants in order to assist them in reaching the functional levels of which they are capable, as well as to protect their health and safety. The purpose of this chapter is to establish minimum rules to which an adult day health service facility must adhere to be licensed to operate in New Jersey. An adult day health services facility that is a Medicaid provider shall also comply with the rules at N.J.A.C. 8:86.

Amended by R.2005 d.388, effective December 19, 2005 (operative February 1, 2006).

See: 36 N.J.R. 5240(a), 37 N.J.R. 385(a), 4931(a).

Rewrote the section.

Amended by R.2009 d.345, effective November 16, 2009 (operative April 1, 2010).

See: 40 N.J.R. 6266(a), 41 N.J.R. 4212(a).

Deleted "or pediatric" and "and pediatric" preceding "day" throughout; and in the last sentence, deleted "or pediatric day" preceding "health" and substituted "rules" for "regulations".

8:43F-1.2 Definitions

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

"Activities of daily living (ADL)" means the functions or tasks for self-care, which are performed either independently or with supervision or assistance. Activities of daily living

include dressing, bathing, toilet use, transfer, locomotion, bed mobility and eating.

“Acuity” means the severity of the medical or healthcare needs of a participant.

“Administration-adult day health services facility” means an identifiable administrative unit within the adult day health services headed by a director/administrator, responsible for the overall conduct of all adult day health service program activities.

“Adult day health services facility” means a facility or a distinct part of a facility which is licensed by the New Jersey Department of Health and Senior Services to provide preventive, diagnostic, therapeutic, and rehabilitative services under medical and nursing supervision to meet the needs of functionally impaired adult participants who are not related to the members of the governing authority by marriage, blood, or adoption. Adult day health services facilities provide services to participants for a period of time, which does not exceed 12 hours during any calendar day.

“Adult Day Health Services Program for Victims of Alzheimer’s Disease and Related Disorders” means a program administered by the New Jersey Department of Health and Senior Services that provides services to individuals who have been diagnosed by a physician as having Alzheimer’s disease or a related disorder such as Huntington’s disease, Parkinson’s disease with dementia, Creutzfeldt-Jakob disease, or Pick’s disease.

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

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

“Bylaws” means a set of rules adopted by the facility for governing its operation. A charter, articles of incorporation, and/or a statement of policies and objectives are acceptable as equivalents.

“Clinical note” means an event-triggered note, written, signed, and dated, when significant physical, emotional, mental, behavioral or social changes occur to the participant, when problems arise and/or services are provided on an intensive basis. The clinical note shall include a description of signs, symptoms, treatments, services and the participant’s reactions. Clinical notes are written into the participant’s medical record the day service is provided.

“Commissioner” means the New Jersey 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 participants 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.

“Daily census” means the number of participant equivalents who, during any calendar day, receive services in the facility.

“Deficiency” means a determination by the New Jersey Department of Health and Senior Services that a facility is not in compliance with an applicable State licensing requirement and/or Federal requirement.

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

“Dietitian” means a person who is registered or eligible for registration by the Commission on Dietetic Registration (Office on Dietetic Credentialing, 216 W. Jackson Boulevard—7th Floor, Chicago, Illinois 60606-6995).

“Disinfection” means the killing of infectious agents outside the body, or organisms transmitting such agents, by chemical and physical means, directly applied.

“Division” means the Division of Health Facilities Evaluation and Licensing within the New Jersey Department of Health and Senior Services.

“Documented” means written, signed, and dated.

“Drug” means a substance as defined in the New Jersey State Board of Pharmacy Rules, N.J.A.C. 13:39-1.2. The word “medication” is used interchangeably with the word “drug” in this chapter.

“Epidemic” means the occurrence in a facility of one or more cases of an illness in excess of normal expectancy for that illness, derived from a common or propagated source.

“Family” means individuals who are related by blood, marriage, or commitment.

“Full-time” means relating to a time period of not less than 35 hours, established by the facility as a full working week, as defined and specified in the facility’s policies and procedures.

“Full-time equivalent,” for the purposes of this chapter, means any combination of staff who work part-time on any given day and together provide the same number of working hours as one full-time staff person.

“Health care facility” means a facility so defined in N.J.S.A. 26:2H-1 et seq.

“Interdisciplinary team” means those individuals, representing different professions, disciplines, and services, who work together to provide an integrated program of care to the participant.

“Job description” means written specifications developed for each position in the facility, containing the qualifications, duties and responsibilities, and accountability required of employees in that position.

“Legally authorized representative” means an individual or entity who is empowered by law, judicial order, power of attorney or otherwise to make decisions on behalf of the participant, and includes a participant’s spouse or immediate next of kin.

“License holder” means the individual or entity that has legal ownership and responsibility for all operations and management of the facility.

“Licensed nursing personnel” (licensed nurse) means registered professional nurses or practical nurses licensed by the New Jersey State Board of Nursing.

“Licensed practical nurse” (LPN) means an individual who is so licensed by the New Jersey State Board of Nursing pursuant to N.J.S.A. 45:11-27.

“Medical consultant” means a facility's designated physician, who is licensed to practice medicine in the State of New Jersey, and who is responsible for assisting in and reviewing the provision of medical services to the participants of an adult day health services facility, in accordance with N.J.A.C. 8:43F-8.

“Medical record” means all records, including radiological films, in the facility pertaining to the participant and maintained in accordance with N.J.A.C. 8:43F-15.1(c).

“Medical record practitioner” means an individual who is certified or eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART) by the American Health Information Management Association (American Health Information Management Association, 919 N. Michigan Ave., Suite 1400, Chicago, IL 60611); or is a graduate of a program in medical record science accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the Council on Education of the American Health Information Management Association (American Health Information Management Association, 919 N. Michigan Ave, Suite 1400 Chicago, IL 60611).

“Medication,” for the purposes of this chapter, is used interchangeably with the term “drug.” Please see the definition of “drug” in this chapter.

“Medication administration” means a procedure in which a prescribed medication is given to a participant by an authorized person in accordance with all laws and rules governing such procedures. The complete procedure of administration includes removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), verifying it with the prescriber’s orders, giving the individual dose to the participant, seeing that the participant takes it, and recording the required information, including the method of administration.

“Monitor” means to observe, watch, or check.

“Nosocomial infection” means an infection acquired by a participant while in the facility.

“Occupational therapist” means an individual who is so licensed, or eligible for licensure, by the New Jersey Occupational Therapy Advisory Council in accordance with N.J.S.A. 45:9-37.51.

“Participant” means a person who participates in a program of services from a licensed adult day health services facility.

“Participant equivalent,” for the purposes of this chapter, means a combination of two or more participants who each attend an adult day health services facility for less than five hours on any given day, and who together receive a combined total of five hours of services on that day. For example, two participants each receiving 2.5 hours of service constitute one participant equivalent.

“Pharmacist” means an individual who is so licensed by the New Jersey State Board of Pharmacy, pursuant to N.J.A.C. 13:39-3.

“Physical therapist” means an individual who is so licensed by the New Jersey State Board of Physical Therapy Examiners, pursuant to N.J.S.A. 45:9-37.11 et seq.

“Physician” means an individual who is licensed or authorized by the New Jersey State Board of Medical Examiners to practice medicine in the State of New Jersey, pursuant to N.J.S.A. 45:9-1 et seq.

“Physician assistant” means an individual who is so licensed by the New Jersey State Board of Medical Examiners, pursuant to N.J.S.A. 45:9-27.10 et seq.

“Prescriber” means an individual who is authorized to write prescriptions in accordance with Federal and State laws.

“Prior authorization” means the approval process of eligible Medicaid participants by the Department prior to the provision of adult day health services in accordance with N.J.A.C. 8:86-1.5 and 8:43F-2.8.