

CHAPTER 47

**STANDARDS FOR PRIVATE LICENSED FACILITIES
FOR PERSONS WITH DEVELOPMENTAL
DISABILITIES**

Authority

N.J.S.A. 30:1-12, 30:1-15, 30:1-15.1 and 30:6D-1 et seq.

Source and Effective Date

R.2007 d.72, effective January 30, 2007.
See: 38 N.J.R. 4352(a), 39 N.J.R. 777(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 47, Standards for Private Licensed Facilities for Persons with Developmental Disabilities, expires on January 30, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 47, Manual of Standards for Private Licensed Institutions for the Mentally Retarded, was adopted as R.1975 d.203, effective August 1, 1975. See: 7 N.J.R. 265(b), 7 N.J.R. 364(a).

Chapter 47, Manual of Standards for Private Licensed Institutions for the Mentally Retarded, was repealed and a new Chapter 47, Manual of Standards for Private Licensed Facilities for the Mentally Retarded, was adopted as R.1985 d.540, effective November 4, 1985. See: 16 N.J.R. 2902(a), 17 N.J.R. 2648(b).

Pursuant to Executive Order No. 66(1978), Chapter 47, Manual of Standards for Private Licensed Facilities for the Mentally Retarded, was readopted as R.1990 d.593, effective November 2, 1990. See: 22 N.J.R. 2915(a), 22 N.J.R. 3620(b).

Subchapter 2, Licensure Procedure, was repealed and a new Subchapter 2, Licensure, was adopted as R.1990 d.593, effective December 3, 1990.

Chapter 47, Manual of Standards for Private Licensed Facilities for the Mentally Retarded, was repealed and a new Chapter 47, Standards for Private Licensed Facilities for the Developmentally Disabled, was adopted as R.1995 d.545, effective October 16, 1995. See: 27 N.J.R. 2831(a), 27 N.J.R. 3938(a). Pursuant to Executive Order No. 66(1978), Chapter 47, Standards for Private Licensed Facilities for the Developmentally Disabled, expired on October 16, 2000.

Chapter 47, Standards for Private Licensed Facilities for Persons with Developmental Disabilities, was adopted as new rules by R.2001 d.317, effective September 17, 2001. See: 32 N.J.R. 3759(a), 33 N.J.R. 3317(a).

Chapter 47, Standards for Private Licensed Facilities for Persons with Developmental Disabilities, was readopted as R.2007 d.72, effective January 30, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:47-1.1 Purpose and scope

The purpose of this chapter is to establish licensing requirements, promulgated by the Department of Human Services, for private licensed facilities for the developmentally disabled in New Jersey. Such licensing requirements are necessary in order to protect individuals with developmental disabilities that are placed in a private licensed facility, and to provide for overall improvement in the quality of life for individuals with developmental disabilities residing in private licensed facilities.

Repeal and New Rule, R.2007 d.72, effective March 5, 2007.

See: 38 N.J.R. 4352(a), 39 N.J.R. 777(a).

Section was "Purpose and scope".

10:47-1.2 Definitions

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

"Abuse" means any act or omission that deprives an individual of his or her rights or which has the potential to cause or causes actual physical injury or emotional harm or distress. Examples of abuse include, but are not limited to: acts that cause pain, cuts, bruises, loss of body function, sexual abuse, temporary or permanent disfigurement, death; striking with a closed or open hand; pushing to the ground or shoving aggressively; twisting a limb; pulling hair; withholding food; forcing an individual to eat obnoxious substances; use of verbal or other communication to curse, vilify, degrade an individual or threaten with physical injury. Planned use of behavioral intervention techniques which are part of an approved behavior modification plan or Individual Habilitation Plan shall not be considered to be abuse or neglect.

"Advance practice nurse," also known as a nurse practitioner (see N.J.S.A. 45:11-46c), is defined in N.J.S.A. 45:11-23, and may, in addition to those tasks lawfully performed by a registered professional nurse, manage specific common deviations from wellness and stabilized long term care illnesses by initiating laboratory and other diagnostic tests and prescribing certain medications and devices. (See N.J.S.A. 45:11-49.)

"Age appropriate" means that aspect of normalization that reinforces recognition of an individual as a person of a certain

chronological age. This includes, but is not limited to, an individual's dress, behavior, use of language, choice of leisure and recreation activities, personal possessions and self-perception.

"Assessment" means the process of identifying a person's developmental strengths and needs, and the conditions that impede and promote development. There are two levels of assessment: screening and evaluation.

"Aversive technique" means the presentation of stimuli or conditions to decrease the frequency, intensity or duration of maladaptive behavior by inducing distress, discomfort or pain, which may place the individual at some degree of risk of physical and/or psychological injury.

"Behavior disorder" means an abnormal action which may interfere with the individual's activities of daily living.

"Behavior Management Committee" means a representative body of individuals who have clinical expertise and individuals who have administrative authority within the Division component or provider agency who review behavior plans and who make a judgment as to whether or not the plans are clinically/technically appropriate. Other behavior management issues may be referred to this committee. The committee acts as an advisory body to the Chief Executive Officer.

"Behavior objective" means one of a series of short range steps which are developmentally sequenced and directed toward the achievement of an established goal. Each behavioral objective specifies a single, learned response to be exhibited by the individual and the criterion against which progress is measured. The objective is developed and based upon knowledge of assessed developmental strengths and needs.

"Chief executive officer" means the person having administrative authority over, and responsibility for, a private residential facility licensed under this chapter.

"Department" means the Department of Human Services.

"Developmental disability" means a severe, chronic disability of a person which:

1. Is attributable to a mental or physical impairment or combination of mental or physical impairments;
2. Is manifest before age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitations before the age of 22 in three or more of the following areas of major life activity, that is, self-care, receptive and expressive language, learning, mobility, self-direction and capacity for independent living or economic self-sufficiency; and
5. Reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.