

CHAPTER 44B
MANUAL OF STANDARDS FOR
COMMUNITY CARE RESIDENCES

Authority

N.J.S.A. 30:11B-1 et seq., specifically 30:11B-4.

Source and Effective Date

R.2006 d.171, effective April 13, 2006.
See: 37 N.J.R. 4849(a), 38 N.J.R. 2158(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 44B, Manual of Standards for Community Care Residences, expires on October 10, 2011. See: 43 N.J.R. 950(a).

Chapter Historical Note

Chapter 44B, Manual of Standards for the Licensing and Regulation of Adult Foster Homes, Skill Development Homes and Supervised Apartments for the Developmentally Disabled, was adopted as R.1980 d.157, effective April 17, 1980. See: 11 N.J.R. 505(c), 12 N.J.R. 278(e).

Chapter 44B, Manual of Standards for the Licensing and Regulation of Adult Foster Homes, Skill Development Homes and Supervised Apartments for the Developmentally Disabled, was repealed, and Chapter 44B, Manual of Standards for Skill Development Homes, Family Care Homes and Family-Based Respite Care Homes, was adopted as new rules by R.1985 d.181, effective April 15, 1985. See: 17 N.J.R. 359(b), 17 N.J.R. 958(a).

Pursuant to Executive Order No. 66(1978), Chapter 44B, Manual of Standards for Skill Development Homes, Family Care Homes and Family-Based Respite Care Homes, expired on April 15, 1990.

Chapter 44B, Manual of Standards for Community Care Residences, was adopted as new rules by R.1990 d.359, effective July 16, 1990. See: 22 N.J.R. 756(a), 22 N.J.R. 2164(b).

Pursuant to Executive Order No. 66(1978), Chapter 44B, Manual of Standards for Community Care Residences, expired on July 16, 1995.

Chapter 44B, Manual of Standards for Community Care Residences, was adopted as new rules by R.1995, d.530, effective October 2, 1995. See: 27 N.J.R. 2365(a), 27 N.J.R. 3793(a).

Pursuant to Executive Order No. 66(1978), Chapter 44B, Manual of Standards for Community Care Residences, expired on October 2, 2000.

Chapter 44B, Manual of Standards for Community Care Residences, was adopted as new rules by R.2001 d.50, effective February 5, 2001. See: 32 N.J.R. 3529(a), 33 N.J.R. 554(c).

Chapter 44B, Manual of Standards for Community Care Residences, was readopted as R.2006 d.171, effective April 13, 2006. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:44B-1.1 Purpose and scope

The purpose of this chapter is to provide for the protection of persons with developmental disabilities who require such supervision and to provide for overall improvement of the quality of life for individuals residing in community care residences for the developmentally disabled. If all persons living in a particular place of residence are developmentally disabled, and where all such individuals do not require personal guidance, as determined by the interdisciplinary teams, licensure is available on a voluntary basis in accordance with the expressed preferences of the developmentally disabled individuals.

New Rule, R.1990 d.359, effective July 16, 1990.
See: 22 N.J.R. 756(a), 22 N.J.R. 2164(b).

Case Notes

Initial Decision (2008 N.J. AGEN LEXIS 386) adopted, which found that, although licensed adult care provider was not directly responsible for burns suffered by a resident under her care, the provider had ample reason to be alerted to possible injury, but did not see fit to examine the resident, resulting in a failure to timely treat the burns; the provider's conduct was such that she failed to provide and maintain proper and sufficient health care, and/or adult supervision for her residents and her license to operate a Community Care Residence was properly revoked. *Dep't of Human Services v. White-Bryant*, OAL Dkt. No. HSL 04241-07, 2008 N.J. AGEN LEXIS 1242, Final Decision (July 15, 2008).

10:44B-1.2 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter

which can be given effect and to this end the provisions of this chapter are severable.

New Rule, R.1990 d.359, effective July 16, 1990.
See: 22 N.J.R. 756(a), 22 N.J.R. 2164(b).

10:44B-1.3 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 of an act that willfully deprives a resident of his or her rights or which may cause or causes actual physical injury or emotional harm, and is not limited to physical injury. Examples of abuse are acts that cause pain, cuts, bruises, temporary loss of a body function, temporary or permanent disfigurement, death; striking with a closed or open hand; pushing to the ground or shoving aggressively; twisting a limb; pulling hair; dousing with water; intentionally ignoring a resident; withholding food; forcing an individual with developmental disabilities to eat obnoxious substances; or use of verbal or other communication to curse, vilify, degrade an individual or threaten an individual with physical injury. This list is by no means exhaustive.

“Advocate” means a public or private officer, agency, or organization designated by state legislation, state plan, or the governor to represent the interests of persons with developmental disabilities and speak on behalf of such individuals.

“Age appropriateness” means that aspect of normalization which reinforces recognition of an individual as a person of a certain chronological age.

“Autism” means a behaviorally-defined syndrome affecting both children and adults. The essential features are typically manifested prior to five years of age and include: disturbances of developmental rates and sequences; disturbances of responses to sensory stimuli; disturbances of speech, language-cognition, and non-verbal communication; and disturbances of the capacity to relate appropriately to people, events and objects.

“Boarder” means any person residing in the home who is not a member of the family, who is not developmentally disabled and who receives room, board and personal guidance.

“Capacity” means the maximum number of individuals, including boarders, who may be accommodated in the home, other than family members, at any time under the terms of the home’s license.

“Case manager” means the authorized representative of any agency who coordinates the provision of social services and/or habilitation services to boarders or developmentally disabled individuals.

“Cerebral Palsy” means a persisting qualitative motor disturbance appearing before the age of three, due to non-progressive damage of the brain.

“Chores” means those duties which are normally performed by members of a household as a matter of routine.

“Community care residence” means a private home or apartment in which an adult person or family contracts to provide developmentally disabled persons with care and/or training.

“Community residence for the developmentally disabled” means any community residential facility housing up to 16 developmentally disabled persons which also provides food, shelter, personal guidance and/or training for developmentally disabled persons who require assistance, temporarily or permanently, in order to live independently in the community. Such residences shall not be considered health care facilities within the meaning of the “Health Care Facilities Planning Act,” P.L. 1971, c.136 (N.J.S.A. 26:2H-1 et seq.) and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements, hostels, and community care residences (formerly skill development homes, family care homes, and respite homes).

“Community Services” means a component of the Division of Developmental Disabilities which provides work and training programs, housing and supportive services to aid persons with developmental disabilities in establishing themselves in the community.

“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 in three or more of the following areas of major activity; self care, receptive and/or 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 life-long or extended duration and are individually planned and coordinated.

“Epilepsy” means a chronic disease of the central nervous system characterized by convulsions and often unconsciousness.

“Exploitation” means any unjust or improper use of another person for one’s profit or advantage.

“Family care program” means a private home or apartment in which the community care licensee contracts to provide developmentally disabled persons with room, board, and personal guidance.