

CHAPTER 43

STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES LOCATED WITH, AND OPERATED BY, LICENSED HEALTH CARE FACILITIES

Authority

N.J.S.A. 26:2H-1 et seq., particularly 26:2H-5, and Reorganization Plan No. 002-2005.

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 Located With, and Operated By, Licensed 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Chapter 43, Residential Health Care Facilities, was repealed and Chapter 43, Standards for Licensure of Residential Health Care Facilities, was adopted as new rules by R.1993 d.473, effective October 4, 1993 (operative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).

Chapter 43, Standards for Licensure of Residential Health Care Facilities, was renamed Standards for Licensure of Residential Health Care Facilities Located With, and Operated By, Licensed Health Care Facilities by administrative change, effective December 2, 2008. As a part of the administrative change and pursuant to Reorganization Plan No. 002-2005, Chapter 43, Standards for Licensure of Residential Health Care Facilities Located With, and Operated By, Licensed Health Care Facilities, was duplicated as Subchapters 1 through 16 and Appendices A through C of Chapter 27A of Title 5. See: 41 N.J.R. 225(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

- 8:43-1.1 Scope
- 8:43-1.2 Purpose
- 8:43-1.3 Definitions
- 8:43-1.4 Qualifications of the administrator of a residential health care facility
- 8:43-1.5 Qualifications of direct care staff

SUBCHAPTER 2. LICENSURE PROCEDURES

- 8:43-2.1 Application for licensure
- 8:43-2.2 Newly constructed, renovated, or expanded facilities
- 8:43-2.3 Preliminary conference
- 8:43-2.4 Surveys and license
- 8:43-2.5 Surrender of license
- 8:43-2.6 Waiver
- 8:43-2.7 Action against a license
- 8:43-2.8 Hearings
- 8:43-2.9 Special residential health care services

SUBCHAPTER 3. PHYSICAL PLANT FOR NEW CONSTRUCTION, RENOVATIONS, AND ADDITIONS

- 8:43-3.1 Scope
- 8:43-3.2 Fire suppression systems
- 8:43-3.3 Room sizes and features
- 8:43-3.4 Toilets, bathing facilities, and handwashing sinks
- 8:43-3.5 Laundry equipment
- 8:43-3.6 Sounding devices
- 8:43-3.7 Building occupancy

SUBCHAPTER 3A. PHYSICAL ENVIRONMENT FOR EXISTING RESIDENTIAL HEALTH CARE FACILITIES

- 8:43-3A.1 Scope
- 8:43-3A.2 Resident bedrooms
- 8:43-3A.3 Toilets, bathing facilities, and handwashing sinks
- 8:43-3A.4 Living and recreation rooms
- 8:43-3A.5 Dining room
- 8:43-3A.6 Storage space
- 8:43-3A.7 Lighting and electricity
- 8:43-3A.8 Kitchens
- 8:43-3A.9 Fire extinguisher specifications
- 8:43-3A.10 Employees' sleeping rooms
- 8:43-3A.11 Ventilation

SUBCHAPTER 4. GENERAL REQUIREMENTS

- 8:43-4.1 Minimum services and staffing
- 8:43-4.2 Ownership
- 8:43-4.3 Transfer of ownership
- 8:43-4.4 Submission and availability of documents
- 8:43-4.5 Personnel
- 8:43-4.6 Policy and procedure manual
- 8:43-4.7 Resident transportation
- 8:43-4.8 Written agreements
- 8:43-4.9 Reportable events
- 8:43-4.10 Notices
- 8:43-4.11 Maintenance of records
- 8:43-4.12 Admission and retention of residents
- 8:43-4.13 Involuntary discharge
- 8:43-4.14 Notification requirements
- 8:43-4.15 Policies and procedures for dispute resolution; forum for discussion of advance directives
- 8:43-4.16 Policies and procedures for advance directives
- 8:43-4.17 Interpretation services

SUBCHAPTER 5. ADMINISTRATION

- 8:43-5.1 Appointment of administrator
- 8:43-5.2 Administrator's responsibilities

SUBCHAPTER 6. RESIDENT CARE POLICIES

- 8:43-6.1 Resident care policies and procedures
- 8:43-6.2 Financial arrangements
- 8:43-6.3 Personal needs allowance

SUBCHAPTER 7. PERSONAL CARE SERVICES

- 8:43-7.1 Provision of personal care services
- 8:43-7.2 Resident clothing
- 8:43-7.3 Facilities and furnishings

SUBCHAPTER 8. DIETARY SERVICES

- 8:43-8.1 Provision of meals
- 8:43-8.2 Requirements for dietary services
- 8:43-8.3 Administrator's responsibilities
- 8:43-8.4 Commercial food management services

SUBCHAPTER 9. HEALTH SERVICES

- 8:43-9.1 Health maintenance and monitoring services
- 8:43-9.2 Provision of health services

SUBCHAPTER 10. MEDICATIONS

- 8:43-10.1 Self-administration of medications
- 8:43-10.2 Designation of a consultant pharmacist
- 8:43-10.3 Storage of medications

SUBCHAPTER 11. RECREATIONAL SERVICES

- 8:43-11.1 Provision of recreational services

SUBCHAPTER 12. EMERGENCY SERVICES AND PROCEDURES

- 8:43-12.1 Emergency medical services
- 8:43-12.2 Emergency plans and procedures
- 8:43-12.3 Drills and tests

SUBCHAPTER 13. RESIDENT RECORDS

- 8:43-13.1 Maintenance of resident records

SUBCHAPTER 14. RESIDENT RIGHTS

- 8:43-14.1 Policies and procedures regarding resident rights
- 8:43-14.2 Rights of each resident

SUBCHAPTER 15. HOUSEKEEPING, SANITATION, SAFETY AND MAINTENANCE

- 8:43-15.1 Provision of housekeeping, sanitation, safety and maintenance services
- 8:43-15.2 Housekeeping
- 8:43-15.3 Resident environment
- 8:43-15.4 Waste removal
- 8:43-15.5 Heating and air conditioning
- 8:43-15.6 Water supply
- 8:43-15.7 Building and grounds maintenance
- 8:43-15.8 Laundry services

SUBCHAPTER 16. INFECTION PREVENTION AND CONTROL SERVICES

- 8:43-16.1 Infection control program
- 8:43-16.2 Development of infection control policies and procedures
- 8:43-16.3 General infection control policies and procedures
- 8:43-16.4 Employee health and resident policies and procedures for infection prevention and control

- 8:43-16.5 Staff education and training for infection prevention and control
- 8:43-16.6 Regulated medical waste

APPENDIX A

APPENDIX B

APPENDIX C

SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

8:43-1.1 Scope

The rules in this chapter pertain to all facilities located with, and operated by, licensed health care facilities that provide residential health care services. These rules constitute the basis for the licensure of such residential health care facilities by the New Jersey State Department of Health and Senior Services.

Administrative change.
See: 41 N.J.R. 225(a).

Case Notes

Holding, that an agreement between the trustees of a life-care community home and its residents impliedly included the residents' right to an accounting by the trustees on the grounds that the monthly fees were expected to remain stable and reasonable, was consistent with the legislative policy expressed in New Jersey's fairly extensive regulation of the residential health care facilities industry set forth in N.J.S.A. 30:11A-1 through 30:11A-12, N.J.S.A. 26:2H-1 through 26:2H-52, and N.J.A.C. 8:43-1.1 through 8:43-7.1, as amended. *Onderdonk v. Presbyterian Homes of N.J.*, 85 N.J. 171, 425 A.2d 1057, 1981 N.J. LEXIS 2589 (1981), limited by *Borbely v. Nationwide Mut. Ins. Co.*, 547 F. Supp. 959, 1981 U.S. Dist. LEXIS 10145, 11 Fed. R. Evid. Serv. (CBC) 1642 (D.N.J. 1981).

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 located with, and operated by, a licensed health care facility must comply in order to be licensed to operate in New Jersey.

Administrative change.
See: 41 N.J.R. 225(a).

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.