STATE OF NEW JERSEY
N.J. Department of Institutions and Agencies
Trenton

Bureau of Community Institutions

MANUAL OF STANDARDS
FOR
INSTITUTIONS FOR THE MENTALLY RETARDED

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F O R E W O R D

In New Jersey, the care and training of mentally deficient persons is primarily a responsibility of the State, which operates several relatively large institutions geared to meet the needs of mental defectives of various levels.

However, there are within the State a limited number of private institutions which supplement the State facilities. It is for those institutions that the following standards have been prepared.

OBJECTIVES TO BE ATTAINED

For some mentally deficient persons, special education and training may lead to return to the community and to relatively normal living conditions. After training, others may be better equipped to lead useful and satisfying lives in a controlled environment. Even among the lowest grades where only limited progress can be anticipated, specialized programs often develop some degree of self-sufficiency.

Whatever the potentialities of the individual mentally deficient person, our objective must be to attain the highest possible development of his or her capabilities. To reach such a goal, the institution must be properly

staffed and equipped. It should also provide safe, comfortable and pleasant quarters.

QUALITIES OF THE OPERATOR

Because of the specialized function of any institution for the mentally deficient, the prospective operator should have background, training and experience in this field of education, should set up a program designed for a specific classification of the mentally deficient, and should at all times limit intake and care to persons whose needs can be fully met by such program.

Naturally, the prospective applicant should be motivated by a special interest in the field of endeavor and by a desire both to develop the maximum capabilities of retarded persons and to safeguard their individual interests. It is obvious also that the operator should be in good mental health, emotionally stable, discreet, tactful and a person of integrity, sobriety and good character.

Finally, the applicant should be financially able to underwrite the cost of necessary structural improvements and the expense of employing essential personnel. The applicant should also have the ability to operate the home in a businesslike manner so as to merit the confidence of all persons with whom business dealings are essential.

If the applicant has the experience, characteristics and resources described, it should be possible to operate the home at a high standard.

In the case of an institution or home owned by a corporation or partnership, the foregoing is applicable to the individual who has responsibility for management.

The Department is to be notified promptly of change of managers and forms will be provided for the filing of information regarding the new appointee.

STANDARDS OF OPERATION

As a first step, the prospective applicant should study carefully all sections of the following standards to secure a basic understanding of requirements for a private institution for mentally deficient persons. Any question which may arise should be carefully noted.

An appointment should then be made with the representatives of the Bureau of Inspection for a preliminary conference so that the proposed operation can be fully discussed and questionable points clarified.

At this conference the prospective operator will be advised of further steps to be taken and will be given application forms which should be filled out in duplicate and returned to the Department for processing.

NOTE: The issuance of application form is in no way a guarantee that the application will be accepted or a license given.

SECTION ONE

DEFINITION AND METHOD OF APPLICATION FOR LICENSE

A. INSTITUTION DEFINED

An institution for the mentally deficient is defined as any establishment, whether operated for profit or not, which is not maintained, supervised or controlled by an agency of the government, of the state, or any county or municipality, and which maintains and operates facilities for the care and training of two or more non-related mentally deficient individuals for periods exceeding twenty-four hours.

The term "institution", as used in these standards, includes residential schools, homes or other specialized facilities.

Institutions shall be classified according to the type of mentally deficient persons admitted. Classification shall be as follows:

1. Institutions accepting those persons whose potential mental capacities, although of inferior order, are capable of further development through education.

2. Institutions accepting those persons whose mental capacities are retarded but, through training, may be capable of some degree of self-help, personal independence, social and economic usefulness within sheltered environment.

3. Institutions accepting the individual who is so mentally deficient as to be neither educable or trainable and who is dependent on the institution for continuous personal care and supervision.

B. APPLICATION PROCEDURE

As a first step, the prospective applicant should study carefully all sections of the following standards to secure a basic understanding of the requirements. Any question which may arise should be carefully noted.

An appointment should then be made with the Bureau of Inspection for a preliminary conference so that the proposed operation can be fully discussed and questionable points clarified.

At this conference the prospective operator will be advised of further steps to be taken and will be given an application form* which shall be completed and returned as soon as possible to the Bureau for processing.

C. PRELIMINARY EVALUATION OF PROPOSED STRUCTURE

1. New Buildings

The structure should be specifically designed and constructed for the care of mentally retarded persons. Such planning will insure both high-grade protection and also those special facilities which are needed for an effective program.

In all cases where new buildings are proposed, preliminary sketches should be submitted to the Bureau so that they may be given preliminary approval as to their functional aspects. Final floor plans must also be submitted for approval, and after such approval, no changes in planning may be made without further written consent of the Bureau. Approvals of local agencies (listed elsewhere) must also be filed with the Bureau.

(The Bureau does not undertake to pass upon structures as to building specifications or detailed drawings, but approves the layout from a functional point of view only.)

2. Existing Buildings**

Conversion of existing buildings to institutional purposes often proves impractical. Former residences and similar structures often lack the facilities needed and invariably require major and expensive alteration before they can meet even a minimum standard. Even then, they often prove inefficient and expensive to operate and it should be noted further that converted properties seldom afford either the degree of safety or convenience provided by a new building designed specifically for the purpose.

However, if a prospective operator believes that an existing structure lends itself readily to the proposed occupancy and may be converted to serve the purpose, such structure should be evaluated with special attention being given to the following factors:

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*The issuance of application form is in no way a guarantee that the application will be accepted or a license granted.

**Under no circumstances should a building be purchased or leased until plans have been reviewed by the Department.

a. The suitability of the structure for good care. In this connection, appraisal will be made of the adequacy of space available for housing, recreation, plumbing, food preparation and other details essential to satisfactory operation.

b. The fire protection measures required for safe housing.

c. The extent of renovations necessary to provide adequate facilities and fire protection.

d. The estimated capacity. Final capacity will be determined at the time of actual licensing.

D. LOCAL APPROVALS AND SCALE FLOOR PLANS OF PROPOSED STRUCTURE

If, in the opinion of the applicant, the building proposed for use is satisfactory (or could be made satisfactory) the following should be secured:

1. Local approvals should be secured in writing and filed with the Department of Institutions and Agencies. The following local approvals are necessary:

a. Zoning Authority

A written statement attesting that the proposed use of the structure is not in conflict with zoning regulations.

b. Building Inspector

A written statement attesting to the structural safety of the building.

c. Fire Department*

A written statement from local fire authorities to the effect that, in their opinion, the building is satisfactory for the proposed occupancy.

d. Local Health Department

A written statement attesting that the building and its facilities meet local health requirements.

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*The Department of Institutions and Agencies reserves the right to require fire protection measures which may go beyond the requirements of municipalities.

e. Water Supply and Sewage Disposal

If the building is not serviced by a public water supply and public sewage disposal system, the local health department shall be requested to inspect these services and submit a written statement of approval which shall be filed with the Bureau of Inspection. If such local inspection and approval is not available, inspection of such facilities shall be made by the proper District State Health Office of the State Department of Health.

(Information regarding location of such district offices can be secured from the Bureau of Inspection.)

2. Scale floor plans of the proposed structure

a. The applicant should secure a scale floor plan of the basement and each floor of the building. Best results will be secured when plans are drawn by a registered architect.

b. Such plans should be secured in duplicate so that a copy may be placed on file with the Department of Institutions and Agencies. In addition to the plans, photographs showing at least three sides of the building should be secured.

E. OFFICE CONFERENCE

When the scale plans and local approvals have been secured, an appointment should be made in advance with the Bureau of Inspection to discuss both the building under consideration and the other matters affecting proper operation of the home.

At this conference floor plans of the building will be reviewed and advice given to the prospective operator.

In the event that renovations are essential, recommendations will be outlined in writing. Such renovations should be planned and supervised by a registered architect and shall not deviate from the recommendations outlined by this Department unless written approval is secured.

F. INSPECTION OF BUILDING

An inspection of the property may be made by representatives of the Department after local approvals have been filed. Upon completion of renovations the applicant shall submit written notification that the work has been completed in accord with specifications of the Department.*

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*No further structural changes may be made without pre-approval of the Department.

An inspection of the premises will then be made and if completed work appears satisfactory, the building will be approved.

The applicant should understand that approval of the structure does not, in itself, constitute permission to accept mentally deficient persons. Such permission will be based in part upon other factors such as adequacy of personnel, equipment, etc.

G. SUPERVISION AND LICENSE

1. The Commissioner will issue an authorization to operate an institution which in his judgment meets the full requirements of the law and regulations promulgated under such authority.

2. All new operators will be granted a six-month period to demonstrate their ability to comply with minimum standards of operation for this special type of institution.

3. The license will be issued for one year and is in effect for one year from the date of issue unless sooner terminated, suspended, canceled or revoked by the Department.

4. The institution is subject to inspection at least twice yearly to inquire into the facilities, equipment and sanitary conditions, accommodations and management.

5. The license fee is $25.00 for each year.

6. The license shall be conspicuously posted on the premises.

7. The Commissioner may revoke the license whenever the licensee shall be found to be violating the law regulating private institutions into which persons who are mentally defective are admitted, cared for and treated or whenever such institutions shall fall below the standards established by the Department of Institutions and Agencies.

8. The institution should give notice to the Department of Institutions and Agencies of at least 30 days of any intention to close or to transfer ownership of the institution.

9. Any change of ownership of a licensed institution will require the surrender of the existing license.

SECTION TWO

ADMINISTRATIVE REGULATIONS

A. NON-PROPRIETARY

1. Governing Board

There shall be a Board of Directors, Board of Trustees or other similar body in each institution which shall be the supreme authority in the institution responsible for its management, control and operation, and the formulation of administrative policy.

a. It shall be composed of at least five representative residents in the vicinity of the institution and as many more additional members, who need not be such residents, as are required to effect efficient direction, provided, however, that any institution operated by a religious body or organization may have a governing body as its supreme authority which may be composed and organized of officials or members of such religious bodies or organizations and in accordance with the practice or rule thereof notwithstanding lack of residence in the area served by the institution.

b. The governing body shall elect from its membership a president or chairman, vice president, secretary and treasurer. It shall have the power to appoint such officers and committees as it may require to assist in carrying out its functions.

c. It shall conduct regular meetings at such intervals and frequencies as may be determined necessary to properly manage the institution and such special meetings as are required.

d. Minutes shall be recorded and readily available.

2. Administrative Officer

a. There shall be a qualified administrative officer, who shall be directly responsible for carrying out the policies of the Board as well as the over-all administration of the institution.

b. All institutions shall certify under their corporate seal, to the Department of Institutions and Agencies, the name and address of their administrative officer within 15 days after his or her appointment.

B. PROPRIETARY

1. Ownership and Control

The institution may be operated by an individual, partnership or corporation. (See application procedure on Page 2.) Any owner, partnership or corporation operating an institution for mentally deficients shall certify to the Department of Institutions and Agencies names, addresses, occupation or profession of owners and the extent of financial interest of each.

Any change in the ownership or the identity of the person or persons owning and operating such an institution shall be reported to the Department of Institutions and Agencies within 30 days of the date on which such change occurs.

2. Owner

The owner shall be emotionally stable, in good physical and mental health, a person of integrity and good character. It is desirable that a person operating this type of institution have a background in psychology, education or social work and in addition have previous experience in institutional administration.*

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*In instances where the owner of the institution assigns to another individual the responsibility for management, the requirements of this section will apply to person in charge.

SECTION THREE

GENERAL OPERATIONAL REGULATIONS

A. ADMISSION POLICY

Each institution shall establish a program based upon chronological age, level of mental development, and physical condition. Determination and classification of mental deficiency shall be made through testing and diagnosis by competent and qualified professional personnel.

Those who are psychotic or so emotionally disturbed as to need psychiatric treatment shall not be accepted.

Each institution shall have definite recorded statements regarding their standards for admission.

All admissions to private institutions shall be promptly reported to the Bureau of Mental Deficiency.

At the time of admission, the superintendent, owner or manager shall secure from the sponsor written authorization to transfer the resident, in case of emergency, to a hospital or other proper institution.

At the time of admission, the superintendent, owner or manager shall also secure from the sponsor written agreement that if the resident, because of changed physical or mental condition, is no longer suitable for care within the home, the sponsor will assume immediate responsibility for the resident's placement elsewhere.

B. DISCHARGE OR TRANSFER POLICY

If a mentally deficient resident has potentialities for development and could benefit by a more intensified program than that afforded by the institution in which he is a resident, arrangements should be promptly made for transfer to another institution of suitable type.

Written notification of all transfers and discharges shall be made to the Bureau of Mental Deficiency of the Department of Institutions and Agencies.

C. PSYCHOLOGICAL SERVICES

Each person shall have a complete psychological examination by a qualified psychologist prior to admission to the institution. The report of this examination shall be requested

by the operator and shall become a permanent record of the institution. It is desirable that this examination include verbal potentialities, social, physical, and educational maturity.

Periodic psychological guidance and testing shall be made to insure the best individual development.

D. MEDICAL CARE

1. Each institution shall make arrangements with at least one physician, licensed to practice in New Jersey, to assume over-all responsibility for medical care.

2. Consultants in all medical specialties, including pediatrics, psychiatry, etc., should be available.

3. Appropriate treatment as prescribed by the physician shall be given to or provided for residents who are physically handicapped in addition to being mentally deficient. All such corrective work shall be done promptly.

4. Statement from the family physician shall accompany each person admitted and shall indicate freedom from communicable diseases or exposure thereto; immunization against smallpox, diphtheria, typhoid and tetanus, and giving observations concerning any unusual physical conditions.

5. A permanent arrangement shall be available with a community hospital for the acceptance of any person requiring hospitalization, special examinations, or treatment in a hospital. Written approval for such treatment shall be obtained from the parent at the time of admission.

6. A complete physical examination shall be done and recorded upon admission. There shall be an annual physical examination including chest x-ray thereafter.

7. All medical orders shall be signed by the physician.

8. Dental examination shall be made annually or more often if necessary.

9. There shall be adequate provision for proper first aid treatment.

   Other than first aid, no medication or treatment shall be given except on written order of a physician.

E. HANDLING AND STORAGE OF MEDICATIONS AND DRUGS

1. In those institutions where a registered nurse is not employed, the ultimate responsibility for administration of medications shall rest with the physician. It shall be his responsibility to determine the capabilities of the individual he designates to carry out his orders.

2. All drugs shall be dispensed from a central medicine supply area which shall be well lighted and located outside of traffic areas. This medicine closet should be locked at all times.

3. Refrigeration shall be provided for biologicals requiring cold storage.

4. All medicinal preparations shall be clearly labeled.

5. There shall be compliance with state regulations governing hypnotics. All such drugs shall be prescribed by a licensed physician to the individual and kept under lock at all times. A current record shall be maintained of the drugs administered. It is strongly advised that no large supply of hypnotics be kept on hand.

F. PERSONNEL STANDARDS

1. In all institutions sufficient qualified personnel shall be employed to insure adequate care and supervision at all times.

2. It is generally accepted that the minimum requirement of personnel for care and supervision shall be not less than one employee for every five individuals.

   However, the above ratio will be used only as a guide in evaluating the home's operation since the wide variations in the type of individuals admitted, the physical structure, and facilities must be considered.

3. Sufficient personnel shall be provided to assure a proper balance of personal service to the individual as contrasted with domestic service.

4. Institutions admitting the educable and trainable mentally deficient individual shall employ certified teachers. The ratio should be as follows:

   Educable : 1 teacher for every 15 persons.
   Trainable: 1 teacher for every 10 persons.

5. Institutions which accept the severely retarded and physically handicapped to the extent that they are either bedfast or chairfast shall provide registered nurse supervision and meet the requirements of the Manual of Standards for Nursing Homes.

6. There shall be rules and regulations, personnel policies and procedures with which each employee shall be familiar. These shall be established and promulgated for the guidance of personnel. All regularly paid personnel shall have pre-employment physical examinations and it is desirable that all such examinations include chest x-rays and Wassermanns. A regular annual physical examination, thereafter, is advised.

7. Personnel absent from duty because of any reportable communicable disease, infection or exposure thereto shall be excluded from the institution until examined by a physician designated for such purpose and shall be certified by him to the operator as not suffering from any condition that may endanger the health of the individuals or employees.

8. There shall be evidence of the recognition for self-improvement on the part of staff members and for this purpose owner or manager shall hold frequent staff meetings.

9. All personnel shall realize the influence they have on the lives of the individuals entrusted to the care of the institution and shall be responsible for recognition of the training value in all activities.

G. EDUCATION AND TRAINING PROGRAM

Education and training opportunities shall be provided to permit the individual, regardless of mental and physical handicap to develop to the fullest extent of his potentials. Learning opportunities should be given even the least capable child so that he may improve in self-help and increase his interest in the use and manipulation of objects in his environment.

Whenever the persons under care are capable of being trained for ultimate return to the community, it is desirable to plan with the parents for such a goal and, where possible, to offer job training on a level suited to the ability of the individual.

The educational program shall meet the requirements of the Bureau of Mental Deficiency and shall be under the direction of a qualified and certified teacher. The program for the middle and high grade children shall start in an activity or pre-kindergarten class and continue into kindergarten

and elementary school work and as far as the child can progress. The size of the classes should be as follows:

Educable child: Not to exceed 15.
Trainable : Not to exceed 10.

The program shall take into consideration the level of mental development, chronological age, physical condition, personality, characteristics and general goal for the person and shall be centered around everyday experiences. It is desirable that there be no more than 5-year chronological age difference between individuals in the same class.

Mentally deficient individuals in institutions beyond the school age shall be given training to perform tasks or develop skills, excepting those requiring mere custodial care.

H. SOCIAL AND RECREATIONAL PROGRAM

An active social and recreational program shall be established for the development and training of the person to better equip him for everyday living.

Whenever possible, vacations at home and visits of parents and other relatives to the institution should be encouraged to give the mentally deficient person a feeling of belonging to his family group. Such vacations and visits will also contribute to the well-being of the individual and his progress.

Whenever possible there shall be contact with other schools, community facilities and activities for all who can possibly profit from them.

I. RELIGIOUS INSTRUCTION

Religious instruction shall be given but no person shall be required to attend religious services or instruction in a faith which conflicts with that of his parents or guardian.

J. DISCIPLINE

Constructive methods of discipline shall be employed. No corporal punishment shall be given. Rewards and deprivation of privileges are considered psychologically sound methods. Segregation in comfortable circumstances may be used only after all other methods have failed and only with the written approval of the physician.

K. USE OF RESTRAINTS

Mechanical protective restraint shall be used only as a last resort and only after all other means of handling the individual have been exhausted. Restraint shall be used only when prescribed by a physician and so applied that it can be speedily removed in emergency.

All orders for restraints shall be in writing and signed by the physician. Such orders shall be rewritten after each 24 hours. Periodic checks by personnel shall be made day and night of individuals in restraint.

L. STANDARDS OF PERSONAL CARE

Each individual shall have daily care and attention, including personal hygiene. Careful attention shall be paid to regular habits of personal and oral hygiene.

Clothing of individual shall be neat, clean and kept in good repair.

M. ISOLATION FACILITIES

It is required that all institutions provide single room accommodations, which will not be included in capacity, for observation purposes and for temporary isolation until transfer is made.

Institutions which assume the responsibility for the care of the acutely ill or of communicable diseases shall provide a segregated unit and employ registered nurse supervision. These facilities shall meet the requirements of the Manual of Standards for Nursing Homes. Where such facilities are not provided, pre-arrangement shall be made for immediate transfer to community facilities available.

Those institutions accepting the bedfast or chairfast mentally deficient person shall meet the requirements of the Manual of Standards for Nursing Homes.

N. ACCIDENT PREVENTION

1. Every reasonable and essential means of avoiding accidents shall be provided.

2. Adequate protective devices and practices shall be developed and carried out.

3. Immediate investigation of any accident shall be instituted and corrective measures adopted.

4. Periodic inspection shall be made of all physical facilities, equipment and machinery to determine whether hazards exist and if maintenance is safe.

5. Establishment of a formal safety plan is essential.

O. RECORDS AND REPORTS

Adequate and accurate records shall be kept of each person entering the institution. These shall include name, residence, sex, date of birth, place of birth, name and address of closest relative or guardian, date of admission and discharge, diagnosis, and mental level.

These shall be available for review by Department of Institutions and Agencies.

1. Individual Record Folder

An individual record folder shall be maintained for each person and shall include:

a. Information pertinent to admission of the resident, including commitment or letter of responsibility from the parent or sponsor.

b. Contagion-free certificate, immunization record.

c. Monthly weights.

d. Record of injuries and minor bruises with causes and treatment.

e. Reports of accidents and illnesses.

f. All medications and treatments prescribed and given.

g. Reports of dental examination and corrective work done.

h. A record covering each period of restraint or segregation shall be maintained. This shall include duration and justification.

i. Report of medical consultants, the admission physicals and all visits by physician.

j. Reports of admission psychological examinations and all follow-up psychologicals.

k. Monthly report of progress of the individual in relation to the program of institution.

2. Clothing Book

Clothing book shall include an itemized list of clothing, toys and other possessions supplied by family with dates received.

3. Sedative Book

Sedatives shall be secured by individual prescriptions and an accurate recording kept in accordance with state regulations.

4. Special Reports to the Bureau of Inspection

a. Report of any fire, property damage, injury to individual or employee shall be reported on forms obtained from the Bureau of Inspection.

b. Any unusual prevalence or outbreak of contagious communicable disease which involves two or more persons at the same time shall be reported to the Bureau of Inspection, also to the other required Local and State authorities.

P. DIETARY SERVICE

Dietary service includes meal planning, food preparation, food service, dishwashing and kitchen sanitation. The dietary service shall be under the supervision and direction of a person who has had training and/or experience in institutional food service.

1. Meal Planning and Food Preparation

a. Each diet shall include the foods outlined below:

(1) Leafy, Green, and Yellow Vegetables
Plan to use 1 or more servings daily or 10 to 12 servings per week.

(2) Citrus Fruits, Tomatoes
Plan to use 1 or more servings daily or 7 to 10 servings a week.

(3) Potatoes, Sweet Potatoes
Plan to use 1 or more servings daily or 7 to 9 servings a week

(4) Other Vegetables and Fruits
Plan to use 1 or more servings daily or 10 to 12 servings a week.

(5) Milk, Cheese, Ice Cream
Plan to provide the following amounts of milk daily. Include milk used for drinking as well as cooking:

(a) Children through teen age: 3 to 3½ cups.
(b) Adults: 2 or more cups.

On the basis of calcium they contain, the following may be used as alternates for 1 cup of milk: Cheddar cheese, 1½ ounces; cream cheese, 15 ounces; cottage cheese, 11 ounces; ice cream, 2 to 3 large dips.

(6) Meat, Poultry, Fish
Plan to use 1 serving daily or 7 to 8 servings a week.

(7) Eggs
Plan to use 4 or more a week.

(8) Dry Beans and Peas, Nuts
Plan to use 1 or more servings a week.

(9) Baked Goods, Flour, Cereals
Plan to use some every day.

(10) Fats, Oils
Plan to use some table fat daily and other fats as needed in cooking. Butter, margarine, salad oil, shortening, bacon, salt pork, lard, suet, drippings.

(11) Sugar, Syrups, Preserves
Plan to include for the average person about a pound a week.

b. The amounts of food in the diet shall be adjusted to meet each individual's dietary needs according to his age, activity, and physical status.

c. Plan to serve a variety of foods. If individuals are to have a nutritious diet, it is necessary that they eat and like different foods.

d. It is also essential that a well balanced diet include variety in the texture and form of food. Written menus shall be available. Every effort should be made to train individuals in the mechanics of chewing and swallowing. If an individual has been accustomed to eating mashed and pureed foods, it is wise to give him only a few pieces of bite size, firmly textured food at the same time the foods to which he is accustomed are being served. "Finger food" (foods which can be picked up in the fingers) should also be served at meal times.

e. The equipment shall be adequate in kind and in quantity to prepare and serve a warm, well balanced meal.

f. All milk, fluid milk products, ice cream, served shall be from approved sources and must be pasteurized.

g. Suitable equipment for training in feeding should be available and used.

2. Dining Room

Dining room accommodations shall be a separate part of each housing unit. If a central dining room is used the space shall be sufficient to avoid overcrowing. A desirable seating arrangement should include not more than 8 individuals at one table.

Personnel shall be available to assist, encourage and teach good eating habits.

3. Kitchen Sanitation and Food Storage

Kitchen shall be maintained in a sanitary condition at all times.

After utensils are sanitized they shall be stored in a clean, dry place protected from dust, flies, and other contamination.

Food and food stuffs shall be stored, handled, and served in compliance with accepted sanitary codes.

All perishable food and drink shall be kept at, or below, 50 degrees Fahrenheit. An accurate thermometer shall be kept in refrigerators not equipped with an automatic temperature control.

Dishes shall be washed by either a properly maintained mechanical dishwasher or by approved hand washing.

Q. LIVING ACCOMMODATIONS

Except for those requiring continued custodial care, living arrangements should be so planned that persons of the same sex (beyond 10 years), similar age, mental ability, physical capabilities, interests and personality live together. Every effort shall be made to furnish accommodations which are comfortable and homelike.

1. Furnishings

Each individual shall be provided with the following:

a. A bed or crib which is at least 6 inches longer than the height of the individual.

b. A mattress not less than 4 inches thick, and kept in good repair.

c. A bed spring in good repair.

d. At least one pillow made of hair, feathers or foam rubber for individuals over 10 years of age.

e. Provision shall be made for assigned drawers or a closet for the storage of personal possessions.

2. Linen

An adequate supply of bed linen, towels, and wash cloths shall be available for use at all times.

SECTION FOUR

PHYSICAL PLANT AND FIRE PROTECTION

A. LOCATION OF THE INSTITUTION

1. The location of the proposed institution is important. Preferably, it should not be in a congested area but, on the other hand, it should be easily accessible from centers of population.

2. The availability of a public water supply and public sewage disposal system is also important, for non-public facilities of this type must be individually approved.

3. Public transportation should be available within a reasonable distance.

4. The site should not be near insect breeding areas and should be relatively free from unusual noise, smoke, dust and unpleasant odors.

5. Grounds shall provide ample space for play.

B. PHYSICAL FACILITIES

1. Sleeping Quarters

   a. All rooms shall have direct natural light and ventilation. No sleeping quarters shall be located below ground level.

   b. All rooms occupied by individuals shall have direct access to corridors and toilet facilities without the necessity of passage through rooms of other residents, kitchen or dining areas, recreation rooms, reception rooms, etc.

   c. A minimum of 50 sq. feet for cribs and youth size beds with a minimum of 2 feet on each side may be used as a guide in determining the approximate capacity of rooms. A minimum of 65 sq. feet shall be provided for adult beds. However, only the spaces unobstructed by doors, windows, radiators, etc., are suitable for placement of beds.

2. Recreation Space

   a. Indoor play area

      There shall be a playroom sufficiently large enough to accommodate the population and its needs. It is suggested that 60 sq. feet per person be used as a guide in determining the indoor play area.

b. Outdoor play area

There shall be adequate space for persons to sit, walk or play outside with suitable seating and play equipment. Shelter from extremes of weather and sun shall be available.

3. Classroom

If a separate classroom is not available, other areas may be substituted for this use, provided rearrangement can be made for the activity normally performed in that area.

4. Plumbing

a. There shall be adequate hand washing, bathing and toilet facilities on each floor used. Such facilities shall be accessible from a corridor.

b. Separate toilet facilities shall be provided for personnel.

c. Separate toilets of suitable size shall be provided for each sex when individuals are over the chronological age of 10 years.

d. The ratio suggested for toilet and bath facilities to beds is as follows:

Baths (shower and tub)	- 1 to 20
Toilets	- 1 to 10
Lavatories	- 1 to 10

e. Individual toilet articles such as brush, comb, toothbrush shall be clearly marked for the individual user and kept separate.

5. Storage Space

Sufficient enclosed space, adequately lighted, shall be available for proper storage of linens, drugs, supplies and clothing.

6. Lighting

a. Artificial lighting shall be by electricity only.

b. Rooms used for sleeping purposes shall have sufficient ventilation and suitable artificial lighting.

c. All rooms including hallways and stairways shall be lighted by natural light or electricity.

d. Night lights shall be provided in bathrooms, hallways, stairways, and other passage ways.

e. It is desirable that each institution provide an auxiliary generator to be used for emergency purposes. However, if such a unit is not available, battery type lighting shall be provided.

7. Heating

The heating plant shall be adequate to maintain a temperature of 75 degrees Fahrenheit during the coldest weather.

8. Kitchen

The kitchen shall be acceptably located and shall be of sufficient size to maintain proper food service. The kitchen shall be maintained in a sanitary condition at all times.

All food handling employees shall meet the requirements of the State Public Health and Sanitation Codes.

9. Laundry

a. The laundry shall be separate from the kitchen and other working areas of the institution and shall have an entrance which does not require transportation of soiled linen through food preparation and food storage areas.

b. Every home should make provision for regular laundering of the individual's personal clothing.

c. If laundry is done on premises, ample equipment shall be available.

d. An adequate supply of bed linen shall be available for use at all times.

C. HOUSEKEEPING AND BUILDING MAINTENANCE

Adequate personnel shall be provided for continuous and effective housekeeping, janitorial, building and ground maintenance.

Both the interior and the exterior of the institution must be maintained in good condition at all times to insure an attractive appearance, to provide a pleasant atmosphere, and to safeguard against deterioration of the premises. Surrounding grounds should also be maintained in a neat and orderly manner at all times.

D. SANITATION

1. The institution and its equipment shall be kept in a sanitary condition at all times.

2. An adequate and continuous supply of hot water shall be available at all times for bathing, dishwashing, laundry, general cleaning, etc.

3. Water supply shall be of safe and sanitary quality, suitable for drinking purposes. If the institution is not serviced by public water supply and sewage disposal system, written approvals of these services shall be secured from the local health department. If a local service is not available, approval shall be secured from the district office of the State Department of Health, Division of Environmental Sanitation. Information concerning the officers and location of the district health offices will be furnished by this Bureau upon request.

4. Suitable facilities shall be provided for collection, storage and disposal of garbage.

5. Other refuse shall be stored and removed from premises in a manner which does not create a nuisance and is consistent with approved hygiene practice.

6. Every precaution shall be taken to guard against the presence of flies and other insects and vermin.

7. Toilet and hand washing facilities shall be provided for employees. No toilet room shall open directly into the food preparation area.

8. Soiled linen shall not be transported through food preparation and storage areas. Soiled linen shall be collected and disposed of in a sanitary manner.

E. FIRE PROTECTION

Buildings of fireproof construction are to be preferred. In buildings of ordinary construction, residents may not be housed above the second floor.

The operator should make every effort to secure the interest and cooperation of the local fire department in planning for protection of the nursing home, in the instruction of employees in the use of fire fighting equipment and means of evacuation of the building, in checking fire

extinguishers and insuring their proper placement. The advice of local officials often proves of great value.

1. Exit Stairways

   a. Two satisfactory and easily available means of egress, remote from each other and preferably at opposite ends of the building, must be provided from each floor occupied by patients and these should lead directly to the exterior of the building. Such stairways and hallways leading to the exterior shall be kept free and clear of obstructions at all times.

   b. All exit doors to such stairways shall be clearly marked.

   c. In homes approved for occupancy by 30 or more persons, the two main exits on the first floor shall open outward.

   d. No stairway referred to as a "winder" will be accepted as satisfactory.

   e. In the event that a fire escape is necessary to provide acceptable egress, it shall be constructed in conformity with standards of the Department. (See pages 27 and 28 for such specifications!)

2. Stair Enclosures

a. All stairways leading from the first to the second floor shall be properly enclosed to prevent upward spread of smoke, flame and fumes.* Such enclosures may be erected at either the first or second floor but first floor enclosures are usually preferred.

b. In instances where owners or personnel are housed above the second floor, their quarters shall also be protected by stair enclosures or shut-offs, and a second means of egress shall be provided from such quarters.

c. Enclosures shall have a 1-hour fire resistance rating. They may be constructed of 3/4 inch gypsum plaster on metal lath on each side of 2 x 4 wood studs, or equivalent, or of wired glass in metal framework. All construction proposed as "equivalent" shall be approved by the Department. In enclosures there shall be no movable transoms or movable interior windows and all transoms and interior windows shall be of wired glass in metal frame.

d. Doors in enclosures shall be:

(1) Metal doors or

(2) Metal covered doors,** or

(3) Solid wooden doors of the flush type not less than 1-3/4 inches thick.

Such doors should be at least 36 inches wide. Any glass in such doors shall be transparent wired glass. All such doors shall be self-closing, shall be tight-fitting, shall open in the direction of egress and shall be equipped with positive latches. Double doors are undesirable since in such installations fire regulations call for one such door to be kept latched in a closed position and compliance with this regulation frequently interferes with normal traffic.

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*In fireproof buildings occupied above the second floor upper floors must be similarly protected.

**Where doors are to be protected by metal covering, sheet steel not less than #28 U.S. gauge shall be used and such sheet steel must be securely fastened by bolts or screws.

e. Landings adjacent to all doors in stair enclosures should be at least the width of the door.

3. Dumbwaiters and Laundry Chutes

a. All dumbwaiters, laundry chutes or other vertical openings which are not fireproof shall be enclosed with 3/4 inch gypsum plaster on metal lath on each side of the studs, or equivalent. The top of the opening should be sealed with material having a fire resistance rating of not less than one hour.

b. All doors in such shafts shall be metal, or metal covered,* or solid wood doors of the flush type not less than 1-3/4 inch nominal thickness and all such doors shall be tight-fitting and equipped with self-closing devices.

c. If the foregoing protective measures are not feasible, dumbwaiter shafts and laundry chutes should be properly sealed at each floor (with material equivalent in fire resistance to the floor construction) and abandoned, or the space converted to other purposes.

4. Elevator Shafts

Elevator shafts shall be fireproof, or shall be protected in accord with regulations listed for stairway enclosures and enclosure for dumbwaiters and laundry chutes.

5. Basements

a. Doors at the head of basement stairways shall be:

(1) Metal doors or

(2) Metal covered doors, or

(3) Solid wood doors of the flush type not less than 1-3/4 inch nominal thickness.

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*Where doors are to be protected by metal covering, sheet steel not less than #28 U.S. gauge shall be used and such sheet steel must be securely fastened by bolts or screws.

Metal coverings for doors shall be of sheet steel, not thinner than #28 U.S. gauge, securely attached on the basement side with bolts or screws. Such doors shall be tight-fitting, of the self-closing type and equipped with positive latch.

b. Basement ceilings shall be protected with metal lath and plaster, or equivalent construction approved by the Department, except in cases where such ceilings are already covered with plaster (on wood lath) in good condition. In all cases hollow partitions shall be effectively fire-stopped with material of at least one hour resistance rating. Side walls and ceilings enclosing basement stairways shall be protected in the same manner as basement ceilings.*

c. Paint and other highly inflammable material should preferably be stored outside the building but minimum supplies may be kept in basements if stored in closed metal cabinets or containers.

d. Basements shall be kept in good order and reasonably clear of excess furniture and equipment, and shall never be used for indiscriminate storage. However, neat stocks in original containers will be permitted in basement storerooms.

e. All basement electrical wiring shall be in BX cable or equivalent and all outlets shall be of approved type.

f. All ashes shall be kept in metal containers.

g. Smoke pipes from heaters to chimneys shall not pass within 18 inches of ceilings even though the ceiling may have been protected with metal lath and plaster. (If it is not possible to remove the smoke pipe 18 inches from such ceiling, other adequate protective measures will be recommended by the Department.)

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*Provisions of this paragraph may be waived by the Department if all heating units, motors and similar hazardous devices are isolated in ventilated rooms of non-combustible construction having a fire resistance rating of not less than one hour, and providing that doors to such rooms have a similar rating.

h. In all new installation of oil furnaces and equipment, tanks should be located outside the building. In cases where oil burning equipment has already been installed in properties, the vent pipe and fill pipe should be located outside the building.

i. All unnecessary combustible partitions within basement should be removed.

6. Electrical Wiring

a. There shall be no temporary wiring in the institution except approved appliances equipped with heavy duty cord in good condition.

b. The operator shall, on or before January 1st of each year, submit a written statement by a qualified electrician that the electrical circuits and wiring are satisfactory. His report should include the date of inspection and should give assurance that circuits are not overloaded, that all wiring and permanent fixtures are in good condition and that all portable electrical appliances, including lamps, are equipped with heavy duty cord in good condition.

c. The operator is responsible for the maintenance of satisfactory standards in the above respects at all times.

7. Kitchens

a. Since kitchens constitute hazardous areas, they shall be isolated insofar as possible, from other quarters. Doors leading to adjacent areas shall swing in one direction only, shall be self-closing, tight-fitting, and equipped with positive latch.

b. Such doors shall be:

(1) Metal doors or

(2) Metal covered doors,* or

(3) Solid wood doors of the flush type not less than 1-3/4 inches thick.

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*Where existing doors are to be protected by metal covering, sheet steel not less than #28 U.S. gauge shall be used and such sheet steel must be securely fastened in place with bolts or screws.

c. Kitchen exhaust fans and metal ducts shall be kept free of grease and dirt at all times, and metal ducts from such fans shall extend at least 2 feet beyond the building. Areas around kitchen ranges shall be kept free of grease at all times.

d. In the event that metal hoods and exhaust ducts are installed directly over kitchen ranges, construction standards of the National Board of Fire Underwriters shall be complied with. (Pamphlet 91)

8. Laundry

Because of the type equipment involved the laundry constitutes a hazardous area which should be segregated and protected with materials of one-hour fire resistance rating unless equipment is limited to ordinary household types.

9. Fire Extinguishers

a. There shall be an adequate number of fire extinguishers in the basement and on each floor of the building, all of which should bear the seal of the Underwriters' Laboratories.

b. Extinguishers should be conspicuously hung and kept easily accessible and all shall be re-charged and inspected in accord with the Manufacturer's specifications. Each shall be labeled to show the date of such inspection and re-filling.

c. The following types of extinguishers should be provided:

(1) In kitchen areas (because of the danger of grease fires) extinguisher should be a 5-lb. CO_2 or $4\frac{1}{2}$-lb. dry chemical.

(2) In the basement area, extinguisher should be a 5-lb. CO_2 if oil is used as a fuel. If coal is used, soda-and-acid extinguishers are recommended.

(3) Generally throughout the house, $2\frac{1}{2}$ gal. pressure-operated cartridge type extinguishers should be provided.

10. Instruction of Personnel

The operator shall be responsible for instruction of all personnel in fire prevention, in use of fire protection equipment and devices, and for development of procedures to be followed in event of

emergency. Such instruction should be given all employees prior to their assignment to duty and should be repeated at necessary intervals.

11. Fire Escape Specifications*

a. Wood Fire Escapes

(1) Outside stringers must be of the closed type, 3 inches by 12 inches, and there must not be less than 3 string pieces. Treads must be 2 inches by 10 inches, not less than 48 inches in the clear and properly supported on pieces 2 inches by 4 inches well spliced to stringers.

(2) All platforms must be supported by uprights not less than 4 inches by 4 inches, properly braced.

(3) The fire escape should be directly accessible from the interior and so arranged as to make clear the direction of egress.

(4) All exit doors to fire escapes shall be clearly marked.

(5) Fire escape stairways should lead away from the building and not run alongside.

(6) All doors leading to fire escape shall swing outward and should lead to a platform, level with the door, and the width of the platform shall not be less than 48 inches square.

(7) Runways, stairs and all landings shall not be less than 48 inches in the clear to permit the carrying of helpless patients, and all shall be equipped with a suitable hand rail braced at every third tread and with an intermediate guard rail.

(8) The rise of steps must not exceed 7½ inches. The treads of steps must not be less than 9½ inches exclusive of nosing.

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*SPECIAL NOTE: Plans for all fire escapes must be approved by the Department of Institutions and Agencies prior to any actual construction and must show in detail all buildings adjacent to fire escapes.

(9) No run of steps shall have more than 17 risers unless an intermediate platform is provided.

(10) No counter-balanced fire escape is acceptable but all shall be permanently fixed in place.

(11) All fire escapes shall have concrete footings extending at least 3 feet below grade.

b. Steel Fire Escapes

(1) Steel fire escapes shall provide the same characteristics of the wooden fire escapes.

(2) Such escapes shall have no member less than 1/4 inch thick. Where such escapes are fastened to building, bolts must run clear through wall and any member passing through wall must be protected against corrosion. All stairs, platforms, landings, and balconies must be constructed to sustain a live load of at least 100 pounds per square foot with a factor of safety of 6, also a concentrated load of 200 pounds at the center of each tread.

c. Existing Fire Escapes

Existing fire escapes will be acceptable if:

(1) The pitch does not exceed 45 degrees

(2) The width is not less than 30 inches

(3) If access is provided by proper doors

(4) Fire escapes are not counter-balanced

S P E C I A L N O T E

THE ATTACHED AMENDED LEGISLATION REPLACES SECTION V, PAGES 30 TO 36, OF THE MANUAL OF STANDARDS FOR INSTITUTIONS FOR THE MENTALLY RETARDED. THIS SHOULD BE REVIEWED MOST CAREFULLY SINCE IT CONTAINS IMPORTANT CHANGES.

THIS NEW LEGISLATION BECAME EFFECTIVE JULY 31, 1964.

State of New Jersey
Department of Institutions
and Agencies
Trenton

AN ACT REQUIRING THE LICENSING, INSPECTION AND REGULATION OF PRIVATE MENTAL HOSPITALS, CONVALESCENT HOMES, PRIVATE NURSING HOMES AND PRIVATE HOSPITALS, CREATING A HOSPITAL LICENSING BOARD, PROVIDING FOR REGULATIONS, ENFORCEMENT PROCEDURES, AND PENALTIES FOR THE VIOLATION THEREOF. (Amended July 31, 1964)

30:11-1 LICENSE REQUIRED; APPLICATION; RULES AND REGULATIONS;

PUBLIC POLICY

It is declared to be the public policy of this State to provide for the development, establishment and enforcement of basic standards for the care and treatment of individuals in private mental hospitals, convalescent homes, private nursing homes and private hospitals as defined herein and for the construction, maintenance and operation of such institutions in such a manner as to insure safe and adequate treatment of all such individuals in said private mental hospitals, convalescent homes, private nursing homes and private hospitals. No private nursing home, private mental hospital, convalescent home or private hospital for the care, treatment, or nursing of persons mentally ill, mentally deficient or mentally retarded, acutely or chronically ill, or who are crippled, convalescent, infirm or in any way afflicted, and who are in need of medical and nursing care on a continuing basis shall operate within this State except upon license first had and obtained for that purpose from the department, upon application made therefor as hereinafter provided. No such license shall be granted by the department, unless the commissioner shall be satisfied that the institution, facility or establishment in question is adequately prepared to furnish the care and service to be provided by it. No license shall be granted to a hospital facility unless the commissioner is satisfied that it is adequately prepared to provide all services and care required by the residents of the community wherein it is located. Nothing herein contained shall be so construed as to interfere with the powers of the State Board of Medical Examiners to license medical practitioners in New Jersey.

Application for the license required by this chapter shall be made upon forms furnished by the department, shall set forth the location of the home or hospital, the person in charge thereof, and the facilities for caring for persons who may seek treatment therin. The applicant shall be required to furnish evidence of its ability to comply with minimum standards of medical and nursing care, financial ability to successfully operate the institution for which the license is sought, and of the good moral character of the person in charge thereof.

30:11-1.1

Except as to persons presently licensed, no license shall be issued to a natural person unless he is a citizen of the United States and a resident of the State of New Jersey at the time of the submission of the application. No license shall be issued to any person under the age of 21 years; to any person who has been convicted of a crime involving moral turpitude; or to any person who has been twice found guilty of violating the provisions of this chapter by a court of competent jurisdiction or who has admitted such guilt.

30:11-1.2

No license shall be issued to any corporation not presently licensed unless each legal or equitable owner of more than 10% of its stock qualifies in all respects as an individual applicant. In applications by corporations, the names and addresses of, and the amount of stock held by, all stockholders holding one or more percent of any of the stock thereof, and the names and addresses of all officers and of all members of the board of directors must be stated in the application. If one or more of such officers or members of the board of directors would fail to qualify as an individual applicant in all respects, no license shall be granted, until such persons so disqualified shall be qualified.

30:11-1.3

In applications by partnerships, the applications shall contain the names and addresses of all of the partners. No license shall be issued unless all of the partners would qualify as individual applicants or until such disqualification is removed.

30:11-1.4

Upon receipt of an application for license, the Department of Institutions and Agencies shall cause an investigation to be made of the applicant and the proposed facilities and shall issue a license if it is found that said applicant is of good moral character and facilities comply with the provisions of this chapter, the regulations of the department and the minimum standards established for the operation of a private mental hospital, convalescent home, private nursing home or private hospital. The department may in its discretion, for good cause, issue a temporary permit to operate or a provisional or probationary license for a stated period of time pending full compliance by the licensee with rules and regulations establishing minimum standards of operation.

The license shall not be transferable or assignable except with the written approval of the department and shall be posted in a conspicuous place on the licensed premises as prescribed by the regulations of the department.

30:11-1.5

Whenever any change shall occur in the facts as set forth in any application for a license, the licensee shall file with the commissioner, a notice in writing of such change within 10 days after the occurrence thereof. No notice need be given by corporate licensees of changes in stock holdings therein unless and until the aggregate of such changes, if made before the time of said application, would have prevented the issuance of the license.

Applicants shall answer such questions as may be asked concerning their character, financial ability, residence, citizenship and ability to operate a nursing home or hospital and make such declarations as shall be required. All applicants may be duly sworn and all statements and applications shall be deemed material. Fraud, misrepresentation, false statements, misleading statements, evasions or suppression of material facts in the securing of a license are grounds for denial, suspension or revocation of the license.

30:11-1.6

Nothing in this chapter shall be construed to require a licensee holding a license at the time this act is approved, as a condition precedent to obtaining a renewal of such license, to make structural changes, other than maintenance and repairs, to the licensed facility or to increase or decrease the bed capacity thereof; nor to require a purchaser of such nursing home licensed at the time this act shall be approved, as a condition precedent to obtaining a license, to make such structural changes, other than maintenance and repairs, to said licensed facility or to increase or decrease the bed capacity thereof.

30:11-1.7

The State Board of Control of the Department of Institutions and Agencies, with the advice of the hospital licensing board, shall adopt, amend, promulgate and enforce such rules, regulations, and minimum standards of nursing and hospital care with respect to the different types of hospitals, convalescent homes and nursing homes to be licensed hereunder as may be reasonably necessary to accomplish the purposes of this chapter and to assure that patients resident in the institutions described herein shall receive medical and nursing care consistent with accepted practices and procedures

for administering such medical and nursing care in physical surroundings and under circumstances conducive to the recovery and convalescence of all patients in such institution. Such rules, regulations and minimum standards may include, but shall not be limited to, the regulation of medical and nursing care, extent of furnishing same, sanitation, dietetics, except where the diet has been prescribed by a licensed physician, heat, light, air, fire prevention and control, space allocation for patient care, housing and recreation facilities and related matters dealing with patient care and comfort and when adopted shall be binding upon all licensees and applicants for license under this chapter.

30:11-1.8

Copies of proposed rules, regulations or minimum standards shall be mailed by certified mail to such persons who have filed with the department a written request for such proposed rules, regulations or minimum standards. Except in the case of an emergency, no rule, regulation or minimum standard shall be adopted until copies of said proposed rule, regulation or minimum standard shall be mailed to those persons who have requested them together with a notice of the time and place of a hearing to be had on such proposed rule, regulation or minimum standard.

No hearing so held shall be held earlier than 30 days after the mailing of such proposed rule, regulation or minimum standard and notice of hearing.

30:11-1.9

Any private hospital, convalescent home, private mental hospital, or private nursing home which is in operation at the time of promulgation of any applicable rules or regulations or minimum standards under this act shall be given a reasonable time, not to exceed 2 years from the date of such promulgation, within which to comply with such rules and regulations and minimum standards, or subsequent amendments or supplements thereto.

30:11-2 DURATION OF LICENSE; FEE FOR ISSUE OR RENEWAL

A license to operate a private mental hospital, private nursing home or private hospital shall be valid for 1 year from date of issue, and, upon issuance or renewal of such license, the commissioner shall collect, respectively, a fee of $25.00, which shall be paid into the General State Fund and the cost of administration of this chapter shall be provided for in the annual appropriation law.

30:11-3 REVOCATION OR SUSPENSION OF LICENSE; HEARING

The State Board of Control, after serving the licensee with specific charges in writing at least 30 days in advance of the hearing, and after hearing, may deny, place on probationary or provisional license, revoke or suspend any and all licenses granted under authority of this chapter to any person, firm, partnership, corporation or association violating the provisions of this chapter, or the rules and regulations promulgated hereunder.

Prior to the revocation, suspension or denial or placing on probationary or provisional license of any license hereunder, the department shall afford the licensee an opportunity for a prompt and fair hearing before the department on the question of the issuance, suspension or the placing on a probationary or provisional license, or revocation of the license. The procedure governing such hearings shall be in accordance with the rules and regulations of the department adopted by and with the consent of the hospital licensing board. Either party may be represented by counsel of his own choosing, subpoena witnesses and compel their attendance on forms furnished by the department.

Notice of revocation, suspension, the placing on probationary or provisional license or denial of a license together with a specification of charges shall be sent to the applicant or licensee by registered mail and the notice shall set forth the particular reasons for the denial, suspension, the placing on probationary or provisional license or revocation of the license. Such denial, suspension, the placing on probationary or provisional license, or revocation shall become effective 30 days after mailing, unless the applicant or licensee, within such 30-day period shall meet the requirements of the department or shall give written notice to the department of its desire for a hearing, in which case the denial, suspension, the placing on probationary or provisional license, or revocation shall be held in abeyance until the hearing has been concluded and a final decision rendered; provided, however, that such applicant or licensee may appeal from such denial, suspension, placing on probationary or provisional license, or revocation, to any court having jurisdiction of such matters.

The Commissioner of the Department of Institutions and Agencies shall arrange for prompt and fair hearings on all such cases, render written decisions stating conclusions and reasons therefor upon each matter so heard, and is empowered to enter orders of denial, suspension, placing on probationary or provisional license or revocation consistent with the circumstances in each case.

30:11-3.1 INSPECTION OF PREMISES; APPROVAL OF STRUCTURAL CHANGES

The department shall make or cause to be made such inspections of the premises of the licensee from time to time as it may deem necessary to be assured that the licensee is at all times complying with the provisions of this chapter, with the rules and regulations promulgated hereunder and with the minimum standards of medical and nursing care established by virtue of the authority of this chapter.

The licensee, prior to making any alterations, additions or improvements to its facilities or prior to the construction of new facilities shall, before commencing such work, submit plans and specifications to the department for preliminary inspection and approval or recommendations with respect thereto. No such plan shall be disapproved if it complies with minimum requirements.

30:11-4 PENALTY FOR OPERATION WITHOUT LICENSE

(a) Any person, firm, partnership, corporation or association who shall operate or conduct a private mental hospital, convalescent home, private nursing home or private hospital without first obtaining the license required by this chapter, or who shall operate such private nursing home, convalescent home or private hospital after revocation or suspension of license shall be liable to a penalty of $25.00 for each day of operation in violation hereof for the first offense and for any subsequent offense shall be liable to a penalty of $50.00 for each day of operation in violation hereof. The State Board of Control, with the approval of the Attorney General, is hereby authorized and empowered to compromise and settle claims for money penalties in appropriate circumstances where it appears to the satisfaction of the board that payment of the full penalty will work severe hardship on any individual not having sufficient financial ability to pay the full penalty but in no case shall the penalty be compromised for a sum less than $250.00 for the first offense and $500.00 for the second and each subsequent offense; provided, however, that any penalty of less than $250.00 or $500.00, as the case may be, may be compromised for a lesser sum.

The penalties authorized by this section shall be recovered in a civil action, brought in the name of the State of New Jersey in the Superior Court or the County Court of any county, which court shall have jurisdiction of all actions to recover such penalties. No money penalties provided for herein shall be required to be paid until the appellate procedures provided for in the courts shall have been exhausted and then only if on appeal it is determined that the licensee was in violation of the provisions hereof or the rules and regulations of the board of control establishing minimum standards of operation. No penalties shall be assessed for the period of time following the filing of an appeal with the appropriate appellate court from a determination adverse to the licensee rendered by the department and until such appellate court or courts shall have rendered a final decision, and any penalties assessed prior thereto shall be recoverable only to the extent that the appellate court or courts affirms the decision of the department in the first instance. Money penalties, when recovered, shall be payable to the General State Fund.

The department may, in the manner provided by law, maintain an action in the name of the State of New Jersey for injunction against any person, firm, partnership, association or corporation continuing to conduct, manage or operate a private nursing home, convalescent home or private hospital without a license, or after suspension or revocation of license.

The practice and procedure in actions instituted under authority of this section shall conform to the practice and procedure in the court in which the action is instituted.

(b) Whenever a boarding home for sheltered care, boarding house or rest home or facility or institution of like character, not licensed hereunder, by public or private advertising or by other means holds out to the public that it is equipped to provide post-operative or convalescent care for persons mentally ill or mentally retarded or who are suffering or recovering from illness or injury, or who are chronically ill, or whenever there is a reason to believe that any such facility or institution, not licensed hereunder, is violating any of the provisions of this chapter, then, and in such case, the department shall be permitted reasonable inspection of such premises for the purpose of ascertaining whether there is any violation of the provisions hereof.

Any person, firm, association, partnership or corporation, not licensed hereunder, but who holds out to the public by advertising or other means that the medical and nursing care contemplated by this chapter will be furnished to persons seeking admission as patients, shall cease and desist from such practice and shall be liable to a penalty of $100.00 for the first offense and $200.00 for each subsequent offense, such penalty to be recovered as provided for herein. If any such boarding home for sheltered care, boarding house, rest home or other facility or institution shall operate as a private mental hospital, convalescent home, private nursing home or private hospital in violation of the provisions of this act and any supplements thereto then the same shall be liable to the penalties which are prescribed and capable of being assessed against hospitals or nursing homes pursuant to subsection (a) of this section.

30:11-5 (Repealed)

30:11-6 HOSPITAL LICENSING BOARD; APPOINTMENT; TERM

The State Board of Control, subject to the approval of the Governor, shall appoint a hospital licensing board which shall consist of the Commissioner of the Department of Institutions and Agencies, the State Director of Health, the president of the State Board of Medical Examiners, 2 hospital administrators of recognized ability and 5 qualified persons, 2 of whom shall represent the interests of the public at large, 1 of whom shall have special qualifications and training in the field of nursing and 2 of whom shall be selected from among the owners and administrators of the several private nursing homes. The board shall be representative of the aforementioned groups and shall be appointed for terms of 6 years, except when appointed to complete an unexpired term. Members whose terms expire shall hold office until appointment of their successors. They shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their official duty.

30:11-7 HOSPITAL LICENSING BOARD; DUTIES

The hospital licensing board shall have the following responsibilities and duties:

a. To consult and advise with the State Board of Control of the Department of Institutions and Agencies in matters of policy affecting the administration of this chapter and in the development of rules, regulations and minimum standards of nursing and medical care as provided for herein.

b. To review and make recommendations with respect to such rules, regulations and minimum standards authorized hereunder prior to their promulgation by the State Board of Control.

The board shall meet not less than once each year and, in addition, as often as shall be required to conduct the business of the board and to assist and advise in the administration of the duties and responsibilities imposed by this chapter.

30:11-8 PRIVATE MENTAL HOSPITAL, PRIVATE NURSING HOME, CONVALESCENT HOME AND PRIVATE HOSPITAL DEFINED

A private mental hospital, private nursing home, convalescent home or private hospital, for the purpose of this chapter, is defined as any institution, whether operated for profit or not, which is not maintained, supervised or controlled by an agency of the government of the State or of any county or municipality, and which maintains and operates facilities for the diagnosis, treatment or care of 2 or more nonrelated individuals, who are patients as defined herein.

The word "hospital" as used herein shall not be deemed to include first-aid stations for emergency medical or surgical treatment where no continuous bed care or protracted treatment is contemplated or performed.

As used in this chapter a "patient" is a person who is suffering from mental illness, mental deficiency, mental retardation, an acute or chronic illness or injury, or who is crippled, convalescent or infirm and who is in need of medical and nursing care on a continuing basis, or who is in need of obstetrical or other medical or nursing care. Infirm is construed to mean that the individual is in need of assistance in bathing, dressing or some type of supervision.

As used herein, a "boarding house" shall be construed to be a family home or larger structural unit in which, for compensation, persons are given room and board including or not including, as the case may be, heat, light, toilet and bathroom facilities; and in which there is no agreement between operator and boarder to give personal care or special attention.

As used herein, a "boarding home for sheltered care" is defined as any establishment, a single or multiple dwelling, public or private, incorporated or unincorporated, for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association, which furnishes food and shelter to 4 or more adult persons unrelated to the proprietor and which provides any personal care or service beyond food, shelter and laundry, to any one or more of such persons, excluding, however, any privately operated establishment licensed under this chapter.

Any private mental hospital, private nursing home, convalescent home or private hospital, as well as institutions operated and maintained by any agency of the government of any county or municipality which shall apply for and receive Federal funds under the provisions of Public Law 725 of the 79th Congress, Chapter 958, 2d Session, shall be required to comply, as a condition precedent to receiving such funds, with the rules and regulations and the minimum standards of nursing and hospital care provided for in this chapter.

30:11-9 EXCEPTIONS AND EXEMPTIONS

Nothing in this act or in chapter eleven of Title 30 of the Revised Statutes shall give the licensing authority or agency herein provided for the power or authority to require any hospital to practice or permit sterilization of human beings, euthanasia, birth control or any other similar practice contrary to the dogmatic or moral beliefs of any well established religious body or denomination, nor shall any of the provisions thereof vest authority or be construed to vest authority in the Department of Institutions and Agencies or in the licensing authority or agency herein provided for to deny any application for license or approval as may be required by this act or said chapter on the sole ground that adequate hospital or nursing home facilities are already available in the vicinity or area for which the license or approval is sought.

Nothing in this act or in chapter eleven of Title 30 of the Revised Statutes shall be so construed as to give authority to supervise or regulate or control the remedial care or treatment of individual patients who are adherents of any well recognized church or religious denomination which subscribes to the act of healing by prayer and the principles of which are opposed to medical treatment and who are resident in any home or institution operated by a member or members, or by an association or corporation composed of members of such well recognized church or religious denomination; provided, that such home or institution admits only adherents of such church or denomination and is so designated; nor shall the existence of any of the above conditions alone militate against the licensing of such a home or institution; and provided further, that such home or institution shall comply with all rules and regulations relating to sanitation and safety of the premises and be subject to inspection therefor.

Nothing herein contained shall modify or repeal any laws, rules, and regulations governing the control of communicable diseases.

30:11-10

The provisions of article 3 of chapter 4 of Title 30 of the Revised Statutes, except as concerning or pertaining to the investigation and determination of legal settlement and indigence of patients, shall apply to duly licensed private mental hospitals for the care and treatment of the mentally ill, mentally deficient and mentally retarded and every license issued hereunder shall be the licensee's authority to receive and hold a person duly admitted or committed pursuant to law.

THIS ACT SHALL TAKE EFFECT IMMEDIATELY.