

CHAPTER 42A
LIFE-THREATENING EMERGENCIES

Authority

N.J.S.A. 30:6D-5.1 et seq., specifically 30:6D-5.6.

Source and Effective Date

R.2011 d.076, effective January 28, 2011.
See: 42 N.J.R. 1964(a), 43 N.J.R. 620(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 42A, Life-Threatening Emergencies, expires on January 28, 2018. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 42A, Life-Threatening Emergencies, was adopted as R.2005 d.250, effective August 1, 2005. See: 37 N.J.R. 430(a), 37 N.J.R. 2875(a).

Chapter 42A, Life-Threatening Emergencies, was readopted as R.2011 d.076, effective January 28, 2011. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10:42A-1.1 Purpose
- 10:42A-1.2 Scope
- 10:42A-1.3 Definitions

SUBCHAPTER 2. REPORTING REQUIREMENTS

- 10:42A-2.1 General standards
- 10:42A-2.2 Life-threatening emergencies

SUBCHAPTER 3. MONITORING

- 10:42A-3.1 Enforcement

SUBCHAPTER 1. GENERAL PROVISIONS

10:42A-1.1 Purpose

Staff at a facility for persons with developmental disabilities or traumatic brain injury are required to call the 911 emergency telephone service in life-threatening emergencies. The purpose of this chapter is to provide guidelines for facilities in such instances.

10:42A-1.2 Scope

This chapter applies to facilities for persons with developmental disabilities and traumatic brain injury.

10:42A-1.3 Definitions

For the purpose of this chapter, the following terms shall have the meaning defined herein:

“Assistant Commissioner” means the chief executive officer of the Division of Developmental Disabilities, formally entitled Division Director.

“Chief executive officer” (CEO) means the person having administrative authority over, and responsibility for, a State-operated developmental center or private licensed facility for the developmentally disabled under N.J.A.C. 10:47, Standards for Private Licensed Facilities for Persons with Developmental Disabilities.

“Commissioner” means the Commissioner of the Department of Human Services.

“Contested matter” means an adversarial proceeding, including any licensing proceeding, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing. (N.J.S.A. 52:148-2(b); N.J.A.C. 1:1)

“Contract employee” means a person who works directly with persons with developmental disabilities or traumatic brain injury and contracts directly with the Department of Human Services or is an employee of a private agency that contracts with the Department of Human Services.

“Department” means the Department of Human Services.

“Division” means the Division of Developmental Disabilities.

“Do Not Resuscitate Order” or “DNR Order” means a physician’s written order not to attempt cardiopulmonary resuscitation in a hospital or out-of-hospital situation in the event the person suffers cardiac or respiratory arrest.

“Executive director” means the individual with administrative authority over a residential program licensed in accordance with N.J.A.C. 10:44A, Standards for Community Residences for Individuals with Developmental Disabilities, N.J.A.C. 10:44C, Standards for Community Residences for Persons with Head Injuries, and N.J.A.C. 10:47, Standards for Private Licensed Facilities for Persons with Developmental Disabilities, or agency under contract with or regulated by the Division.

“Facility” means a facility for persons with developmental disabilities or a facility for persons with traumatic brain injury.

“Facility for persons with developmental disabilities” means a facility operated by the Division including developmental centers, under contract with the Division or licensed under N.J.A.C. 10:44A, Standards for Community Residences for Individuals with Developmental Disabilities N.J.A.C. 10:44B, Standards for Community Residences for

Individuals with Developmental Disabilities (Community Care Residences), or N.J.A.C. 10:47, Standards for Private Licensed Facilities for Persons with Developmental Disabilities, or program under contract with or regulated by the Division.

“Facility for persons with traumatic brain injury” means a facility for persons with traumatic brain injury that is licensed under N.J.A.C. 10:44C, Standards for Community Residences for Persons with Head Injuries, or under contract with the Department.

“Life-threatening emergency” means a situation in which a prudent person could reasonably believe that immediate intervention is necessary to protect the life of a person receiving services at a facility for persons with developmental disabilities or traumatic brain injury or to protect the lives of other persons at the facility or agency, from an immediate threat or actual occurrence of a potentially fatal injury, impairment to bodily functions or dysfunction of a bodily organ or part. Some examples of life-threatening emergencies are listed at N.J.A.C. 10:42A-2.2.

“Medical professional” means a physician, physician’s assistant, advanced practice nurse or registered nurse.

“911 call” means a telephone call to the emergency 911 system.

“Office of Administrative Law” (OAL) means an independent unit assigned to the Department of Treasury, which has the authority to hear contested matters.

“Staff” means any licensee and any full time, part time, temporary employment services or contract employee at a facility for persons with developmental disabilities or traumatic brain injury present in the living or program area who work directly with the person served. For the purpose of this rule, this term does not include housekeepers, food service workers, maintenance workers, clerical staff or volunteers.

Amended by R.2011 d.076, effective March 7, 2011.
See: 42 N.J.R. 1964(a), 43 N.J.R. 620(c).

Added definition “Assistant Commissioner”; and deleted definition “Director”.

SUBCHAPTER 2. REPORTING REQUIREMENTS

10:42A-2.1 General standards

(a) All staff shall be responsible to immediately call 911 in the event of a life-threatening emergency except as provided in (b) below.

(b) A staff member need not call 911 if the staff member is certain that another staff member has already called 911 about the life-threatening emergency.

(c) If a staff member is unsure whether a medical condition such as an elevated temperature, seizure or other condition has become a life-threatening emergency, he or she shall call 911.

(d) When only one staff member is present when a life-threatening emergency occurs that staff member shall call 911 and, if he or she is trained to provide immediate assistance, the staff member shall provide assistance.

(e) When the person suffering the life-threatening emergency has a DNR Order in effect, existence of a DNR Order does not relieve the staff member from the requirement to call 911. Staff shall call 911 if there is a life-threatening emergency related to the person’s terminal condition but provide a copy of the DNR Order to emergency staff responding to the 911 call.

(f) The 911 call shall include:

1. The address and/or location of the emergency;
2. The telephone number where the emergency is located;
3. A brief description of the problem including whether the person(s) is conscious and, or breathing; and
4. The name of staff member calling 911.

(g) Once the call has been made, the staff member shall stay on the line to respond to questions from the 911 operator.

(h) Each facility covered by these rules, except those facilities licensed under N.J.A.C. 10:44B, Standards for Community Care Residences for the Developmentally Disabled, shall:

1. By August 31, 2005, submit to Department for approval, a procedure to require that a 911 call immediately be made in the event of a life-threatening emergency. That procedure shall cover all facilities licensed by the Department or under contract with the Division;
2. Train all staff members in such procedures;
3. Unless such procedures are disapproved by the Department, by September 30, 2005, submit to the Department a certification by the chief executive officer (CEO) or executive director that all staff have been trained in its procedure; and
4. If a Department notifies a facility that its procedure requires modification, within 30 days of receipt of such notification, the facility shall submit the modification to the Department and, within 60 days of receipt of such notification, the facility shall submit to the Department a certification by the chief executive officer (CEO) or executive director that all staff have been trained in the modified procedure.