

CHAPTER 37B

**PSYCHIATRIC COMMUNITY RESIDENCES
FOR YOUTH**

Authority

N.J.S.A. 30:11B-4.

Source and Effective Date

R.1994 d.227, effective May 2, 1994.
See: 25 N.J.R. 2197(a), 26 N.J.R. 1828(c).

Executive Order No. 66(1978) Expiration Date

Chapter 37B, Psychiatric Community Residences for Youth, expires on May 2, 1999.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10:37B-1.1 Scope and purpose
- 10:37B-1.2 Definitions

SUBCHAPTER 2. LICENSING

- 10:37B-2.1 Initial licensing process
- 10:37B-2.2 Licensing of psychiatric community residences for youth programs
- 10:37B-2.3 Provisional license
- 10:37B-2.4 Applicability of standards
- 10:37B-2.5 Waiver of standards
- 10:37B-2.6 License renewal
- 10:37B-2.7 Monitoring compliance
- 10:37B-2.8 Appeal of the Division's findings
- 10:37B-2.9 Administrative sanction
- 10:37B-2.10 Review of administrative sanctions
- 10:37B-2.11 Administrative hearing of appeal
- 10:37B-2.12 Emergency situation

SUBCHAPTER 3. ADMINISTRATION

- 10:37B-3.1 Statement of purpose
- 10:37B-3.2 Management
- 10:37B-3.3 Rights of youth
- 10:37B-3.4 Information to be provided to parent, legal guardians and staff members
- 10:37B-3.5 Community participation

SUBCHAPTER 4. PROGRAM REQUIREMENTS

- 10:37B-4.1 Affiliation agreements
- 10:37B-4.2 Criteria for admission
- 10:37B-4.3 Admission information
- 10:37B-4.5 Admission
- 10:37B-4.6 Treatment planning
- 10:37B-4.7 Treatment services
- 10:37B-4.8 Behavior management practices and programs
- 10:37B-4.9 Point system
- 10:37B-4.10 "Time out"
- 10:37B-4.11 Therapeutic holding techniques
- 10:37B-4.12 Mechanical restraints
- 10:37B-4.13 Behavior management quiet room
- 10:37B-4.14 House rules

SUBCHAPTER 5. HEALTH AND PHYSICAL ENVIRONMENT

- 10:37B-5.1 Comprehensive health plan for youth
- 10:37B-5.2 Health care and medical treatment for youth
- 10:37B-5.3 General medical practices
- 10:37B-5.4 Medication other than psychotropic medication
- 10:37B-5.5 Food and nutrition for youth
- 10:37B-5.6 Health education and physical care for youth

SUBCHAPTER 6. EDUCATION

- 10:37B-6.1 Enrollment of each resident in appropriate education program
- 10:37B-6.2 Coordination with the pupil's educational program

SUBCHAPTER 7. STAFF REQUIREMENTS

- 10:37B-7.1 General staff requirements
- 10:37B-7.2 Program director-supervisor responsibilities and qualifications
- 10:37B-7.3 Clinical social worker-therapist responsibilities and qualifications
- 10:37B-7.4 Direct care paraprofessional responsibilities and qualifications
- 10:37B-7.5 Nurse-health educator responsibilities and qualifications
- 10:37B-7.6 Psychiatrist responsibilities and qualifications
- 10:37B-7.7 Volunteer and student intern requirements
- 10:37B-7.8 Staff training and development

APPENDIX A NOTIFICATION OF ADMISSION

SUBCHAPTER 1. GENERAL PROVISIONS

10:37B-1.1 Scope and purpose

(a) The rules in this chapter apply to all licensed psychiatric community residences for youth funded by or under contract with the Division.

(b) The purpose of the rules in this chapter is to:

1. Enable licensure and regulation of specialized residences for mentally ill youth;
2. Promote the goal of the residences to provide appropriate mental health services to youth at risk of hospitalization or recently discharged from inpatient care but not ready to return home or reside in a less intensive facility; and
3. Promote high quality and effective delivery of funded residential services for youth.

10:37B-1.2 Definitions

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

“Behavior management practice” means the use of a time out quiet room, therapeutic holding technique or point system as part of a comprehensive treatment plan to help the youth develop self-control, to reduce maladaptive behavior or to protect the youth and others from harm.

“Behavior management quiet room” means a room used exclusively for the purpose of keeping the youth apart from all social interaction in order to protect the youth or other persons from the youth’s assaultive or destructive behavior.

“CCIS” means the regional Children’s Crisis Intervention Service unit established to serve, for a period not exceeding 28 days, youth from the ages of five through 17 who have:

1. Received an initial screening by a designated mental health emergency screening service;
2. A primary psychiatric diagnosis; and
3. An impaired level of personal and social functioning to the extent that inpatient psychiatric crisis intervention and treatment services are necessary.

“Comprehensive treatment plan” means the formulation of goals, objectives and interventions for services based on an assessment which includes treatment, recommendations, and which may include: psychological, medical, developmental, family, educational, social, cultural, environmental, recreational and vocational components.

“Consent” means that a parent having legal responsibility for educational decision making or the adult pupil (that is, a person age 18 through 21 who is not under legal guardianship) has been fully informed of all information relevant to the activity for which the consent is sought, in his or her native language or other mode of communication, understands and agrees in writing to the implementation of this activity, and understands that granting of consent is voluntary and may be revoked at any time.

“Counseling for families” means the use of therapeutic methodologies which enable families to resolve problems or temporary stress of situations which they have encountered.

“Daily living skills” means the activities which enable a youth to perform functions for everyday living, such as basic housekeeping, grooming, dressing, maintaining schedules, social and recreational activities.

“Department” means the New Jersey Department of Human Services.

“Division” means Division of Mental Health and Hospitals within the New Jersey Department of Human Services.

“DYFS” means Division of Youth and Family Services within the New Jersey Department of Human Services.

“Educationally handicapped pupil” means a pupil who has been determined to be eligible for special education and or related services according to N.J.A.C. 6:28-3.5. Classification categories for educationally handicapped pupils include: auditorily handicapped, autistic, chronically ill, communication handicapped, emotionally disturbed, mentally retarded, multiple handicapped, neurologically impaired, perceptually impaired, preschool handicapped, orthopedically handicapped, socially maladjusted, and visually handicapped.

“Group counseling” means the use of group processes and supports to develop in individuals the capacity to overcome specific personal problems or problem conditions.

“Individualized education program” means a written plan developed at a meeting according to N.J.A.C. 6:28-3.6 which sets forth goals and objectives and describes an integrated sequential program of individually designed educational activities and related services necessary to achieve the stated goals and objectives.

“Parent” means a birth or adoptive parent, legal guardian, or any other person having responsibility for, or custody of, a youth.

“Provider agency” (PA) means a public or private organization which has a mental health contract with the Division and has been licensed by the Division to provide residential services.

“Psychiatric community residence for youth” (residence) means a community residential facility, licensed by the Division in accordance with this chapter, which provides food, shelter, and personal guidance on a 24-hour basis under such supervision as required to not more than 15 mentally ill youth who require assistance. These residences are funded by or contracted with the Division for youth who have received or may be at risk of inpatient care in an inpatient facility and who may benefit from psychiatric treatment within a community residence setting so as to avert more intensive treatment or to facilitate their return home or placement in a longer term residential facility. Residences do not admit any person residing in the State psychiatric hospital for adolescents or the State correctional facilities who has been found not guilty of a crime by reason of insanity or unfit to be tried on a criminal charge. Residences are not considered a health care facility, within the meaning of the “Health Care Facilities Planning Act,” P.L. 1971 c.136 (N.J.S.A. 26:2H-1 et seq.) and include, but are not limited to, group homes, supervised apartment living arrangements, family care homes and hostels.

“Referral” means, for educational purposes, making a written request that a child study team meet to determine the need for evaluation according to N.J.A.C. 6:28-3.3.

“School-age pupil” means a person age three through 21 who is or was enrolled in a public school.