

CHAPTER 36

STANDARDS FOR LICENSURE OF ASSISTED LIVING RESIDENCES, COMPREHENSIVE PERSONAL CARE HOMES, AND ASSISTED LIVING PROGRAMS

Authority

N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Source and Effective Date

R.1999 d.396, effective November 15, 1999.
See: 31 N.J.R. 269(a), 31 N.J.R. 3763(a).

Executive Order No. 66(1978) Expiration Date

Chapter 36, Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs, expires on November 15, 2004.

Chapter Historical Note

Chapter 36, Standards for Licensure of Intermediate Dialysis Facilities, was adopted as R.1973, d.363, effective January 1, 1974. See: 5 N.J.R. 372(b), 6 N.J.R. 11(b).

Chapter 36, Standards for Licensure of Intermediate Dialysis Facilities, was repealed by R.1980 d.39, effective January 17, 1980. See: 11 N.J.R. 620(b), 12 N.J.R. 76(c).

Chapter 36, Standards for Licensure of Assisted Living Residences and Comprehensive Personal Care Homes, was adopted as R.1993 d.672, effective December 20, 1993. See: 25 N.J.R. 3734(a), 25 N.J.R. 6037(a). Chapter 36, Standards for Licensure of Assisted Living Residences and Comprehensive Personal Care Homes, was renamed Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs, by R.1997 d.42, effective January 21, 1997. See: 28 N.J.R. 4185(a), 29 N.J.R. 329 (a). Pursuant to Executive Order No. 66(1978), Chapter 36 expired on December 20, 1998.

Chapter 36, Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs, was adopted as new rules by R.1999 d.396, effective November 15, 1999. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

- 8:36-1.1 Scope
- 8:36-1.2 Purpose
- 8:36-1.3 Definitions
- 8:36-1.4 Qualifications of all staff
- 8:36-1.5 Qualifications of the administrator of an assisted living residence or comprehensive personal care home
- 8:36-1.6 Qualifications of dietitians
- 8:36-1.7 Qualifications of licensed practical nurses
- 8:36-1.8 Qualifications of personal care assistants
- 8:36-1.9 Qualifications of pharmacists
- 8:36-1.10 Qualifications of physicians
- 8:36-1.11 Qualifications of registered professional nurses
- 8:36-1.12 Qualifications of social workers

SUBCHAPTER 2. LICENSURE PROCEDURES

- 8:36-2.1 Certificate of need
- 8:36-2.2 Application for licensure

- 8:36-2.3 Newly constructed or expanded facilities
- 8:36-2.4 Surveys
- 8:36-2.5 License
- 8:36-2.6 Surrender of license
- 8:36-2.7 Waiver
- 8:36-2.8 Action against a license
- 8:36-2.9 Hearings
- 8:36-2.10 Advertisement of assisted living

SUBCHAPTER 3. PHYSICAL PLANT AND ENVIRONMENT

- 8:36-3.1 Scope
- 8:36-3.2 Restrictions
- 8:36-3.3 Ventilation
- 8:36-3.4 Exit access passageways and corridors
- 8:36-3.5 Automatic fire detection system
- 8:36-3.6 Fire suppression systems
- 8:36-3.7 Interior finish requirement
- 8:36-3.8 General residential unit requirements
- 8:36-3.9 Toilets, baths and handwashing sinks
- 8:36-3.10 Kitchenettes
- 8:36-3.11 Community space
- 8:36-3.12 Laundry equipment
- 8:36-3.13 Dietary department
- 8:36-3.14 Administration and public areas
- 8:36-3.15 Fire extinguisher specifications
- 8:36-3.16 Sounding devices
- 8:36-3.17 Telecommunications

SUBCHAPTER 4. GENERAL REQUIREMENTS

- 8:36-4.1 Types of services provided to residents; resident characteristics
- 8:36-4.2 Ownership
- 8:36-4.3 Submission and availability of documents
- 8:36-4.4 Personnel
- 8:36-4.5 Staffing requirements
- 8:36-4.6 Policy and procedure manual
- 8:36-4.7 Resident transportation
- 8:36-4.8 Written agreements
- 8:36-4.9 Reportable events
- 8:36-4.10 Notices
- 8:36-4.11 Maintenance of records
- 8:36-4.12 Admission and retention of residents
- 8:36-4.13 Involuntary discharge
- 8:36-4.14 Notification requirements
- 8:36-4.15 Interpretation services
- 8:36-4.16 Referral and transfer agreements
- 8:36-4.17 Managed risk agreements

SUBCHAPTER 5. ADMINISTRATION

- 8:36-5.1 Appointment of administrator
- 8:36-5.2 Administrator's responsibilities

SUBCHAPTER 6. RESIDENT CARE POLICIES

- 8:36-6.1 Resident care policies and procedures
- 8:36-6.2 Financial arrangements
- 8:36-6.3 Personal needs allowance

SUBCHAPTER 7. RESIDENT ASSESSMENTS, RESIDENT SERVICE PLANS, HEALTH CARE PLANS AND HEALTH CARE SERVICES

- 8:36-7.1 Initial assessments, resident service plans, health care assessments and health care plans
- 8:36-7.2 Implementation of plans
- 8:36-7.3 Health care services
- 8:36-7.4 Provision of health care services
- 8:36-7.5 Quality assurance

SUBCHAPTER 8. DINING SERVICES

- 8:36-8.1 Provision of meals
- 8:36-8.2 Designation of a food service coordinator
- 8:36-8.3 Responsibilities of dietitians
- 8:36-8.4 Requirements for dining services
- 8:36-8.5 Commercial food management services

SUBCHAPTER 9. PHARMACEUTICAL SERVICES

- 8:36-9.1 Provision of pharmaceutical services
- 8:36-9.2 Self-administration of medications
- 8:36-9.3 Administration of medications
- 8:36-9.4 Designation of a pharmacist
- 8:36-9.5 Storage of medications

SUBCHAPTER 10. RESIDENT ACTIVITIES

- 8:36-10.1 Provision of resident activities

SUBCHAPTER 11. SOCIAL WORK SERVICES

- 8:36-11.1 Provision of social work services

SUBCHAPTER 12. EMERGENCY SERVICES AND PROCEDURES

- 8:36-12.1 Emergency medical services
- 8:36-12.2 Emergency plans and procedures
- 8:36-12.3 Drills and tests

SUBCHAPTER 13. RESIDENT RECORDS

- 8:36-13.1 Health record
- 8:36-13.2 Confidentiality
- 8:36-13.3 Record retention
- 8:36-13.4 Record availability
- 8:36-13.5 Register
- 8:36-13.6 Residents' individual records
- 8:36-13.7 Record of death

SUBCHAPTER 14. RESIDENT RIGHTS

- 8:36-14.1 Posting and distribution of statement of resident rights

SUBCHAPTER 15. HOUSEKEEPING, SANITATION, SAFETY AND MAINTENANCE

- 8:36-15.1 Provision of services
- 8:36-15.2 Housekeeping
- 8:36-15.3 Resident environment
- 8:36-15.4 Waste removal
- 8:36-15.5 Heating and air conditioning
- 8:36-15.6 Water supply
- 8:36-15.7 Building and grounds maintenance
- 8:36-15.8 Laundry services

SUBCHAPTER 16. INFECTION PREVENTION AND CONTROL SERVICES

- 8:36-16.1 Infection control program
- 8:36-16.2 Development of infection control policies and procedures
- 8:36-16.3 General infection control policies and procedures
- 8:36-16.4 Employee health and resident policies and procedures for infection prevention and control
- 8:36-16.5 Staff education and training for infection prevention and control
- 8:36-16.6 Regulated medical waste

SUBCHAPTER 17. COMPREHENSIVE PERSONAL CARE HOMES

- 8:36-17.1 Eligibility
- 8:36-17.2 Services provided to residents
- 8:36-17.3 Physical plant
- 8:36-17.4 Other requirements
- 8:36-17.5 Prohibition of resident discharge on conversion of facility

- 8:36-17.6 Combination of license categories
- 8:36-17.7 Supplemental Security Income recipients

SUBCHAPTER 18. ASSISTED LIVING PROGRAMS

- 8:36-18.1 Tenant/resident eligibility
- 8:36-18.2 Service provider requirements
- 8:36-18.3 Services provided to residents
- 8:36-18.4 Policy and procedure manual
- 8:36-18.5 Resident transportation
- 8:36-18.6 Notices
- 8:36-18.7 Maintenance of records
- 8:36-18.8 Notification requirements
- 8:36-18.9 Administration and staffing
- 8:36-18.10 Financial arrangements
- 8:36-18.11 Resident assessments, service plans, health care plans and health care services
- 8:36-18.12 Dining services and meal preparation assistance
- 8:36-18.13 Pharmaceutical services
- 8:36-18.14 Resident activities
- 8:36-18.15 Resident records
- 8:36-18.16 Resident rights and responsibilities
- 8:36-18.17 Reportable events
- 8:36-18.18 Other requirements

SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS**8:36-1.1 Scope**

(a) The rules in this chapter pertain to all facilities which provide assisted living services. These rules constitute the basis for the licensure of assisted living residences, comprehensive personal care homes, and assisted living programs by the New Jersey State Department of Health and Senior Services.

(b) Assisted living residences shall comply with N.J.A.C. 8:36-1 through 16; comprehensive personal care homes shall comply with N.J.A.C. 8:36-1 through 16, where applicable, and 17; and assisted living programs shall comply with N.J.A.C. 8:36-1 through 17, where applicable, and 18.

8:36-1.2 Purpose

(a) The purpose of these rules is to establish standards for assisted living residences, comprehensive personal care homes (which may be collectively referenced as assisted living facilities) and assisted living programs which are intended to promote "aging in place" in a homelike setting for frail elderly and disabled persons, including persons who require formal long-term care. Assisted living residences and comprehensive personal care homes and assisted living programs assure that residents receive supportive health and social services as they are needed to enable them to maintain their independence, individuality, privacy, and dignity in an apartment-style living unit or, in the case of assisted living programs, a living unit in publicly subsidized housing. The assisted living environment actively encourages and supports these values through effective methods of service delivery and facility or program operation and promotes resident self direction and personal decision-making while protecting residents' health and safety.