

CHAPTER 37G

SHORT TERM CARE FACILITY STANDARDS

Authority

N.J.S.A. 30:4-27.8, 27.9 and 27.10.

Source and Effective Date

R.2008 d.19, effective December 14, 2007.
See: 39 N.J.R. 2434(a), 40 N.J.R. 716(a).

Chapter Expiration Date

Chapter 37G, Short Term Care Facility Standards, expires on December 14, 2012.

Chapter Historical Note

Chapter 37G, Short Term Care Facility Services, was adopted as R.1997 d.153, effective April 7, 1997. See: 28 N.J.R. 2310(a), 29 N.J.R. 1313(a).

Chapter 37G, Short Term Care Facility Standards, was readopted as R.2002 d.221, effective June 17, 2002. See: 33 N.J.R. 3887(a), 34 N.J.R. 2451(a).

Chapter 37G, Short Term Care Facility Standards, was readopted as R.2008 d.19, effective December 14, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:37G-1.1 Scope and purpose

(a) The rules in this chapter shall apply to all Department designated short-term care facilities (STCF) for adults.

(b) The Mental Health Screening Law, N.J.S.A. 30:4-27.1 et seq., authorizes the establishment of STCFs to provide assessment services and short-term, intensive psychiatric care to individuals with acute mental illness. Patients are admitted to STCFs through a Department-designated screening center, which has determined that the patient meets the commitment standard of mentally ill and dangerous to self or others, needs intensive treatment, and that appropriate, less restrictive services or facilities are not otherwise available for the patient.

The goal of STCFs is to resolve the psychiatric emergency precipitating admission in a location close to the patient's home within an acute length of stay. Services are provided to restore the individual as soon as possible to a level of functioning, which promotes return to community residence and ambulatory treatment, or to ensure further inpatient treatment if needed.

Amended by R.2008 d.19, effective January 22, 2008.
See: 39 N.J.R. 2434(a), 40 N.J.R. 716(a).

In (a), substituted "Department" for "Division" and inserted the hyphen following "short"; and in (b), substituted ", N.J.S.A. 30:4-27.1 et seq.," for "(N.J.S.A. 30:4-27.1 et seq.)" and "Department-" for "Division", and inserted commas following "center" and "functioning".

10:37G-1.2 Definitions

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

"Acute care" means community and in-patient psychiatric services designed to provide stabilization during the acute phase of psychiatric illness.

"Acute care system" means those services either contracted for or designated by the Division in consultation with the appropriate county mental health board or licensed by the Department as part of a geographic area's acute care services. They include, but are not limited to: screening center, affiliated emergency services, short-term care facility, inpatient psychiatric service, acute partial care, crisis housing, integrated case management services (ICMS), acute family support services, and programs of assertive community treatment (PACT).

"Assessment" means evaluation of the individual in crisis in order to ascertain his or her current and previous level of functioning, psychosocial and medical history, potential for dangerousness, current psychiatric and medical condition, factors contributing to the crisis, and support systems that are available for the purpose of developing an appropriate individualized treatment plan that concludes with a summary and treatment recommendations. Assessments may include, but shall not be limited to, nursing assessments, psychiatric assessments, psychosocial assessments, rehabilitation/creative arts assessments, and co-occurring disorder assessments, as further delineated at N.J.A.C. 10:37G-2.2.

"Assistant Commissioner for Mental Health" means the Assistant Commissioner of the Department of Human Services responsible for the Division of Mental Health Services.

"Certified screener" means an individual who has fulfilled the requirements set forth in N.J.A.C. 10:31-3.3 and has been certified by the Department as qualified to assess a patient to determine if he or she meets the standard for commitment.

"Comparable STCFs" means:

1. Facilities in the same region;
2. Facilities which are similar in size; and/or
3. Facilities which serve similar populations (for example, urban, suburban, etc.).

“Consensual” means the type of admission applicable to a person who has received face-to-face assessments from a certified screener and screening psychiatrist at a designated screening center, which have determined and documented that he or she is dangerous to self, others, or property by reason of mental illness, and who understands and agrees to be admitted to an STCF for stabilization and treatment.

“Dangerous to others or property” means that by reason of mental illness there is a substantial likelihood that the person will inflict serious bodily harm upon another person or cause serious property damage within the reasonably foreseeable future. This determination takes into account a person’s history, recent behavior and any recent act or threat.

“Dangerous to self” means that by reason of mental illness the person has threatened or attempted suicide or serious bodily harm, or has behaved in such a manner as to indicate that the person is unable to satisfy his need for nourishment, essential medical care or shelter, so that it is probable that substantial bodily injury, serious physical debilitation or death will result within the reasonably foreseeable future; however, no person shall be deemed to be unable to satisfy his need for nourishment, essential medical care, or shelter if he is able to satisfy such needs with the supervision and assistance of others who are willing and available.

“Department” or “DHS” means the Department of Human Services.

“Designated screening center” means a public ambulatory care service designated by the Commissioner of the Department of Human Services and located in or adjacent to an emergency room in a general hospital, which provides mental health services including assessment, screening, emergency and referral services for mentally ill persons in a specified geographic area. A designated screening center is the facility in the public mental health care system wherein a person who may be in need of treatment at a short-term care facility (STCF) or a State or county psychiatric hospital or a unit in a special psychiatric hospital undergoes an assessment to determine what mental health services are appropriate for the person and where those services may be appropriately provided.

“Designation as a short-term care facility” means that a facility has received approval for a certificate of need (CON) application by the Department of Health and Senior Services in consultation with the Department of Human Services and that the Department of Human Services has determined that the STCF applicant meets all of the rules of this chapter and is authorized to begin operating as an STCF, provided that the unit also meets applicable Department of Health and Senior Services licensure requirements. The application for designa-

tion shall be submitted at least 60 days prior to planned implementation.

“DHSS” means the Department of Health and Senior Services.

“Division” means the Division of Mental Health Services.

“Integrated Case Management Services (ICMS)” means personalized, collaborative, and flexible outreach services, offered primarily off-site, designed to engage, support, and integrate individuals with serious mental illness into the community of their choice, and facilitate their use of available resources and supports in order to maximize their independence.

“Licensed independent practitioner” means an individual permitted by law to provide mental health care services without direct supervision, within the scope of the individual’s license to practice in the State of New Jersey pursuant to N.J.S.A. 45:1-1 et seq., and may include physicians, advanced practice nurses, licensed clinical social workers, and psychologists.

“Mental illness” means a current, substantial disturbance of thought, mood, perception or orientation which significantly impairs judgment, capacity to control behavior or capacity to recognize reality, but does not include simple alcohol intoxication, transitory reaction to drug ingestion, organic brain syndrome or developmental disability unless it results in the severity of impairment as defined herein. The term mental illness is not limited to “psychosis” or “active psychosis,” but shall include all conditions that result in the severity of impairment described herein.

“OOL” means the Office of Licensing within the Department of Human Services.

“Progress notes” means recordings in the medical record that are legible, complete, dated, timed, and authenticated in written or electronic format by persons directly responsible for the care and active treatment of the patient. Progress notes should be goal-oriented and give a chronological account of how the patient is progressing toward the accomplishment of individual goals in the treatment plan.

“Psychiatric facility” means a State psychiatric hospital listed in N.J.S.A. 30:1-7, a county psychiatric hospital, a psychiatric unit of a county hospital, or a special psychiatric hospital.

“Psychiatrist” means a physician who has completed the training requirements of the American Board of Psychiatry and Neurology and the American Osteopathic Board of Neurology and Psychiatry.

“Recovery from a mental illness” means the deeply personal, unique process of changing one’s attitudes, values, feelings, and goals, skill or roles to live a satisfying, hopeful, and contributing life even with the limitations caused by a