

3. Identify the number, type and source of vehicles available to the facility for relocation and include signed current agreements with transportation providers. Specially configured vehicles shall be included;

4. Include a mechanism for identifying the number of residents, staff, and family members who would require relocation and procedures for evacuation of non-ambulatory residents from the facility;

5. List the supplies, equipment, records, and medications that would be transported as part of an evacuation, and identify by title the individuals who would be responsible;

6. Identify essential personnel who would be required to remain on duty during the period of relocation;

7. Identify by title the persons who will be responsible for the following:

i. Activating the emergency operations plan, issuing evacuation orders, and notification of State and municipal authorities;

ii. Alerting and notification of staff and residents;

iii. Facility shutdown and restart;

iv. In place sheltering of residents and continuity of medical care; and

v. Emergency services such as security and firefighting; and

8. Describe procedures for how each item in (f)7 above will be accomplished.

(g) There shall be a written plan for receiving residents who are being relocated from another facility due to a disaster. This plan shall include at least an estimate of the number and type of residents the facility would accommodate and how staffing would be handled at different occupancy levels.

(h) Copies of the emergency operations plan shall be sent to municipal and county emergency management officials for their review.

(i) The administrator shall serve as, or appoint, a disaster planner for the facility.

1. The disaster planner shall meet with county and municipal emergency management coordinators at least once each year to review and update the written comprehensive evacuation plan; or if county or municipal officials are unavailable for this purpose, the facility shall notify the State Office of Emergency Management.

2. While developing the facility's evacuation plan, the disaster planner shall coordinate with the facility or facilities designated to receive relocated residents.

(j) Any staff member who is designated as the acting administrator shall be knowledgeable about and authorized to implement the facility's plans in the event of an emergency.

(k) All staff shall be oriented to the facility's current plans for receiving and evacuating residents in the event of a disaster, including their individual duties.

(l) The facility shall ensure that residents receive nursing care throughout the period of evacuation and return to the original facility.

(m) The facility shall ensure that evacuated residents who are not discharged are returned to the facility after the emergency is over.

(n) The facility shall maintain at least a three-day supply of food and have access to an alternative supply of water in case of an emergency.

(o) The facility shall conduct at least one evacuation drill each year, either simulated or using selected residents. State, county, and municipal emergency management officials shall be invited to attend the drill at least 10 working days in advance.

(p) The facility shall establish a written heat emergency action plan which specifies procedures to be followed in the event that the indoor air temperature is 82 degrees Fahrenheit or higher for a continuous period of four hours or longer.

1. These procedures shall include the immediate notification of the Department of Health.

2. In implementing a heat emergency action plan, a facility shall not prevent a resident from having a room temperature in his or her resident room in excess of 82 degrees Fahrenheit if the resident and the resident's roommate, if applicable, so desire, and if the resident's physician approves.

3. A heat emergency plan need not be implemented if the resident care areas are not affected by an indoor temperature in excess of 82 degrees Fahrenheit.

4. The heat emergency action plan shall include a comprehensive series of measures to be taken to protect residents from the effects of excessively high temperatures.

(q) The facility shall provide for and operate adequate ventilation in all areas used by residents. All areas of the facility used by residents shall be equipped with air conditioning and the air conditioning shall be operated so that the temperature in these areas does not exceed 82 degrees Fahrenheit.

8:39-41.4 Mandatory safety requirements

(a) An outlet that is connected to an emergency power supply shall be available wherever life-sustaining equipment is in operation.

(b) All draperies, curtains, and waste baskets shall be maintained flame retardant.

(c) All decorations shall be flame retardant. Open flames used for decoration or religious ceremonies shall not be left unsupervised.

(d) Cooking equipment shall be properly installed and maintained.

(e) Kerosene heaters and staff and resident-owned heating devices shall not be permitted.

(f) Extension cords shall not be permitted unless they are provided by the maintenance or engineering department of the facility, inspected regularly, and inventoried by the maintenance and engineering department. Extension cords shall be for temporary use only in resident care areas.

SUBCHAPTER 42. ADVISORY PHYSICAL PLANT
8:39-42.1 Advisory general maintenance

(a) Inspections or rounds are conducted at least monthly by a designated person or committee on all units and areas for maintenance problems. Results of these rounds are reported to the administrator.

(b) Maintenance services are under the supervision of an employee with at least one of the following:

1. Five years of experience in maintaining a physical plant;
2. A baccalaureate degree in engineering from an accredited college or university and two years of experience in maintaining a physical plant; or
3. Professional licensure in New Jersey as an engineer with one year of experience in maintaining a physical plant.

8:39-42.2 Advisory fire and emergency preparedness

(a) The facility conducts at least two evacuation drills each year, either simulated or using selected residents, at least one of which is conducted on a weekend or during an evening or night work shift. Results of the drills are to be summarized in a written report, which is shared with the county and municipal emergency management coordinators.

(b) A municipal, county, or State emergency management official conducts an education or training program in the facility on disaster planning and emergency preparedness at least once a year.

(c) Fire drills are conducted annually on each weekend shift.

8:39-42.3 Advisory safety

(a) There is a committee responsible for physical plant and resident safety and maintenance, which includes, at a minimum, representatives from administration, nursing, and maintenance services and meets at least quarterly.

(b) Regularly scheduled training meetings are held for residents and families, addressing safety issues in the facility.

SUBCHAPTER 43. NURSE AIDE IN LONG-TERM CARE FACILITIES TRAINING AND COMPETENCY EVALUATION PROGRAM
8:39-43.1 Fees

(a) Fees shall be charged by the testing agency to the long-term care facility training program, for each person for whom training and evaluation is sought, in the amount specified by the testing agency for the following, in accordance with N.J.S.A. 26:2H-12, except as noted in (b) below:

1. Clinical skills and written examination;
2. Clinical skills and oral examination;
3. Clinical skills examination only;
4. Written examination only;
5. Oral examination;
6. Duplicate or equivalency certificate, which shall be charged to the individual; and
7. Recertification certificate, which shall be charged to the individual if the individual is neither currently employed nor has been offered employment by a long-term care facility.

(b) The fee charged by the Department for approval of a training program shall be \$75.00.

(c) The Department shall provide timely notice of any changes in fees specified in (a) above in the Public Notices section of the New Jersey Register.

(d) No nurse aide who is employed by, or who has received an offer of employment from, a facility on the date on which the aide begins a nurse aide training and competency evaluation program may be charged for any portion of the program, identified in (a) above, including any fees for textbooks or other required course materials. The nurse aide may be charged only for the duplicate or equivalency certificates in (a)6 above if requested by the nurse aide as an individual.

(e) If a nurse aide who is not employed, or does not have an offer to be employed, as a nurse aide becomes employed by, or receives an offer of employment from, a licensed long-term care facility not later than 12 months after completing a nurse aide training and competency evaluation program, the facility shall provide for the reimbursement of reasonable costs incurred in completing the program on a pro rata basis during the period in which the individual is employed as a nurse aide. Such costs include, but are not limited to, fees for textbooks or other required course materials.

(f) No nurse aide shall be required, as a condition of employment, to pay the cost of the training program in the event of voluntary or involuntary termination of employment.

(g) All fees referenced at (a) and (b) above are non-refundable.

Amended by R.1995 d.506, effective September 5, 1995.

See: 27 N.J.R. 2155(a), 27 N.J.R. 3485(a).

Public Notice: Increase in recertification fees, effective April 1, 1996.

See: 28 N.J.R. 1895(c).

Public Notice: Increase in certification testing fees, effective November 1, 1996.

See: 28 N.J.R. 4527(a).

8:39-43.2 Nurse aide employment

(a) An individual who meets the following criteria shall be considered by the Department to be competent to work as a nurse aide in a licensed long-term care facility in New Jersey:

1. Has a currently valid nurse aide in long-term care facilities certificate and is registered in good standing on the New Jersey Nurse Aide Registry; or
2. Has been employed for less than four months and is currently enrolled in a State-approved nurse aide in long-term care facilities training course and scheduled to complete the competency evaluation program (skills and written/oral examination) within four months of employment.

8:39-43.3 Nurse aide functions

The nurse aide shall function under the supervision and direction of a licensed nurse and perform tasks which are delegated in accordance with the provisions of N.J.A.C. 13:37-6.2, Delegation of selected nursing tasks.

8:39-43.4 Approval of nurse aide in long-term care facilities training program

(a) An approved training course for nurse aides shall consist of 90 hours of training. This shall include 50 hours of classroom instruction and 40 hours of clinical experience in a New Jersey licensed long-term care facility.

(b) The New Jersey competency evaluation shall consist of both a skills examination and a written/oral examination.

(c) For each nurse aide, an approved training course and the skills competency evaluation shall be scheduled so as to be completed within four months of the starting date of employment.

(d) A training course approved by the Department shall be conducted by an educational institution approved by the Department and the New Jersey State Department of Education subsequent to a review of each curriculum, or shall be conducted by a licensed long-term care facility. All training courses shall use the approved curriculum in order to be approved by the Department of Health. Educational institutions shall develop a written statement of the program's purpose, philosophy, and objectives and shall develop admission, tuition, and course completion policies which shall be available to students in written form.

(e) No resident care unit shall serve as the site of clinical instruction for more than one training course at a time.

(f) The training course for nurse aides shall not be used as a substitute for staff orientation or staff education programs.

(g) Classroom and clinical instruction for particular tasks or procedures shall be scheduled concurrently to the extent practicable.

(h) For training course approval, the following documents shall be submitted to the Certification Program of the Department with a check for the fee specified at N.J.A.C. 8:39-43.1, made payable to the New Jersey State Department of Health, 90 days prior to the proposed starting date of the training course:

1. Application for approval on the form provided by the Department;
2. Resume(s) of the nursing instructor(s)/evaluator(s) if they have not previously been approved by the Department;
3. A schedule for the training course, including specific dates, locations and times of classroom and clinical sessions; and
4. Documentation of availability of classroom and clinical facilities adequate to meet program needs, as indicated in each curriculum submitted.

(i) Written approval of the Department is required prior to enrollment of students and the commencement of the training program. Such approval shall be granted for a 24-month period.

(j) The Department may request submission of additional information or require the redesign and/or revision of the program materials. Redesign or revision of the program application does not ensure that approval will be granted.

(k) Any changes in a training course, such as changes in location, dates, times or instructor(s), shall be reported to the Certification Program of the Department by the licensed nursing home administrator or administrator of the educational institution at least 30 working days prior to the planned change. No change may be implemented without the written approval of the Department.

(l) The Department may conduct unannounced site visits of a proposed program or an ongoing program.

(m) The Department may deny, suspend, or withdraw approval if it determines that a nurse aide training and/or skills competency evaluation program fails to meet the rules in this subchapter.

(n) The Department may deny, suspend, or revoke approval of a nurse aide training and/or skills competency evaluation program if the licensed long-term care facility has been the subject of an enforcement action in accordance with N.J.S.A. 26:2H-14 et seq. resulting in curtailment of admissions or in assessment of a civil money penalty of not less than \$5,000.

(o) If the Department proposes to deny, suspend, or revoke approval of a nurse aide training and/or skills competency evaluation program, except where mandated by Federal requirements noted at (p) below, the facility or educational institution may, within 30 days, request a hearing which shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. Revocation of program approval shall not affect currently enrolled students, who shall be permitted to complete the program and clinical skills examination unless the Department determines that continuation of the program would jeopardize the health or safety of residents.

(p) Approval of a nurse aide training and/or skills competency evaluation program offered by or in a Medicare or Medicaid participating facility may be denied in accordance with 42 CFR 483.151(b).

(q) If a facility or educational institution plans to voluntarily terminate a nurse aide training and/or skills competency evaluation program, the facility or educational institution shall:

1. Provide the Department with a written statement of the rationale and plan for the intended closing;
2. Continue the program until the class schedule established for currently enrolled students has been completed; and
3. Notify the Department in writing of the closing date of the program at least 90 days prior to that date.

(r) If a nurse aide training and/or skills competency evaluation program is terminated due to denial or withdrawal of approval by the Department, the facility or educational institution shall:

1. Terminate the program after assisting in the transfer of students to other approved nurse aide training and/or skills competency evaluation programs;
2. Submit to the Department a list of the students who have transferred to another approved program, including the dates on which the students were transferred; and
3. Notify the Department that the requirements for closing have been fulfilled and give notice of final closing.

8:39-43.5 The New Jersey Curriculum for Nurse Aide Personnel in Long-Term Care Facilities

(a) The New Jersey Curriculum for Nurse Aide Personnel in Long-Term Care Facilities shall be the approved curriculum for a 90-hour training program. The entire content of the curriculum shall be taught. The course shall address nursing team member skills, basic skills, personal care skills, basic restorative skills, care of the cognitively impaired, mental health and psychosocial skills, resident rights, and communication skills and shall include the following modules:

1. MODULE I The Core Curriculum for the Nurse Aide in Long-Term Care Facilities Training and Competency Evaluation Program;
2. MODULE II Psychosocial Needs of the Resident;
3. MODULE III Physical Needs of the Resident;
4. MODULE IV Spiritual, Recreational and Activity Needs of the Resident.

(b) The Department shall issue a curriculum incorporating the specific elements of each module.

(c) A copy of the New Jersey Curriculum for Nurse Aide Personnel in Long-Term Care Facilities and the form needed to apply for approval of the training course may be obtained by contacting the following office:

Certification Program
New Jersey State Department of Health
CN 367
Trenton, NJ 08625-0367

8:39-43.6 Responsibilities of administrator

(a) The licensed nursing home administrator or administrator of the educational institution conducting the training program shall be responsible for implementation of the training program in accordance with the rules in this subchapter. This responsibility shall include, but not be limited to, ensuring the following: