

(d) The licensing agency may contact parents, relatives, legal guardians and others interested in the care and rehabilitation of those persons served in community residences for persons with head injuries to obtain facts and opinions regarding their satisfaction with the services rendered by the licensee.

1. Evidence obtained from such parties may be utilized as part of the licensing decision.

(e) The licensing agency may utilize the findings of an accrediting body to render a licensing decision.

1. Accrediting reports shall not be utilized as the sole decision criterion.

#### 10:44C-1.14 Illegal operations

(a) In cooperation with the Department of Community Affairs and the Department of Health and Senior Services, the licensing agency shall investigate any community-based residence alleged to be operating without a license as required by N.J.S.A. 30:11B-1 et seq., N.J.S.A. 55:13B-1 et seq., the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., or any other law pertaining to the licensing of community based residential programs, as subsequently adopted into State law.

(b) The specific responsibilities of all parties to investigate complaints of an illegal operation shall be agreed upon among the authorities empowered to license community-based residences, based on the information pertaining to each case.

(c) Subsequent to inspection, joint or independent actions shall be taken as deemed necessary to suppress illegal operations.

1. Actions shall be taken to prevent an applicant from obtaining a license from any state licensing agency when the sole purpose for obtaining that license is to avoid sanctions previously initiated by a State licensing agency exercising legal jurisdiction.

2. One or more of the following actions shall be taken when it is determined that imminent danger is present:

- i. Persons served shall be removed from the residence.
- ii. Staff approved by the Department shall be placed at the residence to ensure the safety of the persons served; and/or
- iii. The cause of the imminent danger shall be removed.

#### 10:44C-1.15 Search warrants

(a) In the event that any authorized representative of the licensing agency is denied access to any residence, the licensing agency shall obtain a search warrant from a court of competent jurisdiction.

1. The application for the search warrant shall state that access to the premises is required to enforce N.J.S.A. 30:11B-1 et seq.

2. The application for the search warrant shall specify one of the following:

- i. The desired inspection is a regular inspection required as part of the normal process of renewal of a license; or
- ii. The desired inspection is a special inspection in response to information received by the licensing agency indicating the possible existence of a condition that violates N.J.S.A. 30:11B-1 et seq. or this chapter.

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## SUBCHAPTER 2. ORGANIZATION AND ADMINISTRATION

### 10:44C-2.1 General requirements

(a) The purposes of the licensee's organization and a description of the services that it provides shall be made available to persons served, parents, guardians, advocates and the general public. This document shall describe, in general terms, who is served, the services provided and the goals of the licensee's organization.

(b) The licensee shall keep the following on file:

1. A record of all admissions and discharges, including names and dates, for the previous 24 month period;
2. A current copy of this chapter;
3. Copies of all current licenses; and
4. Written descriptions of any religious practices or restrictions that are observed if a licensee has a particular religious orientation, approved as part of the program description, in accordance with this chapter.

(c) A licensee having non-profit status in accordance with 26 U.S.C. § 501(c)(3) shall have a board of trustees which meets the following criteria:

1. A minimum of five persons shall comprise the board;
2. Provisions shall exist for the orientation of new board members; and
3. Meetings shall be held with a frequency sufficient to discharge their responsibilities effectively; in no event shall the full governing body meet less than three times a year.

(d) A for-profit agency may employ a board of directors provided it meets the requirements contained in this chapter.

(e) When a board of directors is identified, there shall be:

1. Procedures for the orientation of new members to the operations of the organization;
2. Policies to guard against the development of a conflict of interest between a member of the board and the organization;
3. An explanation of the board's committee structure, if any, including such subordinate groups as may be employed to carry out the board's responsibilities;
4. Documentation that board meetings are held at least three times a year;
  - i. Minutes shall be kept of each meeting and shall be available for review.
5. Provisions to assure the inclusion of persons served on the board.

(f) Members of a board of directors shall be informed as to whether liability insurance is provided to directors and officers for errors and omissions.

(g) An independent examination of the organization's financial status shall be obtained from a certified public accountant each year, and be available for review.

(h) Fiscal records, including payroll, purchasing, and financial statements, shall be maintained.

(i) When fees for services are charged, the licensee shall have a range of fees that:

1. Is available in printed form;
2. Includes persons paying privately as well as those funded by insurance; and
3. Is applied equitably to each person served regardless of payment authority.

(j) The organization shall develop a policy that prohibits fee splitting with other agencies or persons as consideration for referral of the person served.

(k) The organization shall have an insurance program that adequately protects all assets and compensates staff members, trainees/interns, volunteers, members of the board of directors, if applicable, persons served, and the public for reasonable claims due to adverse events for which the organization is liable.

<sup>1</sup> (l) Licensees that provide alcohol and other drug programs shall assure that the services provided in those programs comply with N.J.A.C. 8:43A.

(m) Licensees that provide outpatient mental health programs shall assure that the services provided in those programs comply with N.J.A.C. 10:37-10.

#### 10:44C-2.2 Development and maintenance of procedure manual

(a) The licensee shall develop and implement a manual of written procedures to ensure that the service delivery system complies with State law and rules governing community residences for persons with head injury.

1. The procedures shall be reviewed annually and revised as necessary.
2. Each procedure shall be designed in accordance with the principles of affirming and protecting rights of persons served within a rehabilitative treatment environment, and shall be consistent with the organizational structure and management philosophy of the licensee.
3. While specific content for inclusion in a procedure shall be identified on an as-needed basis in this chapter, to ensure consistency, each procedure shall include:
  - i. A descriptive title which is unique so as to permit easy reference and retrieval of each document;
  - ii. An explanation regarding the purpose of the document;
  - iii. A description of sequential steps required to successfully complete a task or action;
  - iv. Assignment of staff responsibilities at each step in the implementation; and
  - v. Reporting and recording requirements for each person involved.

(b) The licensee shall maintain a procedure manual containing the following documents and/or procedures:

1. A statement of philosophy, values and goals so as to govern the organization's direction and character;
2. A table of organization that illustrates lines of authority, responsibility and communication;
3. Administrative policies and procedures identified at N.J.A.C. 10:44C-2.1 including:
  - i. Procedures for the orientation of new members to the operations of the organization;
  - ii. Policies to guard against the development of a conflict of interest between a member of the board and organization;
  - iii. A policy on the investment of funds; and
  - iv. A policy that prohibits fee splitting with other agencies or persons as consideration for referral of the person served;
4. A procedure for implementing a plan to deal with major emergencies requiring evacuation from the residence, including, but not limited to, a fire or a gas leak;
5. A procedure for handling medical emergencies;
6. A procedure for reporting all unusual incidents;