

CHAPTER 37A

LICENSED COMMUNITY RESIDENCES FOR ADULTS WITH MENTAL ILLNESSES

Authority

N.J.S.A. 30:11B-1 et seq., specifically 30:11B-4.

Source and Effective Date

R.2010 d.168, effective July 6, 2010.
See: 41 N.J.R. 4394(a), 42 N.J.R. 1732(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 37A, Community Residences for Mentally Ill Adults, expires on July 6, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 37A, Community Residences for Mentally Ill Adults, was adopted as R.1994 d.292, effective June 6, 1994. See: 25 N.J.R. 2672(a), 26 N.J.R. 2271(b).

Pursuant to Executive Order No. 66(1978), Chapter 37A, Community Residences for Mentally Ill Adults, was readopted as R.1999 d.203, effective June 4, 1999. See: 31 N.J.R. 1179(a), 31 N.J.R. 1805(a).

Chapter 37A, Community Residences for Mentally Ill Adults, was readopted as R.2005 d.1, effective November 29, 2004. See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 37A, Community Residences for Mentally Ill Adults, was extended by gubernatorial directive from May 28, 2010 to July 27, 2010. See: 42 N.J.R. 1053(a).

Chapter 37A, Community Residences for Mentally Ill Adults, was readopted as R.2010 d.168, effective July 6, 2010. See: Source and Effective Date.

Chapter 37A, Community Residences for Mentally Ill Adults, was renamed Chapter 37A, Licensed Community Residences for Adults with Mental Illnesses; former Subchapter 2, Licensing, Site Review and Waivers, was recodified as Subchapter 12, and renamed Licensing, Site Review, and Waivers; former Subchapter 3, Policies and Procedures: Confidentiality, was recodified as Subchapter 2 and renamed Policies and Procedures Manual; former Subchapter 4, Consumer Resident Services, and former Subchapter 5, Staff, were repealed; former Subchapter 6, Facility, was recodified as Subchapter 8; former Subchapter 7, Hearings, Appeals, Complaints, was recodified as Subchapter 9; former Subchapter 8, Quality Assurance, was recodified as Subchapter 10; former Subchapter 9, Discharge, was recodified as Subchapter 11, and renamed Exclusion and Discharge from Supervised Residences; and Subchapter 3, Consumer Admission Criteria, Subchapter 4, Consumer Services, Subchapter 5, Clinical Record Documentation, Subchapter 6, Services, Subchapter 7, Staff Qualifications, Responsibilities, and Training, and Appendix B, Guiding Principles, were adopted as new rules by R.2016 d.098, effective August 15, 2016. See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

10:37A-1.1 Scope and purpose

(a) This chapter sets forth program standards required of providers of licensed community residences for adults with mental illnesses in the State of New Jersey. These residences shall not be considered health care facilities within the meaning of N.J.S.A. 26:2H-1 et seq. Provider agency staff shall be familiar with, and services shall embody, to the extent practicable, the Wellness and Recovery and Supportive Housing Principles set forth at N.J.A.C. 10:37A Appendix B.

(b) Licensed community residences for adults with mental illnesses include:

1. Supervised housing, including:
 - i. Those group homes that provide services at Levels A+, A, and B;
 - ii. Level A+, A, and B apartments; and
 - iii. Family care homes (also known as Level D); and

2. Shared supportive housing residences, in which three or more consumers reside in a residence that may or may not be owned by a provider agency.

(c) An integral component of the community residence program is the assistance of consumer residents in gaining the life skills necessary to move to a less restrictive environment, unless otherwise restricted by specific contract provision.

Consumers residing in supervised residences shall not be required to be a party to a lease, and providers shall comply with all standards in this chapter. Consumers residing in shared supportive housing residences shall have leases in their own names, and providers shall only be required to comply with N.J.A.C. 10:37A-1, 8, 10, and 12.

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote (a); in (b), inserted "or in a supportive housing residence" preceding "or through services"; substituted references to consumer residents for references to clients throughout.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

In (c), added the third sentence; added (e).

Repeal and New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Scope and purpose".

Case Notes

Although the Court understood Plaintiff's claim that New Jersey law did not require community residences to provide for the safety of the surrounding community, standards of care for mentally ill residents must be understood, by extension, to provide some degree of community safety by offering at least a basic level of care focused on successful community integration. *Township of West Orange v. Whitman*, 8 F.Supp.2d 408 (D.N.J. 1998).

10:37A-1.2 Definitions

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

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

"Accrediting body recognized by the Department" means an organization that accredits mental health programs that is recognized by the Department for deemed status purposes. These organizations include, but are not limited to, the Joint Commission, the Council on Accreditation of Family Services Agencies (COA), the Council on Accreditation of Rehabilitation Facilities (CARF), and the National Commission on Quality Assurance (NCQA).

"Advance directive for mental health care" or "psychiatric advance directive" means a writing executed in accordance with the requirements of the New Jersey Advance Directives for Mental Health Care Act, N.J.S.A. 26:2H-107 et seq.

"Commissioner" means the Commissioner of the Department of Human Services.

"Conditional license" means a licensing action indicating that although certain prompt corrective actions in existing community residences are necessary before a full license can be issued, sufficient compliance exists to confer operational authority upon the licensed provider.