

CHAPTER 27A**STANDARDS FOR LICENSURE OF RESIDENTIAL HEALTH CARE FACILITIES NOT LOCATED WITH, AND OPERATED BY, LICENSED HEALTH CARE FACILITIES****Authority**

N.J.S.A. 26:2H-1 et seq., particularly 26:2H-5, and Reorganization Plan No. 002-2005.

Source and Effective Date

R.2005 d.73, effective February 22, 2005.
See: 36 N.J.R. 3016(a), 37 N.J.R. 591(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 27A, Standards for Licensure of Residential Health Care Facilities Not Located With, and Operated By, Licensed Health Care Facilities, expires on August 21, 2010. See: 41 N.J.R. 3165(a).

Chapter Historical Note

Chapter 43, Boarding Homes for Sheltered Care, was adopted as R.1974 d.319, effective November 19, 1974. See: 6 N.J.R. 396(c), 6 N.J.R. 472(e). Chapter 43 was renamed Residential Health Care Facilities by R.1980 d.366, effective August 8, 1980. See: 12 N.J.R. 394(b), 12 N.J.R. 518(d).

Pursuant to Executive Order No. 66(1978), Chapter 43, Residential Health Care Facilities, was readopted as R.1990 d.568, effective October 24, 1990. See: 22 N.J.R. 2499(a), 22 N.J.R. 3581(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, Residential Health Care Facilities, was readopted as R.1992 d.502, effective November 19, 1992. See: 24 N.J.R. 2506(a), 25 N.J.R. 109(a).

Chapter 43, Residential Health Care Facilities, was repealed and Chapter 43, Standards for Licensure of Residential Health Care Facilities, was adopted as new rules by R.1993 d.473, effective October 4, 1993 (operative February 12, 1994). See: 25 N.J.R. 25(a), 25 N.J.R. 4631(a). Pursuant to Executive Order No. 66(1978), Chapter 43 expired on October 4, 1998.

Chapter 43, Standards for Licensure of Residential Health Care Facilities, was adopted as new rules by R.1998 d.579, effective December 7, 1998. See: 30 N.J.R. 3633(a), 30 N.J.R. 4221(b). Chapter 43, Standards for Licensure of Residential Health Care Facilities, expired on December 7, 2003.

Chapter 43, Standards for Licensure of Residential Health Care Facilities, was adopted as R.2005 d.73, effective February 22, 2005. See: Source and Effective Date.

Petition for Rulemaking. See: 39 N.J.R. 4341(a).

Pursuant to Reorganization Plan No. 002-2005 and by notice of administrative change, Chapter 43 of Title 8, Standards for Licensure of Residential Health Care Facilities, was duplicated as Subchapters 1 through 16 and Appendices A through C of Chapter 27A of Title 5; Subchapters 2 and 3 of Chapter 43E of Title 8 were duplicated as Subchapters 17 and 18 of Chapter 27A of Title 5; and the new chapter was renamed Standards for Licensure of Residential Health Care Facilities Not Located With, and Operated By, Licensed Health Care Facilities, effective December 2, 2008. See: 41 N.J.R. 225(a).

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APPENDIX A

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SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

5:27A-1.1 Scope

The rules in this chapter pertain to all facilities not located with, and operated by, licensed health care facilities that provide residential health care services. These rules constitute the basis for the licensure of such residential health care facilities by the New Jersey State Department of Community Affairs.

Case Notes

Holding, that an agreement between the trustees of a life-care community home and its residents impliedly included the residents' right to an accounting by the trustees on the grounds that the monthly fees were expected to remain stable and reasonable, was consistent with the legislative policy expressed in New Jersey's fairly extensive regulation of the residential health care facilities industry set forth in N.J.S.A. 30:11A-1 through 30:11A-12, N.J.S.A. 26:2H-1 through 26:2H-52, and N.J.A.C. 8:43-1.1 through 8:43-7.1, as amended. *Onderdonk v. Presbyterian Homes of N.J.*, 85 N.J. 171, 425 A.2d 1057, 1981 N.J. LEXIS 2589 (1981), limited by *Borbely v. Nationwide Mut. Ins. Co.*, 547 F. Supp. 959, 1981 U.S. Dist. LEXIS 10145, 11 Fed. R. Evid. Serv. (CBC) 1642 (D.N.J. 1981).

5:27A-1.2 Purpose

Residential health care facilities provide sheltered care and services, in a homelike setting, to residents who do not require skilled nursing care, in order to assist residents to maintain personal interests and dignity as well as to protect their health and safety. The aim of this chapter is to establish minimum rules with which a residential health care facility not located with, and operated by, licensed health care facility must comply in order to be licensed to operate in New Jersey.

5:27A-1.3 Definitions

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