

CHAPTER 44A**STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES****Authority**

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

Source and Effective Date

R.2005 d.151, effective April 18, 2005.
See: 36 N.J.R. 5192(a), 37 N.J.R. 1730(a).

Chapter Expiration Date

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from April 18, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Chapter Historical Note

Chapter 44A, Manual of Standards for Licensed Community Residences for Developmentally Disabled, was adopted as R.1978 d.330, effective September 18, 1978. See: 10 N.J.R. 283(a), 10 N.J.R. 444(b).

Chapter 44A, Manual of Standards for Licensed Community Residences for the Developmentally Disabled, was repealed and Chapter 44A was adopted as new rules by R.1983 d.23, effective February 7, 1983. See: 14 N.J.R. 531(a), 15 N.J.R. 149(b). Pursuant to Executive Order No. 66(1978), Chapter 44A expired on February 7, 1988.

Chapter 44A, Standards for Licensed Community Residences for the Developmentally Disabled, was adopted as R.1988 d.546, effective November 21, 1988. See: 20 N.J.R. 149(b), 20 N.J.R. 2898(b). Public Notice: Annual certification of facility standards pursuant to the Keys Amendment to the Social Security Act. See: 24 N.J.R. 656(a). Public Notice: Annual certification of facility standards pursuant to the Keys Amendment to the Social Security Act. See 25 N.J.R. 603(a).

Pursuant to Executive Order No. 66(1978), Chapter 44A, Standards for Licensed Community Residences for the Developmentally Disabled, was readopted as R.1993 d.633, effective November 8, 1993. See: 25 N.J.R. 4378(a), 25 N.J.R. 5528(a). Public Notice: Annual certification of facility standards pursuant to the Keys Amendment to the Social Security Act. See: 26 N.J.R. 3757(a). Pursuant to Executive Order No. 66(1978), Chapter 44A expired on November 8, 1998.

Chapter 44A, Standards for Community Residences for Individuals with Developmental Disabilities, was adopted as new rules by R.2000 d.15, effective February 7, 2000. See: 31 N.J.R. 597(a), 32 N.J.R. 454(a).

Chapter 44A, Standards for Community Residences for Individuals with Developmental Disabilities, was readopted as R.2005 d.151, effective April 18, 2005. See: Source and Effective Date.

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(a) The purpose of this chapter is to establish minimum requirements for the provision of residential services to people with developmental disabilities.

(b) This chapter shall apply to a variety of program models, to include group homes, supervised apartments, and supported living, as specified in the licensee's program description and, as applicable, in DDD contractual agreements.

(c) Community care residences, living arrangements in which a Family Care or Skill Development program is provided in a private home or apartment, are licensed under N.J.A.C. 10:44B.

(d) If none of the individuals with developmental disabilities at a particular place of residence require personal guidance, as determined by the interdisciplinary team, licensing shall be available on a strictly voluntary basis, in recognition of an individual's right to choose independent living.

10:44A-1.2 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect and to this end the provisions of this chapter are severable.

10:44A-1.3 Definitions

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

"Abuse" means any act or omission that deprives an individual of his or her rights or which has the potential to cause or causes actual physical injury or emotional harm or distress. Examples of abuse include, but are not limited to: acts that cause pain, cuts, bruises, loss of a body function; sexual abuse; temporary or permanent disfigurement, death; striking with a closed or open hand; pushing to the ground or shoving aggressively; twisting a limb; pulling hair; withholding food; forcing an individual to eat obnoxious substances; use of verbal or other communications to curse, vilify, degrade an individual or threaten an individual with physical injury. Planned use of behavioral intervention techniques which are part of an approved behavior modification plan or Individual Habilitation Plan are not abuse or neglect.

"Advocate" means a public or private officer, agency, or organization designated by State legislation, State plan, or the Governor to represent the interest of persons with developmental disabilities and speak on behalf of such individuals.

"Age appropriateness" means that aspect of normalization that reinforces recognition of an individual as a person of a certain chronological age. This includes, but is not limited to, an individual's dress, behavior, and use of language, choice of leisure and recreation activities, personal possessions and self-perception.

"Annex A" means a detailed program narrative, which includes a description of services and the staff coverage to be

provided for individuals living in community based settings. The Annex A is reviewed as part of the licensing inspection process and the contract renewal process.

"Application for licensure" means a document supplied by the appropriate Division Regional Office that, when properly completed, begins the licensing process.

"Capacity" means the maximum number of individuals with developmental disabilities who may reside in the licensed residence.

"Case manager" means the authorized representative of any agency who coordinates the provision of social services and/or habilitation services to individuals with developmental disabilities.

"Community residence for the developmentally disabled" means any community residential facility housing up to 16 individuals with developmental disabilities which provides food, shelter, personal guidance, and/or training. Such residences shall not be considered health care facilities within the meaning of the "Health Care Facilities Planning Act," P.L. 1971, c.136 (N.J.S.A. 26:2GH-1 et seq.), and shall include, but not be limited to, group homes, halfway houses, supervised apartments, supported living arrangements, and hostels. Skill development homes and family care homes are also community residences for individuals with developmental disabilities; however, these owner-occupied living arrangements are governed by N.J.A.C. 10:44B.

"Community Services" means a component of the Division of Developmental Disabilities which provides housing and supportive services to aid persons with developmental disabilities in establishing themselves in the community. Geographic regions and locations of offices are as follows:

1. Northern Regional Office, serving Sussex, Warren, Morris, Bergen, Passaic, and Hudson Counties, at the Greenbrook Regional Center, 275 Greenbrook Road, Green Brook, N.J. 08872;
2. Upper Central Regional Office, serving Essex, Somerset, and Union Counties, at the Greenbrook Regional Center, 275 Greenbrook Road, Greenbrook, N.J. 08872;
3. Lower Central Regional Office, serving Mercer, Middlesex, Ocean, Hunterdon, and Monmouth Counties, Capital Center, 50 East State St., PO Box 726, Tinton, N.J. 08625-0726; and
4. Southern Regional Office, serving Camden, Atlantic, Salem, Gloucester, Cumberland, Cape May, and Burlington Counties, 101 Haddon Avenue, Suite 17, Camden, N.J. 08103-1485.

"Deficiency" means that an applicant or licensee has not complied with a rule contained in this chapter.