

2. If the result is 10 millimeters or more of induration, a chest x-ray shall be performed and, if necessary, followed by chemoprophylaxis or therapy.

(c) A tuberculin skin test shall be repeated on an annual basis for all individuals identified in (b) above.

(d) The sponsor agency shall have policies addressing health evaluations and medical screening tests for individuals residing in the home of the caregiver.

8:43B-3.11 Reportable events

(a) The sponsor agency shall notify the Department immediately by telephone at (609) 588-7725, or at (609) 392-2020 after business hours, of any event occurring which jeopardizes the health or safety of clients or employees of the sponsor agency. Events which shall be reported to the Department include, but are not limited to, the following:

1. All suspected or confirmed cases of client abuse or neglect;
2. All alleged or suspected crimes by the caregiver or other member of the household which endanger the life or safety of the client;
3. All fires, disasters, accidents, or other unanticipated events which result in serious injury or death of a client and/or caregiver; and
4. A client's unplanned departure from the caregiver's home exceeding 24 hours.

(b) The Director of the Licensing, Certification and Standards Program shall be notified, in writing, within seven days of the resignation or termination of employment of a sponsor agency's administrator. The name and qualifications of the administrator's replacement shall be included in the written notification.

8:43B-3.12 Dismissal of caregiver

(a) The sponsor agency shall have written policies and procedures addressing the dismissal of a caregiver from the program due to conduct which jeopardizes the health or safety of the client. These policies and procedures shall be reviewed annually and shall be revised as needed. They shall include, at a minimum:

1. Identification of the grounds for termination, including:
 - i. Failure to provide care in accordance with the rules in this chapter and with the policies and procedures of the sponsor agency, including but not limited to abuse or neglect of the client;
 - ii. Violation of client's rights;
 - iii. Misappropriation of client's personal funds;
 - iv. Failure to maintain eligibility requirements as specified at N.J.A.C. 8:43B-6.1; and

2. Procedures for the safe and expeditious transfer of the client to an alternate site in the event of the dismissal of a caregiver.

(b) The sponsor agency shall notify the Department, in writing, whenever a caregiver is terminated and shall note, with specificity, the reasons for the termination.

8:43B-3.13 Notices

(a) The sponsor agency shall inform all clients that the following information is available in the sponsor agency's office during business hours to clients and the public:

1. All waivers granted by the Department;
2. A copy of the survey report and a list of deficiencies (if applicable) from the last annual licensure inspection and/or from any valid complaint investigation during the past 12 months; and
3. The hours of operation and the business hours of the sponsor agency.

SUBCHAPTER 4. ADMINISTRATION

8:43B-4.1 Appointment of administrator

The sponsor agency shall appoint an administrator who is responsible for all aspects of the alternate family care program. An alternate shall be designated in writing to act in the absence of the administrator. The administrator, or alternate, shall be available at all times. Neither the administrator nor the alternate shall have been convicted of any crime relating adversely to that individual's capability of managing the sponsor agency.

8:43B-4.2 Qualifications of administrator

The administrator shall have a baccalaureate degree in social work, nursing or a health or human services field and at least two years experience working with the disabled or frail elderly adults in a community setting. The administrator may serve in a dual role as either the registered nurse or social worker, if so qualified.

8:43B-4.3 Responsibilities of administrator

(a) The administrator shall be responsible for, but not limited to, the following:

1. Planning for, and administration of, the managerial, operational, fiscal and reporting components of the agency;
2. Establishing and maintaining liaison relationships, communication and integration with caregivers, clients and their families, in accordance with the philosophy and objectives of the program; and

3. Ensuring the development, implementation, and enforcement of all policies and procedures, including client rights.

8:43B-4.4 Nursing staff qualifications, availability and responsibilities

(a) The sponsor agency shall designate a registered professional nurse to be responsible for the direction and quality of nursing services provided to clients. This individual shall have at least one year experience working with the disabled or frail elderly adults in a community or institutional setting.

(b) The sponsor agency shall have at least one registered professional nurse available at all times. Available in this instance shall mean on call and capable of making a home visit as necessary.

(c) The responsibilities of the registered professional nurse shall include, but will not be limited to:

1. Developing nursing practice policies and procedures;
2. Performing nursing assessments of the client and preparing a health care component in the client service plan, if indicated;
3. Providing nursing services to the client, as needed;
4. Coordinating the provision of all health care services specified in the service plan developed for each client; and
5. Participating in the initial training and ongoing training of the caregiver.

8:43B-4.5 Social worker qualifications and responsibilities

(a) The sponsor agency shall designate a certified or licensed social worker to be responsible for the direction and quality of social work services provided to clients. This individual shall have at least one year of experience working with the disabled or elderly in a community or institutional setting.

(b) The sponsor agency shall provide social work services to clients who require them, in accordance with N.J.A.C. 13:44G.

(c) The responsibilities of the licensed or certified social worker shall include, but will not be limited to:

1. Performing social work assessments of the client and preparing a social work component in the client service plan, if indicated;
2. Providing social work counseling to the client, the client's family, and the caregiver, as needed;
3. Participating in the initial training and ongoing training of the caregiver; and

4. Contacting social service and other community resources for information, referrals, and services.

SUBCHAPTER 5. CLIENT CARE SERVICES

8:43B-5.1 Policies and procedures

(a) The sponsor agency shall establish written policies and procedures governing care provided to clients. These policies and procedures shall be reviewed on an annual basis and shall be revised as needed. They shall include, at a minimum:

1. Criteria for initial and ongoing placement of clients. This criteria shall be based upon the client's needs and shall assure the ability of the caregiver and sponsor agency to safely meet the personal, social, and nursing needs of the client;
2. Policies and procedures for assessing and monitoring the needs of clients, including at least:
 - i. Monitoring of the clients on a periodic basis;
 - ii. The referral of clients to other health care providers, or community agencies as appropriate; and
 - iii. Maintenance of records as required.
3. Policies and procedures for the administration of medications to clients within a caregiver's home, including at least:
 - i. Client self-administration;
 - ii. Training requirements for caregivers who will assist clients in the administration of medications. Such training shall include pertinent information about the medications' adverse effects, side effects and potential interactions;
 - iii. Circumstances where medications may be administered by the caregiver with consent of client;
 - iv. Circumstances where medications must be administered by qualified personnel, including licensed professional nurses or personal care assistants who are certified for administration of medications as defined at N.J.A.C. 8:36-1.8; and
 - v. System for caregivers to report suspected drug errors and adverse drug reactions to the sponsor agency's registered professional nurse;
4. A policy requiring the tuberculin screening of all clients prior to placement;
5. Policies and procedures concerning advance directives, including:
 - i. Requirement for an inquiry to be made of each client regarding the existence and location of an advance directive;

ii. Requirements for provision of a written statement of client rights regarding advance directives, approved by the Commissioner of Health or his or her designee, to clients prior to placement; and

iii. Requirements for documentation of (a)5i and ii above, in the client's record;

6. Procedures for monitoring and providing oversight of client funds when requested by the client, including:

i. Obtaining the client's written authorization for delegation of responsibility to the caregiver or other designated individual. This authorization shall be witnessed in writing by a designated representative of the sponsor agency and either a member of the client's family or the client's legal guardian;

ii. Providing the client with a quarterly written financial record of his or her funds if the client has delegated financial management responsibilities to the caregiver. The record shall show the amount of funds at the beginning and end of the accounting period, and include a list of all deposits and withdrawals, substantiated by receipts given to the client or his or her guardian. A copy of this record shall also be provided to the client's family or guardian, if applicable;

iii. Prohibiting caregivers from accepting any form of gift or bequest from a client or any designation by a client as a beneficiary in an insurance policy, trust, will or any other testamentary device or from obtaining legal power of attorney over client funds or legal affairs; and

iv. Requiring the sponsor agency to have policies prohibiting caregivers from knowingly encouraging or accepting any form of gift or bequest from a client or any designation by a client as a beneficiary in an insurance policy, trust, will or any other testamentary device or from obtaining legal power of attorney over client funds or legal affairs.

7. Protocols to assure that transportation to all services identified in the client's service plan are provided directly or by arrangement; and

8. Protocols for transfer or release of client, including development of a written plan which shall include at least:

- i. The reason for, and date of, transfer or release;
- ii. The condition of client upon transfer or release;
- iii. A copy of the current client service plan; and
- iv. The destination of the client.

(c) The sponsor agency shall assure appropriate placement for clients who are transferred or released.

8:43B-5.2 Determination of program ineligibility

(a) A client may be transferred or determined ineligible to participate in the alternate family care program only for the following reasons:

1. The client has a medical condition, or requires a regimen of therapy, that cannot be adequately provided by the caregiver in the home;
2. The client is determined to be a danger to self or others following assessment by the sponsor agency case manager; and
3. The client does not comply with the written agreement.

8:43B-5.3 Case management services

(a) A case manager shall be assigned to each client prior to the client's placement in the home of a caregiver. The case manager shall be either a registered professional nurse or a licensed or certified social worker.

(b) The case manager shall be present in the caregiver's home on the day of placement to review and finalize the client service plan with the client and the caregiver.

(c) The case manager shall monitor the physical and psychosocial well being of the client on a regular and ongoing basis. The case manager shall visit the client in the caregiver's home on the following scheduled basis:

1. Weekly during the first month of placement; and
2. Once a month thereafter, and more frequently on an as-needed basis.

(d) If the case manager is a social worker, the registered professional nurse's quarterly monitoring visit, as required by N.J.A.C. 8:43B-7.3(c), may substitute for that month's scheduled visit by the case manager.

(e) The case manager shall ensure that services of another discipline or organization required by the client are provided directly or upon referral.

SUBCHAPTER 6. CAREGIVERS

8:43B-6.1 Qualifications of caregivers

(a) The sponsor agency shall ensure that each caregiver shall:

1. Be 21 years of age or older;
2. Have adequate oral and written communication skills;
3. Be physically, emotionally and mentally capable of complying with the requirements of the program and the

provision of appropriate care to the client. This information shall be confirmed by the caregiver's primary care physician or nurse practitioner following a health evaluation;

4. Have no record of crimes of violence, sexual assault, abuse and neglect, fiscal malfeasance, or crimes of a similar nature as evidenced by attestation by the applicant;

5. Exhibit no personal conduct that may present a potential danger to the client such as abuse of alcohol or drugs; and

6. Provide proof of home ownership or a lease agreement.

(b) The sponsor agency shall assure that any other individual residing in the home meets the criteria outlined at (a)4 and 5 above.

8:43B-6.2 Substitute caregivers

(a) The sponsor agency shall develop a system to review and monitor the qualifications of individuals who provide care to the client in the absence of the caregiver.

(b) Substitute caregivers shall be at least 16 years of age, shall have adequate oral and written communication skills, shall be physically, emotionally and mentally capable of providing appropriate care to a client, and shall exhibit no personal conduct which might present a potential danger to a client, such as abuse of alcohol or drugs.

(c) In addition, any substitute caregiver who provides, on average, 20 or more hours of care per week shall meet all of the qualifications of caregivers set forth at N.J.A.C. 8:43B-6.1(a)1 through 5 and shall successfully complete the prescribed caregiver training program set forth at N.J.A.C. 8:43B-3.6 prior to providing care to any clients. Substitute caregivers who are certified nurse aides, homemaker/home health aides or professional licensed nurses shall be exempt from the training requirements of N.J.A.C. 8:43B-3.6.

8:43B-6.3 Caregiver/substitute caregiver responsibilities

(a) The sponsor agency shall assure that the caregiver or substitute caregiver is responsible, at a minimum, for the following:

1. Providing supervision and/or assistance with activities of daily living as specified in the client service plan;
2. Providing homemaking and personal care services essential to the client's health care and comfort at home, including provision of three nutritionally balanced meals daily, laundry, shopping, cleaning and general housekeeping in client's bedroom, bathroom and areas of socialization;
3. Ensuring that the client has clothing appropriate to the season;

4. Obtaining prompt medical care if the client becomes ill; and

5. Notifying the client's case manager if there is a significant change in the client's condition or if the service plan cannot be met due to changes or unexpected circumstances.

SUBCHAPTER 7. CLIENT ASSESSMENT, CLIENT SERVICE PLAN, AND HEALTH CARE SERVICES

8:43B-7.1 Client assessments

(a) Each client shall receive an initial assessment by the sponsor agency's registered professional nurse to determine the client's need for general and/or health care services. The initial nursing assessment shall not be required if a licensed physician specifies in writing, within 60 days prior to placement, that the client has no health care service needs and is appropriate for an alternate family care program.

(b) If the initial assessment indicates that the client requires health care services, a Standardized Resident Assessment Instrument (Minimum Data Set) as specified by the Department, or an equivalent instrument developed by the sponsor agency, shall be completed prior to placement. Completion of this assessment instrument shall be based on evaluations performed by nursing and social work staff and, when ordered by the physician, other health professionals. This assessment shall include, at a minimum, evaluation of the following:

1. Cognitive patterns;
2. Communication/hearing patterns;
3. Vision patterns;
4. Physical functioning and structural problems;
5. Continence;
6. Psychosocial well-being;
7. Mood and behavior patterns;
8. Activity pursuit patterns;
9. Disease diagnoses;
10. Health conditions;
11. Oral/nutritional status;
12. Oral/dental status;
13. Skin conditions;
14. Medication use; and
15. Special treatment and procedures.