

CHAPTER 36

STANDARDS FOR LICENSURE OF ASSISTED LIVING RESIDENCES, COMPREHENSIVE PERSONAL CARE HOMES, AND ASSISTED LIVING PROGRAMS

Authority

N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

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See: 31 N.J.R. 269(a), 31 N.J.R. 3763(a).

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Chapter 36, Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs, expires on November 15, 2004.

Chapter Historical Note

Chapter 36, Standards for Licensure of Intermediate Dialysis Facilities, was adopted as R.1973, d.363, effective January 1, 1974. See: 5 N.J.R. 372(b), 6 N.J.R. 11(b).

Chapter 36, Standards for Licensure of Intermediate Dialysis Facilities, was repealed by R.1980 d.39, effective January 17, 1980. See: 11 N.J.R. 620(b), 12 N.J.R. 76(c).

Chapter 36, Standards for Licensure of Assisted Living Residences and Comprehensive Personal Care Homes, was adopted as R.1993 d.672, effective December 20, 1993. See: 25 N.J.R. 3734(a), 25 N.J.R. 6037(a). Chapter 36, Standards for Licensure of Assisted Living Residences and Comprehensive Personal Care Homes, was renamed Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs, by R.1997 d.42, effective January 21, 1997. See: 28 N.J.R. 4185(a), 29 N.J.R. 329 (a). Pursuant to Executive Order No. 66(1978), Chapter 36 expired on December 20, 1998.

Chapter 36, Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs, was adopted as new rules by R.1999 d.396, effective November 15, 1999. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

- 8:36-1.1 Scope
- 8:36-1.2 Purpose
- 8:36-1.3 Definitions
- 8:36-1.4 Qualifications of all staff
- 8:36-1.5 Qualifications of the administrator of an assisted living residence or comprehensive personal care home
- 8:36-1.6 Qualifications of dietitians
- 8:36-1.7 Qualifications of licensed practical nurses
- 8:36-1.8 Qualifications of personal care assistants
- 8:36-1.9 Qualifications of pharmacists
- 8:36-1.10 Qualifications of physicians
- 8:36-1.11 Qualifications of registered professional nurses
- 8:36-1.12 Qualifications of social workers

SUBCHAPTER 2. LICENSURE PROCEDURES

- 8:36-2.1 Certificate of need
- 8:36-2.2 Application for licensure

- 8:36-2.3 Newly constructed or expanded facilities
- 8:36-2.4 Surveys
- 8:36-2.5 License
- 8:36-2.6 Surrender of license
- 8:36-2.7 Waiver
- 8:36-2.8 Action against a license
- 8:36-2.9 Hearings
- 8:36-2.10 Advertisement of assisted living

SUBCHAPTER 3. PHYSICAL PLANT AND ENVIRONMENT

- 8:36-3.1 Scope
- 8:36-3.2 Restrictions
- 8:36-3.3 Ventilation
- 8:36-3.4 Exit access passageways and corridors
- 8:36-3.5 Automatic fire detection system
- 8:36-3.6 Fire suppression systems
- 8:36-3.7 Interior finish requirement
- 8:36-3.8 General residential unit requirements
- 8:36-3.9 Toilets, baths and handwashing sinks
- 8:36-3.10 Kitchenettes
- 8:36-3.11 Community space
- 8:36-3.12 Laundry equipment
- 8:36-3.13 Dietary department
- 8:36-3.14 Administration and public areas
- 8:36-3.15 Fire extinguisher specifications
- 8:36-3.16 Sounding devices
- 8:36-3.17 Telecommunications

SUBCHAPTER 4. GENERAL REQUIREMENTS

- 8:36-4.1 Types of services provided to residents
- 8:36-4.2 Ownership
- 8:36-4.3 Submission and availability of documents
- 8:36-4.4 Personnel
- 8:36-4.5 Staffing requirements
- 8:36-4.6 Policy and procedure manual
- 8:36-4.7 Resident transportation
- 8:36-4.8 Written agreements
- 8:36-4.9 Reportable events
- 8:36-4.10 Notices
- 8:36-4.11 Maintenance of records
- 8:36-4.12 Admission and retention of residents
- 8:36-4.13 Involuntary discharge
- 8:36-4.14 Notification requirements
- 8:36-4.15 Interpretation services
- 8:36-4.16 Referral and transfer agreements
- 8:36-4.17 Managed risk agreements

SUBCHAPTER 5. ADMINISTRATION

- 8:36-5.1 Appointment of administrator
- 8:36-5.2 Administrator's responsibilities

SUBCHAPTER 6. RESIDENT CARE POLICIES

- 8:36-6.1 Resident care policies and procedures
- 8:36-6.2 Financial arrangements
- 8:36-6.3 Personal needs allowance

SUBCHAPTER 7. RESIDENT ASSESSMENTS, RESIDENT SERVICE PLANS, HEALTH CARE PLANS AND HEALTH CARE SERVICES

- 8:36-7.1 Initial assessments, resident service plans, health care assessments and health care plans
- 8:36-7.2 Implementation of plans
- 8:36-7.3 Health care services
- 8:36-7.4 Provision of health care services
- 8:36-7.5 Quality assurance

SUBCHAPTER 8. DINING SERVICES

- 8:36-8.1 Provision of meals
- 8:36-8.2 Designation of a food service coordinator
- 8:36-8.3 Responsibilities of dietitians
- 8:36-8.4 Requirements for dining services
- 8:36-8.5 Commercial food management services

SUBCHAPTER 9. PHARMACEUTICAL SERVICES

- 8:36-9.1 Provision of pharmaceutical services
- 8:36-9.2 Self-administration of medications
- 8:36-9.3 Administration of medications
- 8:36-9.4 Designation of a pharmacist
- 8:36-9.5 Storage of medications

SUBCHAPTER 10. RESIDENT ACTIVITIES

- 8:36-10.1 Provision of resident activities

SUBCHAPTER 11. SOCIAL WORK SERVICES

- 8:36-11.1 Provision of social work services

SUBCHAPTER 12. EMERGENCY SERVICES AND PROCEDURES

- 8:36-12.1 Emergency medical services
- 8:36-12.2 Emergency plans and procedures
- 8:36-12.3 Drills and tests

SUBCHAPTER 13. RESIDENT RECORDS

- 8:36-13.1 Health record
- 8:36-13.2 Confidentiality
- 8:36-13.3 Record retention
- 8:36-13.4 Record availability
- 8:36-13.5 Register
- 8:36-13.6 Residents' individual records
- 8:36-13.7 Record of death

SUBCHAPTER 14. RESIDENT RIGHTS

- 8:36-14.1 Posting and distribution of statement of resident rights

SUBCHAPTER 15. HOUSEKEEPING, SANITATION, SAFETY AND MAINTENANCE

- 8:36-15.1 Provision of services
- 8:36-15.2 Housekeeping
- 8:36-15.3 Resident environment
- 8:36-15.4 Waste removal
- 8:36-15.5 Heating and air conditioning
- 8:36-15.6 Water supply
- 8:36-15.7 Building and grounds maintenance
- 8:36-15.8 Laundry services

SUBCHAPTER 16. INFECTION PREVENTION AND CONTROL SERVICES

- 8:36-16.1 Infection control program
- 8:36-16.2 Development of infection control policies and procedures
- 8:36-16.3 General infection control policies and procedures
- 8:36-16.4 Employee health and resident policies and procedures for infection prevention and control
- 8:36-16.5 Staff education and training for infection prevention and control
- 8:36-16.6 Regulated medical waste

SUBCHAPTER 17. COMPREHENSIVE PERSONAL CARE HOMES

- 8:36-17.1 Eligibility
- 8:36-17.2 Services provided to residents
- 8:36-17.3 Physical plant
- 8:36-17.4 Other requirements
- 8:36-17.5 Prohibition of resident discharge on conversion of facility

- 8:36-17.6 Combination of license categories
- 8:36-17.7 Supplemental Security Income recipients

SUBCHAPTER 18. ASSISTED LIVING PROGRAMS

- 8:36-18.1 Tenant/resident eligibility
- 8:36-18.2 Service provider requirements
- 8:36-18.3 Services provided to residents
- 8:36-18.4 Policy and procedure manual
- 8:36-18.5 Resident transportation
- 8:36-18.6 Notices
- 8:36-18.7 Maintenance of records
- 8:36-18.8 Notification requirements
- 8:36-18.9 Administration and staffing
- 8:36-18.10 Financial arrangements
- 8:36-18.11 Resident assessments, service plans, health care plans and health care services
- 8:36-18.12 Dining services and meal preparation assistance
- 8:36-18.13 Pharmaceutical services
- 8:36-18.14 Resident activities
- 8:36-18.15 Resident records
- 8:36-18.16 Resident rights and responsibilities
- 8:36-18.17 Reportable events
- 8:36-18.18 Other requirements

SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS**8:36-1.1 Scope**

(a) The rules in this chapter pertain to all facilities which provide assisted living services. These rules constitute the basis for the licensure of assisted living residences, comprehensive personal care homes, and assisted living programs by the New Jersey State Department of Health and Senior Services.

(b) Assisted living residences shall comply with N.J.A.C. 8:36-1 through 16; comprehensive personal care homes shall comply with N.J.A.C. 8:36-1 through 16, where applicable, and 17; and assisted living programs shall comply with N.J.A.C. 8:36-1 through 17, where applicable, and 18.

8:36-1.2 Purpose

(a) The purpose of these rules is to establish standards for assisted living residences, comprehensive personal care homes (which may be collectively referenced as assisted living facilities) and assisted living programs which are intended to promote "aging in place" in a homelike setting for frail elderly and disabled persons, including persons who require formal long-term care. Assisted living residences and comprehensive personal care homes and assisted living programs assure that residents receive supportive health and social services as they are needed to enable them to maintain their independence, individuality, privacy, and dignity in an apartment-style living unit or, in the case of assisted living programs, a living unit in publicly subsidized housing. The assisted living environment actively encourages and supports these values through effective methods of service delivery and facility or program operation and promotes resident self direction and personal decision-making while protecting residents' health and safety.

8:36-3.11 Community space

The facility shall provide a minimum of 30 square feet per resident of community spaces for dining and for active and passive recreation.

8:36-3.12 Laundry equipment

(a) Each assisted living facility shall provide at least one noncommercial washer and dryer for residents' personal items.

(b) Where laundry equipment is limited to noncommercial type (ordinary household or residential types), no special fire protective measures shall be required.

(c) When commercial type laundry equipment is utilized, it shall be installed in a separate laundry room. The remainder of the home shall be protected from the laundry room by fire separation assemblies of at least one-hour rated construction. Openings in all fire separation assemblies shall be protected in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

(d) All dryers shall be vented to the outside of the building.

8:36-3.13 Dietary department

(a) Construction, equipment, and installation of food service facilities shall meet the requirements of the dietary programs, as contained in this chapter at N.J.A.C. 8:36-8.

(b) The following facilities shall be provided, at a minimum:

1. A control station for receiving food supplies;
2. Minimum storage facilities for four days' food supply, including refrigeration and freezer for cold storage items;
3. Food preparation facilities;
4. Handwashing facilities located in the food preparation area;
5. Facilities for food distribution to residents;
6. Warewashing space;
7. Potwashing facilities and facilities for cart washing;
8. Storage areas for cans and carts;
9. Waste storage facilities;
10. Offices or desk space for dietitian(s) and the dietary service manager;
11. A janitor's closet; and
12. Self-dispensing icemaking facilities.

8:36-3.14 Administration and public areas

(a) A grade level entrance, sheltered from the weather and able to accommodate wheelchairs, shall be provided, and shall include a reception and information counter or desk and waiting space.

(b) Space for private interviews shall be provided.

(c) An individual mailbox for each resident shall be provided.

(d) General or individual offices for records, administrative and professional staffs shall be provided.

(e) Space shall be provided for storing employee's personal possessions.

(f) Separate space shall be provided for storage of office supplies, sterile or pharmaceutical supplies, and housekeeping supplies.

(g) A room(s) for examination and treatment of residents, which is adequate for an overnight stay and includes toilet facilities, may be provided. The room shall have a minimum floor area of 100 square feet, excluding space for vestibule, toilet and closet. The room shall contain a lavatory or sink equipped for handwashing, a work counter, storage facilities, and a desk, counter or shelf for writing.

(h) An infirmary may be provided for residents who may need 24-hour observation on a temporary basis. Clear space of at least three feet shall be provided at each side and at the foot of each bed in the infirmary. Toilet facilities shall be provided in the infirmary.

8:36-3.15 Fire extinguisher specifications

(a) There shall be a minimum of two fire extinguishers in the basement, at least one on each floor of the building and as required in kitchen areas, all of which shall bear the seal of the Underwriters Laboratories.

(b) The following types of extinguishers shall be provided:

1. In kitchen areas, because of danger of grease fires, extinguishers shall be of the Class B dry chemical type 2-B and a minimum of five pounds. The maximum travel distance to an extinguisher shall be 50 feet.

2. In the basement area, an extinguisher shall be Class B dry chemical type 2-B and a minimum of five pounds, if oil or gas is used as fuel. The maximum travel distance to an extinguisher shall be 50 feet.

3. In all other areas, of Class A air-pressurized 2½ gallon water type 2-A extinguisher shall be provided. The maximum travel distance to an extinguisher shall be 75 feet.

4. Nothing in these rules shall supersede or imply non-compliance with the Uniform Fire Safety Act or the Uniform Fire Code (N.J.A.C. 5:70).

8:36-3.16 Sounding devices

If self-locking doors are used at the main entrance and other entrances which open onto a roof or balconies, they shall be equipped with a sounding device, such as a bell, buzzer or chime, which is in operating condition. The sounding device shall be affixed to the outside of the door or to the adjacent exterior wall for use in the event that a person is unable to enter the buildings, and shall ring at an area staffed 24 hours a day.

8:36-3.17 Telecommunications

Each residential unit shall be prewired for telephone and television reception.

SUBCHAPTER 4. GENERAL REQUIREMENTS

8:36-4.1 Types of services provided to residents

(a) The assisted living residence, comprehensive personal care home or assisted living program shall provide and/or coordinate personal care and services to residents, based on assessment by qualified persons, in accordance with the New Jersey Nursing Practice Act, N.J.S.A. 45:11-23, and N.J.A.C. 13:37, this chapter, and the individual needs of each resident, in a manner which promotes and encourages assisted living values.

(b) The assisted living residence or comprehensive personal care home shall be capable of providing at least the following services: assistance with personal care, nursing, pharmacy, dining, activities, recreational, and social work services to meet the individual needs of each resident.

(c) The assisted living residence, comprehensive personal care home, or assisted living program shall provide supervision of and assistance with self-administration of medications, and administration of medications by trained and supervised personnel, as needed by residents.

(d) The assisted living residence, comprehensive personal care home, or assisted living program shall be capable of providing nursing services to maintain residents, including residents who require formal long-term care. However, the resident may be, but is not required to be moved from the facility or program if it is documented in the health care plan that a higher level of care is required, as demonstrated by one or more of the following characteristics:

1. The resident requires 24 hour, seven day a week nursing supervision;

2. The resident is bedridden for more than 14 consecutive days;

3. The resident is consistently and totally dependent in four or more of the following activities of daily living: eating, bathing, dressing, grooming, and toileting;

4. The resident has a cognitive decline severe enough to prevent the making of simple decisions regarding activities such as bathing, dressing and eating and cannot respond appropriately to cueing and simple directions;

5. The resident requires treatment of a stage three or four pressure sore or multiple stage two pressure sores. However, a resident who requires treatment of a single stage two pressure sore shall be retained and a plan of care developed and implemented to stabilize the sore and the condition which caused it;

6. The resident requires more than assistance with transfer as defined at N.J.A.C. 8:36-1.3;

7. The resident is a danger to self or others; or

8. The resident has a medically unstable condition and/or has special health problems, and a regimen of therapy cannot be appropriately developed and implemented in the assisted living environment.

(e) The facility's or program's admission agreement with each resident must clearly specify if the facility or program will or will not retain residents with one or more characteristics described in (d)1 through 8 above, to what extent, and, if applicable, at what additional cost. This subsection shall not apply when a continuing care retirement community (CCRC), as defined at N.J.A.C. 8:36-1.3, contracts with its residents to provide assisted living pursuant to a continuing care agreement. This subsection shall apply, however, when a CCRC provides assisted living to a person who is not a party to a continuing care agreement.

(f) Residents who require specialized long-term care, as defined at N.J.A.C. 8:36-1.3, shall not remain in the assisted living residence or comprehensive personal care home and shall be transferred to a long-term care facility that provides the applicable form of specialized care.

(g) The assisted living residence, comprehensive personal care home, or assisted living program shall adhere to applicable Federal, State, and local laws, rules, regulations, and requirements.

8:36-4.2 Ownership

(a) The ownership of the facility or program and the property on which it is located shall be disclosed to the Department. Any proposed change in ownership shall be reported to the Director of the Long Term Care Licensing and Certification program of the Department in writing and in conformance with N.J.A.C. 8:36-2.