

CHAPTER 37**LICENSING STANDARDS FOR
DEMENTIA CARE HOMES****Authority**

N.J.S.A. 26:2H-157.

Source and Effective Date

R.2017 d.039, effective February 7, 2017.

See: 49 N.J.R. 461(a).

Chapter Expiration Date

Chapter 37, Licensing Standards for Dementia Care Homes, expires on May 31, 2017.

Chapter Historical Note

This chapter formerly contained the Manual of Standards for Intermediate Care Facilities. The chapter was originally adopted pursuant to authority of N.J.S.A. 26:2H-1 et seq. and was filed January 23, 1974 as R.1974 d.21 to become effective February 1, 1974. See: 5 N.J.R. 413(a), 6 N.J.R. 63(c). Subsequent amendments were filed and effective May 26, 1976 as R.1976 d.162. See: 8 N.J.R. 115(a), 8 N.J.R. 281(b). Further amendments were effective August 8, 1980 as R.1980 d.363. See: 12 N.J.R. 393(b), 12 N.J.R. 518(a). Further amendments were effective October 9, 1980 as R.1980 d.399. See: 12 N.J.R. 463(b), 12 N.J.R. 578(c). Amendments which delayed the expiration date from July 1, 1980 to July 1, 1981 were filed on June 17, 1980 to become effective on July 10, 1980 as R.1980 d.257. See: 12 N.J.R. 262(b), 12 N.J.R. 406(a). Subsequent amendments became effective March 7, 1983 as R.1983 d.66. See: 14 N.J.R. 1273(a), 15 N.J.R. 336(a). The chapter was repealed effective June 20, 1983 as R.1983 d.236. See: 15 N.J.R. 279(a), 15 N.J.R. 1022(b).

Chapter 37, Licensing Standards for Dementia Care Homes, was adopted as special new rules, effective February 7, 2017 (to expire May 31, 2017). See: Source and Effective Date.

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APPENDIX. APPLICATION FOR WAIVER**SUBCHAPTER 1. GENERAL PROVISIONS****8:37-1.1 Purpose and scope**

(a) This chapter implements the Dementia Care Home Act, N.J.S.A. 26:2H-148 et seq., P.L. 2015, c. 125 (enacted November 9, 2015), and is to apply to dementia care homes as defined in this chapter.

(b) This chapter is promulgated for the purpose of establishing interim licensing standards for dementia care homes in the State of New Jersey to ensure that they are maintained and operated in such a manner that will protect the health, safety, and welfare of its residents and at the same time preserve and promote a home-like atmosphere appropriate to such facilities, while the Department works to establish permanent rules pursuant to N.J.S.A. 26:2H-157.

8:37-1.2 Definitions

(a) The following words and terms are defined in the Dementia Care Home Act at P.L. 2015, c. 125, § 17 (N.J.S.A. 26:2H-148) and are used in this chapter as defined in the Act:

“Alzheimer’s disease and related disorders”;

“Commissioner”;

“Department”;

“Dementia”; and

“Dementia care home.”

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

“Act” means the Dementia Care Home Act, N.J.S.A. 26:2H-148 et seq., P.L. 2015, c. 125, which is legislation that was enacted on November 9, 2015, that provides for the licensure of dementia care homes by the Department.

“Activities of daily living (ADL)” means the functions or tasks for self-care, which are performed either independently or with supervision or assistance. Activities of daily living include dressing, bathing, toilet use, transfer, locomotion, bed mobility, and eating.

“Administrator” means an individual designated by the licensee who is responsible for the overall day-to-day operations of the dementia care home.

“Advanced practice nurse” means an individual who is certified by the New Jersey State Board of Nursing in accordance with N.J.S.A. 45:11-23 et seq.

“Assistance with transfer” means providing the physical assistance of no more than two facility staff while the resident moves between bed and a standing position or between bed, chair, or wheelchair.

“Facility” means a dementia care home licensed pursuant to this chapter.

“Fuel-burning appliance” means a device or apparatus that is designed to utilize natural gas, manufactured gas, mixed gas, liquefied petroleum products, solid fuel, oil, or any gas as a fuel for heating, cooling, hot water, cooking, generating light, or power or for aesthetics.

“Garbage” means organic waste resulting from the preparation and consumption of food.

“Habitable room” means a residential room or space in which the ordinary functions of domestic life are carried on, including bedrooms, living rooms, studies, recreation rooms, kitchens, dining rooms, and other similar spaces, but excluding closets, halls, stairways, laundry rooms, toilet rooms, and bathrooms.

“Health care practitioner” means a physician, advanced practice nurse, or physician assistant.

“Health care professional” means an individual licensed by this State to administer health care in the ordinary course of business or practice of a profession.

“Health care service” means as defined at N.J.S.A. 26:2H-2.b.

“Licensee” means the individual or entity to whom a license to operate a dementia care home is issued.

“Medication administration” means a procedure in which a prescribed medication or biological is given to a resident by an authorized individual in accordance with all laws and regulations governing such procedures. The complete process of administration includes:

1. Removing an individual dose from a previously dispensed, properly labeled container (including a unit dose or unit-of-use container);
2. Verifying it with the prescriber’s orders;
3. Giving the individual dose to the resident;
4. Seeing that the resident takes it (if oral); and
5. Recording the required information, including, but not limited to, the method of administration, time administered, initials of individuals who administered the medication, and effect of the medication when “prn” or as-needed medications are administered.

“Medication aide” means a person who is qualified to administer medication in accordance with N.J.A.C. 8:36-9.2.

“NFPA” means the National Fire Protection Association.

“Office of Certificate of Need and Healthcare Facility Licensure” means the health care facility licensing unit within the Division of Certificate of Need and Licensing of the Health Systems Branch of the Department, for which the contact information is Office of Certificate of Need and Healthcare Facility Licensure, Division of Certificate of Need and Licensing, Department of Health, PO Box 358, Trenton, NJ 08625-0358, (609) 292-5960, facsimile number (609) 826-3745, and website address for forms www.nj.gov/health/forms.

“Physician” means an individual who is licensed or authorized by the New Jersey State Board of Medical Examiners to practice medicine in the State of New Jersey, in accordance with N.J.S.A. 45:9-1 et seq., and N.J.A.C. 13:35.

“Physician assistant” means an individual who is licensed by the New Jersey State Board of Medical Examiners, pursuant to N.J.S.A. 45:9-27.10 et seq.

“Resident” means a person with Alzheimer’s disease or other forms of dementia who is: 18 years of age or older;