

(c) Staff are not required to be on-site when no individuals are present in the residence, but trained, paid agency staff, familiar with the individual(s), shall be available for emergencies.

(d) A written staff schedule, for at least a two-week period, shall be available for review at each residence. The employee in-charge shall be designated on the schedule for each shift.

1. At least one staff, currently trained and certified in first aid and CPR, shall be on duty for each shift.

#### 10:44A-2.9 Records; individuals receiving services

(a) An individual file shall be maintained for each individual receiving services in a licensed community residence for individuals with developmental disabilities.

1. The file shall be legibly marked with the individual's name.

(b) Files shall be maintained at the residence or at the predetermined location stated in the program description/Annex A.

(c) An individual shall have access to his or her records, unless clinically contraindicated and documented.

(d) Individual records shall include:

1. Pre-admission information, as follows:

i. The individual's full name, date of birth, and sex;

ii. The individual's Social Security, Medicaid numbers or medical insurance numbers;

iii. The date(s) of admission, re-admission, transfer or discharge;

iv. The names and addresses of persons or agencies responsible for placement;

v. The names and addresses of all personal physicians and dentists;

vi. The name, address and telephone number of the legal guardian (or guardianship worker), next of kin, and other interested person(s), and a copy of the guardianship determination, if applicable;

vii. Religious preference;

viii. Pre-admission data including diagnosis, a psychological evaluation, as appropriate and/or available and developmental history, including behavioral characteristics;

ix. The IHP as amended or modified as specified at N.J.A.C. 10:44A-4.2(c);

x. The results of a physical examination completed within 90 days prior to the scheduled admission date;

xi. The results of a Mantoux Skin Test, completed within the past year, obtained within 30 days prior to admission;

xii. Certification from a physician stating the individual is free of communicable disease (written documentation shall be provided to the licensee within 72 hours of admission); and

xiii. An immunization record, as available as required for individuals under the age of 22.

2. The results of an annual physical examination and the results of the Mantoux Skin Test, readministered every year;

3. Annual reports from the dentist of dental examinations and corrective work done;

4. Initial reports of unusual incidents;

5. Seizure records, where indicated;

6. The current IHP;

7. Monthly reports of individuals' social and behavioral progress to correspond to the current IHP;

8. A medically prescribed diet, if required;

9. Documentation of known allergies;

10. Medication administration records;

11. An inventory of valuable personal property; and

12. Financial records pursuant to N.J.A.C. 10:44A-2.10.

#### 10:44A-2.10 Individual financial records: individual funds

(a) Each individual shall have the right to manage his or her own personal funds consistent with his or her abilities as documented in his/her IHP.

1. If it has been determined that the individual cannot independently manage his or her funds/finances, the IDT shall determine how much money, if any, can be managed by the individual at any given time.

(b) The licensee shall develop procedures regarding the management of individuals' funds for individuals who have been determined in need of assistance by the IDT.

(c) At the time of admission each individual shall be provided with a written statement listing the services regarding the safekeeping and management of funds.

(d) The licensee shall obtain written authorization for any of the individual's funds to be entrusted.

1. The authorization shall specify which funds are to be entrusted to the licensee, including, but not limited to, Personal Needs Allowance, paychecks, Patient Trust Fund, monetary gifts, payment from family members, transportation reimbursements, public assistance, income tax rebates and insurance claims.

2. The individual and his or her guardian, where applicable, shall sign the authorization.

(e) For all funds entrusted to the licensee, the licensee shall maintain records and receipts of all income received and all disbursements of the individual's funds.

1. All receipts related to disbursements of an individual's funds and purchases made on behalf of an individual shall be maintained while the individual resides at the residence.

(f) If an individual's funds are entrusted to an agency, moneys received by an individual in excess of \$100.00 shall be placed in an interest bearing account unless otherwise determined by the IDT.

1. The account shall be in a form that clearly indicates that the licensee is acting in a fiduciary capacity regarding the individual's funds and that any interest from the account shall accrue to the individual.

2. The licensee may keep up to \$100.00 of an individual's money in a non-interest bearing account or petty cash fund, to be readily available for current expenditures, providing it is kept for safekeeping in an account separate from all other funds for the residence.

i. Any increase in this amount shall be authorized by the individual and his or her guardian, where applicable.

(g) The licensee shall, upon written request from the individual and his or her guardian, where applicable, return any or all of the individual's funds given to the licensee for safekeeping, including the interest accrued from deposits.

(h) There shall be no loans of finances, resources or property from an individual receiving services to the licensee, staff member, or any other individual receiving services.

(i) The licensee to whom the individual entrusts his or her funds shall assure that the management of such funds does not jeopardize the individual's entitlements to any appropriate Federal or private benefit.

(j) The licensee shall allow each individual and guardian, where applicable, access to a written record of all financial arrangements and transactions involving the individual's funds, upon request.

1. Copies of this record shall be made available to the individual and his/her guardian, upon request.

### SUBCHAPTER 3. ADVOCACY AND RIGHTS

#### 10:44A-3.1 General requirements

(a) The provision of services and support shall demonstrate recognition that people with disabilities have the same rights as all other citizens.

1. An individual's exercise of his or her rights shall not be prohibited or be used as a cause for retribution against him or her.

(b) Upon admission to the program and then upon subsequent request, the licensee shall provide the individual receiving services and his or her guardian, where applicable, with the following:

1. A copy of the Division's rights document;

2. The names, addresses and telephone numbers of advocates available to assist the individual in understanding and enforcing these rights, to include, at a minimum:

i. New Jersey Protection and Advocacy, Inc.;

ii. Community Health Law Project;

iii. Office of Licensing and Inspections;

iv. Bureau of Guardianship, if applicable;

v. His or her case manager;

vi. Division of Youth and Family Services' Child Abuse Control number (1-800-792-8610), if applicable; and

vii. Office of the Ombudsman (1-800-624-4262), if applicable.

3. A copy of the licensee's rules which apply to the individual's residence; and

4. A copy of the licensee's grievance procedure for appealing agency decisions, which shall have a minimum of two levels of appeal, the last of which shall involve the executive director or the licensee.

(c) If an individual is unable to read (b)1 through 4 above, the text shall be read or the meaning conveyed to the individual in a language or manner the individual understands.

1. The licensee shall make provisions to explain portions that are not understood and answer any questions the individual may have regarding (b)1 through 4 above.

(d) A copy of a written acknowledgment that (b)1 through 4 above has been explained and understood shall be immediately signed and dated by the individual, the licensee's representative(s) and the individual's guardian, if present.

1. If the guardian is not present, the signed acknowledgment shall be sent to the guardian within five days.

i. Documentation shall be maintained in the individual's record.

2. The acknowledgment may also be witnessed by a personal advocate, if present.

3. The acknowledgment shall be placed in the individual's record.

(e) The licensee shall ensure that staff are familiar with and observe the rights and responsibilities enumerated in the approved rights document.

(f) Individuals receiving services shall receive training and support in order to understand options, make choices and exercise rights and responsibilities.

1. The exercise of rights is not limited when an individual has a guardian or interested family.

(g) The licensee shall be responsible for utilizing a Human Rights Committee in accordance with N.J.A.C. 10:41-4.

### 10:44A-3.2 Rules governing a residence

(a) The licensee may establish reasonable rules that govern the conduct of individuals in a particular residence, including, but not limited to, rules regarding smoking, pets and visitors, provided:

1. The rules are commensurate with the individuals' abilities and rights;

2. Individuals and their guardians, where applicable, are informed of the rules governing a residence prior to their admission;

3. The individuals affected by such rules are consulted whenever a revision is considered, and there is evidence the rules are necessary to promote order and to benefit the collective group;

4. The rules include provisions to ensure that an individual exercising his or her rights does so in such a way so as to not infringe upon the rights of, or endanger, others; and

5. The licensee complies with the rules contained in this chapter regarding the requirements for a grievance process/appeal of a licensee decision (see N.J.A.C. 10:44A-2.2(b)8).

(b) An individual or a group of individuals shall be given a copy of such rules, and additional copies shall be made available upon subsequent request.

(c) Each copy of the rules shall contain a statement that an individual or a group of individuals has the right to challenge such rules as to their appropriateness through the licensee's grievance procedure, in accordance with N.J.A.C. 10:44A-2.2(b)8.

(d) The process of conducting house meetings shall include the individual as much as possible unless the IDT has determined otherwise. The scheduling of such meetings shall include the individuals living in the home. Staff shall assist the individuals with setting the schedules and agendas for house meetings.

### 10:44A-3.3 Self-advocacy

(a) The licensee shall identify individuals who want a personal advocate or who wish to participate in a self-advocacy group.

(b) Individuals with developmental disabilities shall be given the opportunity to participate in a self-advocacy group of their choice.

(c) Notices of advocacy or self-advocacy conferences, seminars or meetings shall be made available to all individuals in each residence unless determined otherwise by the IDT.

## SUBCHAPTER 4. SERVICE DELIVERY/HABILITATION

### 10:44A-4.1 Pre-admission and admission

(a) The licensee shall have written criteria for admission to a particular program, including temporary (respite) placements. These criteria shall include, at a minimum:

1. Specific services provided;

2. A non-discrimination statement regarding admissions, assuring no one will be denied admission on the grounds of race, sex, color, national origin, religion, age, physical or mental disability, ancestry, sexual preference/affiliation, including AIDS or HIV infection, atypical cellular hereditary blood traits or any other legally protected status;

3. A statement regarding any limitations an agency may have in providing services to an individual with a specific developmental disability;

4. A statement affording all individuals and/or their guardians the opportunity of preplacement visits to the residence;

5. A statement regarding any minimum and/or maximum age restrictions;

6. A statement regarding respite criteria; and

7. Fee structures.

(b) The appropriate Regional Office shall make referrals to licensed community residences funded by the Division of Developmental Disabilities.

1. All admissions of private placements shall be reported in writing to the licensing agency within five days.

(c) The number of individuals with developmental disabilities admitted to a residence shall not exceed the licensed capacity.

(d) Prior to admissions, the appropriate Regional Office shall provide the licensee with the following:

1. Information which complies with N.J.A.C. 10:46 which addresses eligibility for services;
2. Results from a medical examination conducted no more than 90 days prior to admission;
3. A current immunization record, as available and hepatitis B screening results in accordance with N.J.A.C. 10:48-2;
4. The results of a Mantoux Skin Test for tuberculosis, administered within one year prior to the date of admission; and
5. Pre-admission information required under N.J.A.C. 10:44A-2.9(a)1i through xi.

(e) The licensee shall, at the time of admission, and without cost to the individual, provide the following:

1. A copy of the written procedures for safekeeping of valuable personal possessions;
2. A written statement explaining the individual's rights;
3. A copy of the rules governing the residence, as applicable;
4. A copy of the grievance procedure; and
5. A copy of the procedure regarding toll calls/charges.

(f) The licensee shall make provisions to explain (e)1 through 5 above and answer any questions the individuals may have regarding this information.

(g) The individual's guardian shall be notified, in writing, that the individual has had this information explained to him or her.

1. A copy of the notifications shall be maintained in the individual's record.

(h) Within 30 days of an admission, an IHP shall be developed or modified in conjunction with the IDT in accordance with N.J.S.A. 30:6D-10 et seq.

#### 10:44A-4.2 Changes in supports/services

(a) Any major change in an individual's residential service and/or supports shall include the utilization of the IDT.

1. In the case of a planned transfer or discharge, at least 30 days prior to the anticipated discharge date, at a minimum:
  - i. An addendum to the IHP shall update the existing plan and include the specifics of the transition.

ii. The development of the discharge plan shall include the licensee, the individual and his or her guardian, as appropriate, the IDT and a representative of the placing agency.

iii. The discharge plan shall assess the individual's continuing needs and recommend a plan for provision of follow-up services in the individual's new environment.

iv. The appropriate Division regional office shall be notified.

v. The individual's full records shall be transferred.

2. Should the licensee and the placing agency determine a residence is no longer suitable or no longer meets the needs of an individual, the individual shall not be maintained at that residence, provided substantive evidence is given to the placing agency.

i. All discharges of private placements shall be reported in writing to the licensing agency within five days.

#### 10:44A-4.3 Individual Habilitation Plan (IHP)

(a) The licensee shall establish and implement a procedure to address the development, implementation, review and evaluation of each individual's habilitation or service plan as required by N.J.S.A. 30:6D-10 et seq.

(b) The individual's plan and monthly documentation of progress shall be maintained as part of the individual's record.

(c) The comprehensive IHP shall include, at a minimum, the following elements:

1. A cover page;
2. Evaluation summaries;
3. A summary of progress toward previous IHP goals and objectives;
4. Identification of person's preferences, capabilities and needs;
5. Goals;
6. Behaviorally stated, measurable, sequential objectives;
7. A clearly stated method of achieving each objective;
8. Identification of IDT members and persons responsible for ensuring the delivery of services/programs described in the plan;
9. A listing of all current and planned services/programs and their dates of initiation, anticipated duration and frequency;
10. Barriers to meeting the individual's needs;
11. A review of guardianship status;