

(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 a 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.

#### 8:36-3.16 Sound 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 building and shall ring at an area staffed 24 hours a day.

#### 8:36-3.17 Telecommunications

Each residential unit shall be pre-wired 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, the rules in this manual, the individual needs of each resident and 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.
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 does 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 does 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, may 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.

Amended by R.1997 d.42, effective January 21, 1997.  
See: 28 N.J.R. 4185(a), 29 N.J.R. 329(a).

Inserted references to assisted living program throughout; in (a), added provision on promoting and encouraging assisted living values; and in (f), substituted "comprehensive personal care home" for "assisted living program".

#### 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 licensing requirements.

(b) No facility or program shall be owned or operated by any person convicted of a crime relating adversely to the person's capability of owning or operating the facility or program.

(c) The owner or governing authority of the facility or program shall assume legal responsibility for the management, operation, and financial viability of the facility or program.

Amended by R.1997 d.42, effective January 21, 1997.  
See: 28 N.J.R. 4185(a), 29 N.J.R. 329(a).  
Inserted references to program.

#### 8:36-4.3 Submission and availability of documents

(a) The facility or program shall, upon request, submit in writing any documents which are required by the rules in this chapter to the Director of the Long Term Care Licensing and Certification Program of the Department. Additionally, upon request of the Department, the facility or program shall submit in writing data related to utilization, demographics, costs, charges, staffing, and other planning and financial data necessary to evaluate the services provided.

(b) The facility shall report number of resident days per calendar year to the Department's Long Term Care Licensing and Certification Program by April 15 of each year, for the prior calendar year.

Amended by R.1997 d.42, effective January 21, 1997.  
See: 28 N.J.R. 4185(a), 29 N.J.R. 329(a).

In (a), inserted reference to program; and added (b).

#### 8:36-4.4 Personnel

(a) The facility or program shall develop written job descriptions and ensure that personnel are assigned duties based upon their education, training, and competencies and in accordance with their job descriptions.

(b) All personnel who require licensure, certification, or authorization to provide resident care shall be licensed, certified, or authorized under the appropriate laws or rules of the State of New Jersey.

Amended by R.1997 d.42, effective January 21, 1997.  
See: 28 N.J.R. 4185(a), 29 N.J.R. 329(a).

In (a), inserted reference to program.

#### 8:36-4.5 Staffing requirements

(a) The facility or program shall maintain and implement written staffing schedules. Actual hours worked by each employee shall be documented.

(b) The facility shall provide on the premises at all times the following minimum numbers of employees:

1. At least one awake personal care assistant; and
2. At least one additional employee.

(c) The facility or program shall develop and implement a staff orientation and a staff education plan, including plans for each service and designation of person(s) responsible for training. All personnel providing personal care or health services shall receive orientation at the time of employment and at least annual in-service education regarding, at a minimum, the following:

1. The provision of services and assistance in accordance with the concepts of assisted living;
2. Emergency plans and procedures; and
3. The infection prevention and control program.

(d) The staffing level in this chapter is minimum only and the assisted living residence, comprehensive personal care, or assisted living program shall employ staff in sufficient number and with sufficient ability and training to provide the basic care and resident assistance and supervision required, based on assessment of the acuity of resident's needs.

(e) Personnel, including staff under contract, with a reportable communicable disease or infection shall be excluded from the assisted living residence, comprehensive personal care home, or assisted living program until examined by a physician who shall certify to the administrator that the condition will not endanger the health of residents or other employees.