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RULE ADOPTIONS

**HUMAN SERVICES
OFFICE OF LICENSING**

41 N.J.R. 3089(a)

Readoption with Amendments: N.J.A.C. 10:44C

Adopted Repeal: N.J.A.C. 10:44C Appendix A

Standards for Community Residences for Persons with Head Injuries

Proposed: March 2, 2009 at 41 N.J.R. 938(a).

Adopted: June 10, 2009 by Jennifer Velez, Commissioner, Department of Human Services.

Filed: July 17, 2009 as R.2009 d.257, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3), **and with the proposed amendments at N.J.A.C. 10:44C-1.7 not adopted.**

Authority: N.J.S.A. 30:11B-1 et seq., specifically 30:11B-4.

Effective Dates: July 17, 2009, Readoption;

August 17, 2009, Amendments and Repeal.

Expiration Date: July 17, 2014.

Summary of Public Comment and Agency Response:

No comments were received.

Summary of Agency-Initiated Changes:

The Department is not adopting the proposed amendments at N.J.A.C. 10:44C-1.3 (definition of "full license") and 1.7, which would have lengthened the term of a full license from one year to two years. The Department is currently operating under agreements with outside entities predicated on

the unamended rules. Although the Department has not determined that a change in the licensing period would affect any of these agreements, the Department would rather investigate these arrangements before changing the rules and jeopardizing pre-existing contracts. These proposed amendments are not being adopted at this time to allow further review of the impact they may have on the various agreements that affect the regulated facilities. If, after review, the Department decides a change would be beneficial, a notice of proposal will be reintroduced as a new amendment. The proposed amendments at N.J.A.C. 10:44C-2.1, 3.1, 4.1, 5.1, 5.7, 6.1, 6.2, 6.3, 6.4 and 6.7, and the proposed repeal of Appendix A, are being adopted. The proposed amendments to N.J.A.C. 10:44C-1.4 are being changed upon adoption, as indicated below.

The definition of "Regional Assistant Director's Office" at N.J.A.C. 10:44C-1.3 is being changed to delete the addresses of the Division's Regional Assistant Director's Offices, some of which have relocated since publication of the notice of proposal. Instead, this information is being provided in greater detail at N.J.A.C. 10:44C-1.4(a), by adding an explanation that information regarding supportive services for persons with head injuries may be obtained from the applicable office of the Division, inserting a table of updated information for the Division Regional Offices, and adding office telephone numbers and counties served.

While substantive in nature, these changes are not so substantive as to require additional public notice and comment, because they merely provide updated information about Division offices and move this information to a different section of the chapter.

Federal Standards Statement

The rules readopted with amendments and a repeal have no provision controlled or regulated by any Federal requirements, except readopted N.J.A.C. 10:44C-5.9(a), which states the "the licensee shall comply with the Occupational Safety and Health Administration's regulations, as they may apply to a particular type of residence the licensee operates, and shall ensure consistent and sound enforcement." The readoption of this rule does not exceed the Federal law; therefore, a Federal standards analysis pursuant to Executive Order No. 27 (1994) and P.L. 1995, c. 65 is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:44C.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. GENERAL PROVISIONS

10:44C-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

"Full license" means the authorization to operate based upon substantial compliance with this chapter. A full license shall be effective for up to *[two]* ***one*** year*[s]*.

...

"Regional Assistant Director's Office" means a component of the Division of Developmental Disabilities*[, which]* **that** provides administrative oversight for the provision of supportive services to persons with disabilities. *[Geographic regions and locations of such offices are as follows:

1. Northern Region and Upper Central Region
c/o Greenbrook Regional Center
275 Greenbrook Road
Green Brook, NJ 08812

2. Lower Central Region
32 East Hanover Street
PO Box 706
Trenton, NJ 08625-0706

3. Southern Region
2 Echelon Plaza
221 Laurel Road, Suite 210
Voorhees, NJ 08043]*

...

10:44C-1.4 Application for a license

(a) Information may be obtained from the Department as follows:

[(a)] ***1.*** An application for a license may be obtained from:
Department of Human Services
Developmental Disabilities Licensing
PO Box 707
Trenton, NJ 08625-0707

***2. Information regarding supportive services for persons with head injuries may be obtained from the applicable office of the Division of Developmental Disabilities, as follows:**

Northern Region

**1-B Laurel Drive
Flanders, NJ 07836**

Phone: (973) 927-2600

**(Counties served: Morris, Sussex
and Warren)**

**100 Hamilton Plaza, 7th Floor
Paterson, NJ 07505**

Phone: (973) 977-4004

**Counties served: Bergen, Hudson and
Passaic)**

Upper Central Region

Northern Region

**59 Main Street
West Orange, NJ 07052
Phone: (973) 324-2000**

**153 Halsey Street, 2nd Floor
P.O. Box 47013 Newark, NJ 07101

Phone: (973) 693-5080**

(Counties served: Somerset and Union)

(County served: Essex)

Lower Central Region

**32 Hanover Street
P.O. Box 706
Trenton, NJ 08625-0706
Phone: (609) 292-4500**

**Juniper Plaza, Suite 1 - 11
3499 Route 9 North
Freehold, NJ 07728
Phone: (732) 863-4500**

(Counties served: Hunterdon, Mercer and Middlesex)

(Counties served: Ocean and Monmouth)

Southern Region

**2 Echelon Plaza
221 Laurel Road, Suite 210
Voorhees, NJ 08043
Phone: (856) 770-5900**

**5218 Atlantic Avenue, Suite 205
Mays Landing, NJ 08330
Phone: (609) 476-5200**

(Counties served: Burlington, Camden and Gloucester)

(Counties served: Atlantic, Cape May, Cumberland and Salem)*

(b)-(m) (No change.)

10:44C-1.7 Renewal of a license

(a) Upon reinspection, full licenses shall be effective for up to *[two]* ***one*** year*[s]* from the expiration date of the preceding license, unless otherwise specified by the licensing agency by the issuance of a provisional license, a non-renewal of license, suspension of license or revocation of license.

1.-2. (No change.)

(b)-(d) (No change.)

SUBCHAPTER 2. ORGANIZATION AND ADMINISTRATION

10:44C-2.1 General requirements

(a)-(k) (No change.)

(l) Licensees that provide alcohol and other drug programs shall assure that the services provided in those programs comply with N.J.A.C. 10:161B.

(m) (No change.)

10:44C-2.9 Records: persons served

(a)-(c) (No change.)

(d) The record of each person served shall include:

1. Pre-admission information, as follows:

i.-viii. (No change.)

ix. The results of a physical examination completed within one year prior to the scheduled admission date;

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

xi. (No change in text)

2.-12. (No change.)

(e) (No change.)

SUBCHAPTER 3. ADVOCACY AND RIGHTS

10:44C-3.1 General requirements

(a) (No change.)

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

1. (No change.)

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

i. Disability Rights New Jersey;

ii.-iii. (No change.)

iv. Office of Licensing;

v.-viii. (No change.)

ix. Department of Children and Families State Central Registry at 1-877-NJ-ABUSE (1-877-652-2873), if applicable; and

x. (No change.)

3.-4. (No change.)

(c)-(g) (No change.)

SUBCHAPTER 4. SERVICE DELIVERY/REHABILITATION/HABILITATION

10:44C-4.1 Pre-admission and admission

(a)-(b) (No change.)

(c) Prior to admissions, the licensee shall obtain the following:

1. (No change.)

2. Results from a medical examination conducted no more than one year prior to admission;

3. A current immunization record, as available;

4. (No change.)

5. Pre-admission information required under N.J.A.C. 10:44C-2.9(d)1i through xi.

(d)-(g) (No change.)

SUBCHAPTER 5. HEALTH AND SAFETY

10:44C-5.1 General health care

(a)-(g) (No change.)

(h) Upon confirmation that a person served has contracted a communicable disease as specified at N.J.A.C. 8:57, the licensee shall assure exposed persons served are placed under a physician's or advanced practice nurse's care.

1.-2. (No change.)

(i) (No change in text.)

10:44C-5.4 Telephone numbers

(a) (No change.)

(b) The following telephone numbers for reporting unusual incidents or for filing complaints shall be easily accessed and available to all persons in the residence:

1. The Division's toll-free hotline number, 1-800-832-9173;

i.-iv. (No change.)

v. Southern Regional Office: 856-770-5900;

2. If a minor is living in the residence, the telephone number for the Department of Children and Families State Central Registry at 1-877-NJ-ABUSE (1-877-652-2873);

3.-4. (No change.)

10:44C-5.7 Vehicle safety

(a) (No change.)

(b) All vehicles used under the auspices of the agency to transport persons served shall comply with all applicable safety and licensing rules established by the New Jersey Motor Vehicle Commission.

1.-5. (No change.)

SUBCHAPTER 6. FIRE SAFETY AND PHYSICAL ENVIRONMENT

10:44C-6.1 Fire safety

(a)-(c) (No change.)

(d) No interior or exterior door, window or opening in a community residence for persons with head injuries shall be locked, fastened or blocked, so as to prevent or impede the egress of any person in the residence.

10:44C-6.2 Fire evacuation plans

(a) The licensee shall design an evacuation plan for each residence in accordance with the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., and the individual characteristics of the home.

1. The plan shall be further developed by evaluating each person served according to the following risk factors:

i.-iv. (No change.)

v. Medical factors;

vi. Behavioral factors; and

vii. The use of physical or mechanical restraint.

(b)-(c) (No change.)

(d) The plan shall include one or more designated points of safety at which all persons assemble after evacuating the premises.

10:44C-6.3 Fire drills

(a) Fire drills, supervised by staff, shall be performed a minimum of once per month.

1. Each shift shall perform at least four fire drills a year.

2. Fire drills shall be performed at random times, so that persons served are engaged in a variety of routine activities during the drills. At least one fire drill shall be conducted between the hours of 1:00 A.M. and 6:00 A.M.

3. Fire drills shall assume different fire location simulations that require that all means of egress be used.

4. An egress time of three minutes or less shall be attained and maintained.

(b) Written records shall be maintained, including the following information:

Recodify existing i.-v. as 1.-5. (No change in text.)

(c) In the event that a person served exceeds the allotted evacuation time, the licensee shall take one of the following steps:

1. Training in evacuation shall be provided to the person served upon admission.

i. If the person served is unable to evacuate the residence in three minutes or less after training, the licensee shall assure that (c)2, 3 or 4 below is implemented;

2.-4. (No change.)

(d) (No change in text.)

10:44C-6.4 Group classification requirements

(a)-(b) (No change.)