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\*\*\* New Jersey Register, Vol. 49 No. 12, June 19, 2017 \*\*\*

TITLE 10. HUMAN SERVICES  
CHAPTER 37A. LICENSED COMMUNITY RESIDENCES FOR ADULTS WITH MENTAL ILLNESSES

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N.J.A.C. 10:37A (2017)

Title 10, Chapter 37A -- Chapter Notes

CHAPTER AUTHORITY:

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

CHAPTER SOURCE AND EFFECTIVE DATE:

Effective: May 25, 2017.

See: 49 N.J.R. 1687(a).

CHAPTER EXPIRATION DATE:

Chapter 37A, Licensed Community Residences for Adults with Mental Illnesses, expires on May 25, 2024.

CHAPTER HISTORICAL NOTE:

Chapter 37A, Community Residences for Mentally Ill Adults, was adopted as R.1994 d.292, effective June 6, 1994.  
See: 25 N.J.R. 2672(a), 26 N.J.R. 2271(b).

Pursuant to Executive Order No. 66(1978), Chapter 37A, Community Residences for Mentally Ill Adults, was readopted as R.1999 d.203, effective June 4, 1999. See: 31 N.J.R. 1179(a), 31 N.J.R. 1805(a).

Chapter 37A, Community Residences for Mentally Ill Adults, was readopted as R.2005 d.1, effective November 29, 2004. See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 37A, Community Residences for Mentally Ill Adults, was extended by gubernatorial directive from May 28, 2010 to July 27, 2010. See: 42 N.J.R. 1053(a).

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## N.J.A.C. 10:37A

Chapter 37A, Community Residences for Mentally Ill Adults, was readopted as R.2010 d.168, effective July 6, 2010. See: 41 N.J.R. 4394(a), 42 N.J.R. 1732(a).

Chapter 37A, Community Residences for Mentally Ill Adults, was renamed Chapter 37A, Licensed Community Residences for Adults with Mental Illnesses; former Subchapter 2, Licensing, Site Review and Waivers, was recodified as Subchapter 12, and renamed Licensing, Site Review, and Waivers; former Subchapter 3, Policies and Procedures: Confidentiality, was recodified as Subchapter 2 and renamed Policies and Procedures Manual; former Subchapter 4, Consumer Resident Services, and former Subchapter 5, Staff, were repealed; former Subchapter 6, Facility, was recodified as Subchapter 8; former Subchapter 7, Hearings, Appeals, Complaints, was recodified as Subchapter 9; former Subchapter 8, Quality Assurance, was recodified as Subchapter 10; former Subchapter 9, Discharge, was recodified as Subchapter 11, and renamed Exclusion and Discharge from Supervised Residences; and Subchapter 3, Consumer Admission Criteria, Subchapter 4, Consumer Services, Subchapter 5, Clinical Record Documentation, Subchapter 6, Services, Subchapter 7, Staff Qualifications, Responsibilities, and Training, and Appendix B, Guiding Principles, were adopted as new rules by R.2016 d.098, effective August 15, 2016. See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 37A, Community Residences for Mentally Ill Adults, was scheduled to expire on July 6, 2017. See: 43 N.J.R. 1203(a).

Chapter 37A, Licensed Community Residences for Adults with Mental Illnesses, was readopted, effective May 25, 2017. See: Source and Effective Date.

**NOTES:**

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TITLE 10. HUMAN SERVICES  
 CHAPTER 37A. LICENSED COMMUNITY RESIDENCES FOR ADULTS WITH MENTAL ILLNESSES  
 SUBCHAPTER 1. GENERAL PROVISIONS

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N.J.A.C. 10:37A-1.1 (2017)

§ 10:37A-1.1 Scope and purpose

(a) This chapter sets forth program standards required of providers of licensed community residences for adults with mental illnesses in the State of New Jersey. These residences shall not be considered health care facilities within the meaning of N.J.S.A. 26:2H-1 et seq. Provider agency staff shall be familiar with, and services shall embody, to the extent practicable, the Wellness and Recovery and Supportive Housing Principles set forth at N.J.A.C. 10:37A Appendix B.

(b) Licensed community residences for adults with mental illnesses include:

1. Supervised housing, including:

- i. Those group homes that provide services at Levels A+, A, and B;
- ii. Level A+, A, and B apartments; and
- iii. Family care homes (also known as Level D); and

2. Shared supportive housing residences, in which three or more consumers reside in a residence that may or may not be owned by a provider agency.

(c) An integral component of the community residence program is the assistance of consumer residents in gaining the life skills necessary to move to a less restrictive environment, unless otherwise restricted by specific contract provision. Consumers residing in supervised residences shall not be required to be a party to a lease, and providers shall comply with all standards in this chapter. Consumers residing in shared supportive housing residences shall have leases in their own names, and providers shall only be required to comply with N.J.A.C. 10:37A-1, 8, 10, and 12.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote (a); in (b), inserted "or in a supportive housing residence" preceding "or through services"; substituted references to consumer residents for references to clients throughout.

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## N.J.A.C. 10:37A-1.1

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

In (c), added the third sentence; added (e).

Repeal and New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Scope and purpose".

**CASE NOTES:**

Although the Court understood Plaintiff's claim that New Jersey law did not require community residences to provide for the safety of the surrounding community, standards of care for mentally ill residents must be understood, by extension, to provide some degree of community safety by offering at least a basic level of care focused on successful community integration. *Township of West Orange v. Whitman*, 8 F.Supp.2d 408 (D.N.J. 1998).

**NOTES:**

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N.J.A.C. 10:37A-1.2 (2017)

§ 10:37A-1.2 Definitions

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

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

"Accrediting body recognized by the Department" means an organization that accredits mental health programs that is recognized by the Department for deemed status purposes. These organizations include, but are not limited to, the Joint Commission, the Council on Accreditation of Family Services Agencies (COA), the Council on Accreditation of Rehabilitation Facilities (CARF), and the National Commission on Quality Assurance (NCQA).

"Advance directive for mental health care" or "psychiatric advance directive" means a writing executed in accordance with the requirements of the New Jersey Advance Directives for Mental Health Care Act, N.J.S.A. 26:2H-107 et seq.

"Commissioner" means the Commissioner of the Department of Human Services.

"Conditional license" means a licensing action indicating that although certain prompt corrective actions in existing community residences are necessary before a full license can be issued, sufficient compliance exists to confer operational authority upon the licensed provider.

"Consumer " means a person diagnosed with a mental illness who is a resident of a licensed supervised housing unit or a shared supportive housing unit.

"Consumer service agreement" means a written agreement between the PA and consumer that includes responsibilities of both the PA and the consumer and that meets the requirements of N.J.A.C. 10:37A-4.2.

"Crisis intervention" means face-to-face, short-term interventions with a consumer who is experiencing increased distress and/or an active state of crisis. Crisis intervention also includes developing and implementing the consumer's crisis contingency plan and/or advance directive for mental health care.

"Deemed status" means that status granted to a supervised housing program that has received accreditation by an accrediting body recognized by the Department. In effect, the Department, through the granting of deemed status, substitutes the standards of the accrediting body for certain selected Department program standards.

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"Department" means the Department of Human Services.

"Discharge" means, with reference to supervised residences in single detached homes, apartments, and family care homes, the process through which a consumer permanently vacates the physical premises and services to that consumer have ceased, for any of the reasons delineated at N.J.A.C. 10:37A-11.2. In the context of a shared supportive housing residence subject to a lease agreement, discharge means either:

1. That the consumer has chosen to leave the premises; or
2. That the consumer was removed from the premises through eviction procedures under New Jersey landlord/tenant law.

"Division" or "DMHAS" means the Division of Mental Health and Addiction Services, in the Department, or a departmental unit or a contracted provider or other entity designated by the Division to perform administrative tasks; for example, an entity authorized to evaluate candidates for eligibility for rental subsidies, to certify that housing is habitable, or to pre-authorize the delivery of or payment for community mental health rehabilitation services.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons living as a single housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Emergency response services" means the implementation of the PA's written emergency policies and procedures focusing on immediate consumer and staff safety. Examples include, but are not limited to, provision of behavior management techniques, request for outside assistance, and providing cardiopulmonary resuscitation (CPR) and first aid. Behavioral management techniques include positive and negative reinforcement, but exclude physical and chemical restraint, aversive conditioning, and punishment. Emergency response services shall be documented and shall be supported by such policies and procedures that require adequate responses to emergent situations.

"Exclusion" means the immediate and temporary removal of a consumer from a supervised residence, when, in the discretion of the PA, the individual's behavior presents a substantial, immediate threat to the physical safety or to the emotional or psychological wellness of other consumers. The consumer may be prevented from returning until the substantial, immediate threat has been obviated.

"Family care home" means a private home or apartment in which a home supervisor who is not an employee of the PA and is not related to any consumer living in the home who resides and provides housing and services to as many as three consumers who also reside in the home (except that residences where four consumers resided in the home prior to January 3, 2005, shall be considered family care homes). The PA provides or arranges for the provision of the level of services commensurate with residential settings also known as "Level D" to the consumer and consultation to the home supervisor pursuant to a services agreement.

"Health care monitoring and oversight services" means face-to-face visits in supervised housing by a registered nurse with each consumer every 90 days in the consumer's residence that provides an assessment of the consumer's health, a determination of medical services and medical referrals needed by the consumer, and direction to staff; assistance with scheduling, transportation, or monitoring of medical appointments and the treatment recommendations made by health care providers; and assistance with following treatment recommendations and coping with medical conditions. For example, for a consumer with diabetes, this assistance may include monitoring blood sugar levels on a daily basis and assisting the consumer with adjusting diet, activities, or medication when the glucose level is out of the acceptable range as determined by the physician or nurse supervising the treatment.

"Individualized rehabilitation plan" or "IRP" means a document that is developed in partnership with the consumer that sets forth goals and objectives that will lead to recovery and independence; identifies internal and external resources to support the consumer's recovery and independence; and identifies concrete skills the consumer will develop and actions the consumer will take to meet those goals, with the assistance of and participation in programs, interventions, and supports offered by licensed professionals, natural supports, or PAs, or a combination of these resources.

"Level A+ Care" means, regarding licensed supervised residences in single dwelling units, homes, or apartments, services are available to consumers in the supervised residence or in a community setting 24 hours per day, seven days per week, and delivered by the PA licensed to operate the residence. This includes awake, overnight staff coverage. These services are provided on-site when a consumer is home. Services need not be available when no consumer is at  
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home. In apartments, Level A+ care may be provided for a cluster of apartments by staff stationed in a nearby apartment, as opposed to having staff stationed in each apartment.

"Level A Care" means, regarding licensed supervised residences in single detached homes or apartments, community mental health rehabilitation services are available to consumers in the supervised residence or in a community setting for 12 or more hours per day (but less than 24 hours per day), seven days per week, delivered by the PA licensed to operate the residence. Services need not be available when no consumer is at home. In apartments, Level A care may be provided for a cluster of apartments by staff stationed in a nearby apartment, as opposed to stationed in each apartment.

"Level B Care" means, regarding licensed supervised residences in single detached homes or apartments, community mental health rehabilitation services are available to consumers in the supervised residence or in a community setting for at least four hours per day (but less than 12 hours per day), seven days per week.

"Level D Care" means, regarding licensed family care homes, community mental health rehabilitation services are available to consumers in the family care home 24 hours per day, pursuant to a Family Care contract with the Division.

"Protected health information" means any information, written, electronic, or verbal, that identifies an individual as a recipient of physical or mental health services, including information about program participation, diagnosis, treatment, or interventions offered or used by or known to the PA to assess, treat, or prevent an illness or condition.

"Provider agency" (PA) means a public or private organization which has a mental health service contract with the Division and has been licensed by the Department to provide shared supportive housing residences, supervised residences, and services required by this chapter to individuals 18 years of age and older.

"Registered professional nurse (RN)" means a person who is licensed by the State of New Jersey as a professional nurse pursuant to N.J.S.A. 45:11-26 et seq.

"Residential counseling" means verbal interventions provided to consumers and families to assist the consumer in accessing and utilizing all planned or needed services. It may include problem-solving, advice, encouragement, and emotional support to enhance stability in the living arrangement.

"Shared supportive housing residence " means any dwelling unit in which three or more individuals reside and whose occupancy is based on a diagnosis of serious mental illness and for which each consumer signs a lease or sublease, may sign a consumer service agreement and a consumer rental subsidy agreement, and may receive community mental health rehabilitation services from a PA. The consumer, not the PA, is responsible for mortgage/lease payments, safety, cleanliness, and property protection, and bears the responsibility for those aspects of residential living. The consumer has the key to the home and has control over access to it. No lease or residential agreement shall contain the provision of mandatory mental health program participation as a requirement for the consumer to maintain housing. The provisions of N.J.A.C. 10:37A-11 shall not apply to consumers in shared supportive housing residences; eviction shall only occur if it comports with the State landlord and tenant laws.

"Supervised residence" means any community residential facility that provides food, shelter, rehabilitation, and support under such level of care as required, to not more than 15 persons 18 years of age or older with mental illnesses who require assistance, temporarily or permanently, in order to live independently in the community. Consumers in supervised residences shall sign a consumer service agreement. Agencies operating supervised residences shall be licensed by the Department and shall have an approved purchase of service contract (or an affiliation agreement if the requirement for a contract is waived by the Division) pursuant to the Department's contract rules, N.J.A.C. 10:3-3, and this chapter. Supervised residences may take the form of a single detached home, an apartment, or a family care home. These residences are not considered health care facilities within the meaning of the Home Care Facilities Planning Act, P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.) and are limited to Level A+, A, and B housing and family care homes ("Level D").

"Termination" means the discontinuation of supportive housing services.

"Valued life role" means an individually chosen adult role, desired by individuals and respected by society, such as worker, professional, employee, volunteer, student, spouse/partner, parent, or homemaker.

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"Wellness and Recovery Action Plan(R) (WRAP(R))" means an evidence-based program that provides consumers with the tools to manage their own recovery. "Wellness and Recovery Action Plan" and "WRAP" are registered trademarks of Mary Ellen Copeland.

"Wellness and recovery support" means assistance in exploring valued life roles, and inspiring the consumer to work toward assuming a valued role by instilling hope and exposing him or her to possibilities and other consumers who have achieved success in various valued roles. It includes assisting the consumer in exploring and establishing goals that promote healthy lifestyles and wellness. It includes assisting the consumer in choosing a valued role that interests him or her and articulating the means of achieving success in that role through development and revision of the individual recovery plan. It also includes providing ongoing assessment and dynamic supports, as well as soliciting and coordinating varied supports from outside the residential service toward this end.

#### HISTORY:

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote the section.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

#### CASE NOTES:

Staffing at group home for mentally ill adults, which staffing provided for on-site staffing a minimum of one hour per week but contemplated that staff typically would be on-site providing services three to four hours per week, met requirements of rule requiring that group home for mentally ill adults have staff that reside or are stationed either on-site or in immediate close proximity, where home contained persons who required no more than four hours of supervision weekly. *Borough of Merchantville v. State Department of Human Resources, Division of Mental Health Services*, 325 N.J.Super. 258, 738 A.2d 981 (N.J.Super.A.D. 1999).

#### NOTES:

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SUBCHAPTER 2. POLICIES AND PROCEDURES MANUAL

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N.J.A.C. 10:37A-2.1 (2017)

§ 10:37A-2.1 Written policies and procedures manual

(a) Each supervised housing provider agency shall develop, implement, maintain, and revise, as necessary, a written policies and procedures manual to ensure that the PA's service delivery system, organizational structure, and management structure comply with applicable statutory and regulatory provisions.

1. Policies and procedures shall promote the principles of normalization, age-appropriateness, consumer resident empowerment and least restriction, and shall be consistent with the PA's organizational structure and management philosophy.

(b) The PA shall document the extent to which consumers and their families were meaningfully and integrally involved in the development and revision of the manual. The manual shall be available for review by consumers and their families upon request.

(c) The PA's manual shall:

1. Be reviewed annually by PA staff, as evidenced by dated signatures of the reviewer(s);
2. Be readily available for consultation by direct care staff at all times; and
3. Guide the staff on conformance with the principles and requirements in this chapter and any other applicable rules.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (a), substituted "consumer resident" for "client" in 2 and added 4.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

In (a), added 4, recodified existing 4 as 5.

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N.J.A.C. 10:37A-2.1

Recodified from N.J.A.C. 10:37A-3.1 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Written policies and procedures". Rewrote the section. Former N.J.A.C. 10:37A-2.1, Initial licensing process, recodified to N.J.A.C. 10:37A-12.1.

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N.J.A.C. 10:37A-2.2 (2017)

§ 10:37A-2.2 Content of the manual

(a) The PA's policies and procedures shall set forth the required parameters and processes in sufficient detail to guide staff in the performance of their duties and to give clear notice to consumers, families, and other interested parties as to the services, rights, and responsibilities expected in the residential program.

(b) Participation criteria. The manual shall have a section dedicated to inclusionary and exclusionary criteria to be used by the PA in determining whether a particular consumer could benefit from living in a supervised residence. The participation criteria shall:

1. Comply with the standards set forth in N.J.A.C. 10:37A-3.1 and in affiliation agreements or contracts with the Division; and
2. Specify intake procedures that are consistent with N.J.A.C. 10:37A-4.1.

(c) Medication. The manual shall have a section that delineates medication procedures consistent with N.J.A.C. 10:37A-6.4 and that:

1. Requires medication education to consumers as specified in each consumer's IRP and to staff annually;
2. Contains procedures for facilitating proper medication administration and self-administration techniques and for responding to medication errors;
3. Requires that, unless a consumer self-administers his or her own medication without staff assistance, staff shall document the type, dose, date, and time a specific medication is administered or self-administered; the name and title of the person administering or assisting in self-administering the medication; any medication that was refused by the consumer; and any medication errors;
4. Provides procedures for the storage of medication for consumers who are unable to store their own medication;
5. Establishes specific requirements regarding securing medications that are controlled by staff, including the maintenance and use of the keys to such stored medications.
6. Provides procedures for removal and destruction of discontinued and outdated medication; and
7. Provides procedures to avoid interruptions in a consumer's medication regimen and to note any deviation from regular administration in the consumer's record;

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## N.J.A.C. 10:37A-2.2

(d) Confidentiality. The manual shall have a section setting forth confidentiality standards and procedures that are to be followed in all aspects of the PA's supervised residential program and that are consistent with all applicable Federal and State law, including, but not limited to, the Privacy Rule implementing the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR Parts 160 and 164, N.J.S.A. 30:4-24.3 and N.J.A.C. 10:37-6.79.

1. The confidentiality standards and procedures shall encourage family participation in developing the assessments, rehabilitation plan, and revisions to the extent disclosures to family members are permitted under the applicable Federal and State confidentiality laws.

(e) Consumer rights. The manual shall have a section delineating consumer rights consistent with N.J.A.C. 10:37-4.5 that requires that consumers be given notice of their right to appeal any decision of the PA in accordance with N.J.A.C. 10:37-4.6, Client complaint/agency ombudsperson procedure and that creates procedures to implement additional consumer rights regarding discharge that reflect the requirements of N.J.A.C. 10:37A-11.

(f) Staff training and responsibilities. The manual shall have a section delineating staff training requirements and responsibilities, consistent with N.J.A.C. 10:37A-7.3, 10:37D-2.14, and 10:77A-2.4.

(g) Safety. The manual shall set forth rules and procedures that will promote and assure the safety of consumers, staff, visitors, and the general public, including, but not limited to:

1. Measures that will respond appropriately to violence and expressions of suicidal thoughts or threats of any kind;
2. Providing, as needed, emergency response services in accordance with N.J.A.C. 10:37A-6.3(a)9, and/or crisis intervention in accordance with N.J.A.C. 10:37A-6.3(a)7; and
3. Appropriate responses to the presence or possession of contraband or weapons.

(h) Healthcare. The manual shall set forth procedures for monitoring a consumer's healthcare and for accessing needed healthcare services.

(i) Principles. The manual shall state that staff shall provide services consistent with the principles of wellness and recovery and of supportive housing, as set forth at N.J.A.C. 10:37A Appendix B.

(j) Advance directives. The manual shall include a section on advance directives for mental health care.

(k) End-of-life concerns. The manual shall specify procedures to respond to a consumer's end-of-life concerns.

(l) Clinical support. The manual shall contain policies and procedures for providing ongoing on-call clinical support to direct care staff and for conducting emergency and routine case conferences.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Former N.J.A.C. 10:37A-2.2, Licensure fee, was recodified to N.J.A.C. 10:37A-12.2.

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N.J.A.C. 10:37A-2.3 (2017)

§ 10:37A-2.3 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.3 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Conditional licensure".

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N.J.A.C. 10:37A-2.4 (2017)

§ 10:37A-2.4 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.4 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Licensing of group homes".

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N.J.A.C. 10:37A-2.5 (2017)

§ 10:37A-2.5 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.5 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Licensing PA apartments".

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N.J.A.C. 10:37A-2.6 (2017)

§ 10:37A-2.6 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.6 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Licensing family care homes".

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N.J.A.C. 10:37A-2.7 (2017)

§ 10:37A-2.7 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.7 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Licensing supportive housing residences".

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N.J.A.C. 10:37A-2.8 (2017)

§ 10:37A-2.8 (Reserved)

**HISTORY:**

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Licensing supportive housing programs".

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N.J.A.C. 10:37A-2.9 (2017)

§ 10:37A-2.9 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.8 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Waiver of standards".

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N.J.A.C. 10:37A-2.10 (2017)

§ 10:37A-2.10 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.9 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "License renewal".

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N.J.A.C. 10:37A-2.11 (2017)

§ 10:37A-2.11 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.10 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Inspection and monitoring of residences".

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N.J.A.C. 10:37A-2.12 (2017)

§ 10:37A-2.12 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.11 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Appeal of the Department's findings".

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N.J.A.C. 10:37A-2.13 (2017)

§ 10:37A-2.13 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.12 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Administrative sanction for PA's failure to adequately address violations".

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N.J.A.C. 10:37A-2.14 (2017)

§ 10:37A-2.14 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.13 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Review of administrative sanctions".

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N.J.A.C. 10:37A-2.15 (2017)

§ 10:37A-2.15 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-12.14 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Emergency situation".

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N.J.A.C. 10:37A-3.1 (2017)

§ 10:37A-3.1 Consumer admission criteria

(a) The provider shall develop and submit to the Division for its approval a written policy regarding consumer admission criteria that is consistent with this chapter, and shall submit and update as needed the name of the individual staff member who shall serve as the provider's admissions coordinator.

(b) Any medical clearance policy established by the provider shall comport with the provider's contract with the Division.

(c) Priority for admission shall be in accordance with an individual PA's Division contract and shall reflect that which has been established at N.J.A.C. 10:37-5.2, regarding target populations.

(d) The admissions coordinator shall forward to Division-designated hospital staff or another Division-designated entity a listing of current vacancies and inform them of new vacancies by the next business day following a bed becoming vacant.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Former N.J.A.C. 10:37A-3.1, Written policies and procedures, recodified to N.J.A.C. 10:37A-2.1.

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N.J.A.C. 10:37A-3.2 (2017)

§ 10:37A-3.2 (Reserved)

**HISTORY:**

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Confidentiality".

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N.J.A.C. 10:37A-4.1 (2017)

§ 10:37A-4.1 Intake policies and procedures

(a) The PA shall develop and implement a written policy outlining an intake process that provides a basis for assessment of an applicant's eligibility for services, consistent with N.J.A.C. 10:37A-3 and this subchapter.

(b) All intake procedures shall be guided by a consumer's preferences and goals with regard to treatment and community living. The consumer's choices shall be documented in the assessment.

(c) PA staff shall conduct intake procedures in a manner that is culturally and linguistically appropriate to the consumer and that facilitates continuity of service.

(d) Intake procedures shall be designed to facilitate program participation at the earliest appropriate opportunity.

(e) Except for a consumer referred to the provider from a State psychiatric hospital, the PA shall conduct the intake procedure for a referred consumer within five business days of a vacancy in the PA's program.

(f) When a consumer has been referred from a State psychiatric hospital, the following procedures shall apply:

1. Hospital staff shall coordinate and make appropriate referrals of consumers to the PA based on the vacancy report generated pursuant to N.J.A.C. 10:37A-3.1(d) and shall not make a referral to a PA that does not have an appropriate existing or anticipated vacancy.

2. The hospital placement entity shall forward to the PA a referral form and response package for each consumer under consideration for residential placement.

3. The package shall consist of a:

i. Psychosocial assessment;

ii. Psychiatric evaluation;

iii. Physical examination report;

iv. Psychological assessment, if completed;

v. Documentation evidencing the nature and current status of any judiciary involvement;

vi. Accurate family/guardian/emergency contact information;

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vii. Medication administration record; and

viii. Progress notes, up to and including notes from the last two weeks of the consumer's hospitalization.

4. Upon request, PAs shall have access to the referred consumer's hospital charts for further information, as necessary and appropriate. PAs may request and receive copies of pertinent information from the hospital chart within 24 hours of request.

5. PAs may request and receive an interview with the consumer.

6. PAs shall inform hospital staff in writing of the outcome of the referral within five working days of its receipt of the complete referral form and response package.

7. The PA shall place a consumer referred by a State psychiatric hospital into the available vacancy as soon as possible, but in all cases, within 21 days of the PA's receipt of the referral.

(g) The intake process shall include an orientation to the program and an explanation of the consumer's rights and grievance procedure. The PA shall also post the grievance procedure in a prominent location within the agency and provide copies of N.J.A.C. 10:37-4.5, Client rights, and 4.6, Client complaint/agency ombudsman procedure, to consumers upon request. Each consumer in a supervised housing unit is to be provided with a copy of N.J.A.C. 10:37A Appendix A, which delineates the consumer rights regarding discharge and exclusion from the facility, which shall be completed by staff to include the names, addresses, and phone numbers of the individuals appropriate to the region.

(h) The PA shall develop and implement a written procedure that requires a review of all intakes that result in a determination that a consumer does not meet the PA's admission criteria.

#### HISTORY:

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (a), deleted the second sentence in the introductory paragraph, inserted "written" preceding "description" and substituted references to consumer residents for references to clients in 1.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Repeal and New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Population/admission priorities".

#### NOTES:

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N.J.A.C. 10:37A-4.2 (2017)

§ 10:37A-4.2 Consumer service agreement

(a) The PA shall develop and submit for approval to the Department prior to use a consumer service agreement that meets the specifications of this subchapter. In addition, the PA shall obtain written approval from the Department before deleting, adding, or revising in any way the requirements of the consumer service agreement. The initial consumer service agreement and any subsequent revisions shall be submitted for approval to:

New Jersey Department of Human Services  
Office of Licensing  
PO Box 707  
Trenton, NJ 08625-0707

(b) All consumers enrolled in a supervised residence shall have a written consumer service agreement which is reviewed by the consumer prior to acceptance and signed by both the consumer and PA upon the consumer's admission and which clearly articulates the roles and responsibilities of the PA and the consumer.

(c) The consumer service agreement shall contain provisions indicating the voluntary nature of services in supervised housing. These agreement provisions shall state that in the event that the consumer refuses services, the PA staff shall meet with the consumer at least monthly to discuss the consumer's progress toward wellness and recovery goals and, if appropriate, alternatives for housing with or without services.

(d) The consumer service agreement shall be written in a language sufficiently understood by the consumer to assure comprehension.

(e) The consumer service agreement shall indicate the consumer's written acknowledgement that he or she understands the following terms of the agreement:

1. A list of available services for which there are no fees;
2. The fees for optional services to be provided (if any);
3. The consumer's rights (as specified in N.J.A.C. 10:37-4.5(h)1 through 7, and 10:37A Appendix A) and responsibilities, including expectations of the program and complaint process (as specified in N.J.A.C. 10:37-4.6(b));
4. A PA shall ensure that the consumer is afforded the opportunity to:

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## N.J.A.C. 10:37A-4.2

i. Be supported in an effort to achieve the wellness and recovery goals outlined in a fully developed WRAP(R) where one is available, and the consumer chooses to use that tool, and in the consumer's individualized rehabilitation plan;

ii. Be afforded suitable opportunities for interactions with others;

iii. Spend one's own money for expenses and purchases;

iv. See visitors each day; and

v. Practice the religious/spiritual program of one's own choice or to abstain from religious practices;

5. The consumer's roles and responsibilities and consequences for violations;

6. Service termination procedures; and

7. The location and accessibility of policy and procedure manuals.

(f) Termination procedures shall be described in the consumer service agreement and shall comport with the requirements in N.J.A.C. 10:37A-5.3 and 11.2 through 11.5, as appropriate.

(g) Copies of the signed consumer service agreement shall be provided to the consumer and maintained in the consumer's record. The agreement in the record shall be the most current signed by the consumer.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Former N.J.A.C. 10:37A-4.2, Services to be provided by the Level A+, A, B, C and D Residential Program, was recodified to N.J.A.C. 10:37A-6.2.

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N.J.A.C. 10:37A-4.3 (2017)

§ 10:37A-4.3 Comprehensive rehabilitation needs assessment

(a) The PA shall complete a written comprehensive rehabilitation needs assessment for each consumer by the 14th day after admission.

1. The purpose of the comprehensive rehabilitation needs assessment is to provide a basis for the individualized rehabilitation plan by gathering all information required to determine the need for, scope of, and anticipated outcome of behavioral health and rehabilitation services, including, but not limited to, individual strengths, preferences, needs, abilities, psychiatric symptoms, medical history, and functional limitations.

2. The development of the written comprehensive rehabilitation needs assessment shall be a consumer-driven process, informed by a face-to-face evaluation and discussion with the consumer.

3. Family members, significant others, and other collateral service providers may participate and/or otherwise provide information, providing that their involvement is within the bounds of the confidentiality provisions of the policy and procedures manual and in conformance with State and Federal law.

4. The written comprehensive rehabilitation needs assessment shall include:

i. Identifying information (name, gender, date of birth, religion, race, and Social Security number), referral date, and source;

ii. Psychiatric history, current mental status, and multi-axial diagnosis, if such diagnosis can be obtained;

(1) Where a consumer's psychiatric diagnosis is obtained from a secondary source, the PA staff shall cite that source;

iii. Medication history, including current medication, dose, frequency, and name of prescribing physician;

iv. Current and prior involvement with other agencies/mental health services;

v. Legal information relevant to treatment;

vi. The name and phone number of an emergency contact person, and notation as to the existence of an advance directive for mental health care or living will. If an advance directive for mental health care or living will exists, a copy shall be included in the consumer's record;

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- vii. The consumer's aspirations, strengths, and goals related to improving his or her life, achieving valued life roles, and achieving wellness and recovery;
- viii. Social and leisure functioning including, but not limited to, the ability to make friendships, communication skills, and hobbies;
- ix. Social supports including, but not limited to, family, friends, social, and religious organizations;
- x. Trauma and abuse history or lack thereof;
- xi. Understanding of his or her illness(es) and coping mechanisms;
- xii. Vocational and educational factors including, but not limited to, job and education history, learning disabilities/needs, task concentration, and motivation for work;
- xiii. Activities of daily living including, but not limited to, self- preservation skills, fire safety (including fire prevention during activities such as cooking and smoking; and evacuation skills), transportation, self-care, and hygiene;
- xiv. Previous living arrangements;
- xv. Financial status and skills including budgeting, entitlements, and subsidies;
- xvi. Substance abuse, including the substances used currently and in the past, triggers for use of each substance, efforts made to stop or reduce using, consequences of use (including violent behavior, health problems, and problems with relationships, finances, and law enforcement/courts/incarceration), substance abuse services received in the past and currently, the effectiveness of those services, community supports used to stop or reduce using, the effectiveness of those supports, and activities engaged in to avoid using;
- xvii. Other important characteristics of the individual, such as special skills, talents, and abilities;
- xviii. Characteristics and behaviors resulting in barriers to successful community integration; and
- xix. Recommendations regarding rehabilitation, medical, and residential services to be provided.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Former N.J.A.C. 10:37A-4.3, Services to be provided by the supportive housing program, was recodified to N.J.A.C. 10:37A-6.3.

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N.J.A.C. 10:37A-4.4 (2017)

§ 10:37A-4.4 Nursing assessments, reassessments, and 90-day visits in supervised residences

(a) Initial comprehensive nursing assessment. Within the 14th day of a consumer's admission to a supervised residence, a registered nurse, or higher level nursing professional, shall provide, in a face-to-face setting, an initial comprehensive nursing assessment.

(b) Comprehensive nursing reassessments shall be performed annually, at a minimum. These reassessments may be performed on a more frequent basis than annually, where clinically necessary, shall cover the same information as the annual reassessment, and shall include a justification for the level of care received by the consumer.

(c) The initial nursing assessment and annual reassessments shall include:

1. An evaluation of the current status of diagnosed medical conditions, as well as identification of risk factors for medical conditions;

2. Allergies;

3. Adverse medication reactions;

4. An indication of whether the consumer possesses the ability to take medications as prescribed;

5. An indication of whether the consumer possesses an understanding of the risks and benefits of the medications prescribed;

6. An indication of whether the consumer possesses the ability to manage healthcare problems and healthcare appointments;

7. An indication of whether the consumer possesses the ability to manage mental illness and crises;

8. A physical wellness assessment (exercise, tobacco use, alcohol intake, sleep habits, coping mechanisms to deal with stress, dates of physicals/dental exams, height, weight, and vital signs);

9. Whether there are any barriers to wellness and recovery;

10. The consumer's dietary needs and current status;

11. An indication of whether the consumer possesses the ability to complete daily living tasks to meet safety, nutritional, food preparation, hygiene, household cleanliness, and clothing needs; and

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12. Documentation of the justification for the continuation of services and a recommendation for the appropriate level of care (Level A+, A, or B housing, and family care homes).

(d) In addition to (c) above, the initial comprehensive nursing assessment shall:

1. Determine the appropriate level of service required;
2. Justify the need for continued mental health services; and
3. Be used in conjunction with the comprehensive rehabilitation needs assessment required by N.J.A.C. 10:37A-5.2.

(e) A registered nurse or higher level nursing professional shall provide face-to-face nursing visits every 90 days following the initial comprehensive nursing assessment while the consumer resides in a supervised residence and shall document such visits in the consumer's progress notes. In addition, where necessitated by the consumer's needs, a registered nurse or higher level nursing professional shall visit the consumer to periodically evaluate the consumer's condition and the appropriateness of care provided by staff. These 90-day visits shall include an assessment and review of the consumer's clinical condition, which shall assure that services are being provided consistent with the consumer's individualized rehabilitation plan. During each 90-day visit, the nursing professional shall:

1. Review the individualized rehabilitation plan;
2. Review the observations and progress notes made by the direct care staff;
3. Assess the consumer's health; and
4. Indicate any changes needed in treatment approaches in the individualized rehabilitation plan.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote the section.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote (a).

Repeal and New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Consumer resident service agreements".

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N.J.A.C. 10:37A-4.5 (2017)

§ 10:37A-4.5 Individualized rehabilitation plan

(a) No later than 30 days after the consumer has been admitted, PA staff shall be responsible for partnering with the consumer to develop, implement, monitor, and update an individualized rehabilitation plan.

(b) Within the parameters established by State and Federal confidentiality laws and N.J.A.C. 10:37A-2.2(d), the PA shall consult with identified providers and significant others in developing the individualized rehabilitation plan.

(c) The individualized rehabilitation plan for each consumer shall be based upon the comprehensive rehabilitation needs assessment, WRAP(R) and advance directive for mental health care, most recent nursing assessment, and any other existing assessments.

(d) An individualized rehabilitation plan shall include the following information:

1. The valued life role the consumer wants to achieve or maintain, the consumer's rehabilitation and recovery goals, and time-framed, measurable objectives;
2. The strategies and interventions to be employed, as well as anticipated outcomes;
3. Specific measurable criteria for program discontinuance or reduction in services that delineate a desired behavioral change or skill attainment;
4. A schedule of updates to the plan; and
5. All relevant providers serving the consumer.

(e) Each individualized rehabilitation plan and subsequent revisions shall be signed and dated by:

1. A physician or licensed practitioner authorized to recommend a course of treatment;
2. Other appropriate team members;
3. The team member responsible for scheduling and conducting reviews for that consumer and his or her supervisor; and
4. The consumer.

i. If the consumer declines to sign the individualized rehabilitation plan, the PA shall document this fact.

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(f) Review of the individualized rehabilitation plan shall occur as follows:

1. A consumer may request a review and/or revision of the individualized rehabilitation plan at any time.
2. In addition to any request by the consumer, the PA shall review and, as necessary, revise the individualized rehabilitation plan within three months of its development and every three months thereafter.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote (c), inserted new (d), and recodified and rewrote existing (d) as (e).

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Repeal and New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Recordkeeping".

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N.J.A.C. 10:37A-5.1 (2017)

§ 10:37A-5.1 General requirements

- (a) The PA shall maintain written records for each consumer residing in supervised housing.
- (b) The PA shall maintain the confidentiality of all records (in accordance with all applicable Federal and State laws) and shall securely store such records in a manner as to provide access only to authorized persons.
- (c) Each consumer record shall be maintained in an organized, up-to-date fashion and shall include documentation of all services provided and contacts with consumers, including, as appropriate, the following documents:
  - 1. A consumer service agreement that meets the requirements of N.J.A.C. 10:37A-4.2;
  - 2. A comprehensive rehabilitation needs assessment that meets the requirements of N.J.A.C. 10:37A-4.3;
  - 3. A nursing assessment that meets the requirements of N.J.A.C. 10:37A-4.4;
  - 4. An individualized rehabilitation plan that meets the requirements of N.J.A.C. 10:37A-4.5;
  - 5. Progress notes that meet the requirements of N.J.A.C. 10:37A-5.2;
  - 6. A termination summary that meets the requirements of N.J.A.C. 10:37A-5.3; and
  - 7. If the PA charges consumers fees, appropriate financial records that meet the requirements of N.J.A.C. 10:37A-5.4(a).

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (a), substituted "consumer residents" for "clients" throughout, and inserted "the level of functioning and disability of the consumer residents served" preceding "the types of residences"; in (b), substituted "program coordinator" for "clinical specialist"; deleted (c).

Amended by R.2005 d.1, effective January 3, 2005.

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See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote (a); added (c).

Repeal and New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Staffing requirements".

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N.J.A.C. 10:37A-5.2 (2017)

§ 10:37A-5.2 Progress notes

(a) The PA shall document and maintain progress notes for each consumer on a weekly basis or more frequently in times of crisis or transition.

(b) Progress notes shall indicate the level of goal attainment, services provided, significant events, and contacts with other service providers. PA staff shall use the information contained in progress notes to set levels of care and to develop and revise the individualized rehabilitation plan and ongoing assessments related to a consumer's WRAP(R), where one exists.

(c) PA staff shall sign, date, and indicate the time of entry for every progress note they write and shall include their staff titles.

(d) Progress notes shall document ongoing communication with other service providers.

**HISTORY:**

New Rule, R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-5.2, Residential counselor requirements, qualifications and duties, recodified to N.J.A.C. 10:37A-5.3.

Repeal and New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Registered nurse requirements, qualifications, and duties".

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N.J.A.C. 10:37A-5.3 (2017)

§ 10:37A-5.3 Termination summary

(a) PA staff shall complete a termination summary for all consumers within 30 days of termination from community mental health residences.

(b) The termination summary shall include the following information:

1. The primary presenting problem(s);
2. The treatment provided and consumer's response;
3. The clinical condition at termination;
4. Any recommendations and referrals, including medications;
5. The reason for program termination; and
6. The consumer's post-termination housing address/housing status, if known.

HISTORY:

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote (a)3; inserted new (b) and (c); recodified and rewrote existing (b) as (d).

Recodified from N.J.A.C. 10:37A-5.2 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-5.3, Senior residential counselor requirements, qualifications and duties, recodified to N.J.A.C. 10:37A-5.4.

Repeal and New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

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Section was "Residential counselor requirements, qualifications and duties".

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N.J.A.C. 10:37A-5.4 (2017)

§ 10:37A-5.4 Financial records

(a) In addition to the recordkeeping requirements found in N.J.A.C. 10:37-6.73, 6.74, 6.76, 6.77, and 6.79, PAs that charge consumers fees shall keep appropriate financial records.

(b) Financial records shall include specific charges for all service-related items applicable to each consumer.

(c) The PA shall make available to the consumer any and all financial records related to fees charged to that consumer and any rental subsidies received on the consumer's behalf.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (b), substituted "Participation in the development" for "Development" in 2, substituted "Participation in individual" for "Individual" in 3, and added 4 through 6.

Recodified from N.J.A.C. 10:37A-5.3 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-5.4, Residential program coordinator requirements, qualifications and duties, recodified to N.J.A.C. 10:37A-5.5.

Repeal and New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Senior residential counselor requirements, qualifications and duties".

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N.J.A.C. 10:37A-5.5 (2017)

§ 10:37A-5.5 (Reserved)

**HISTORY:**

Recodified from N.J.A.C. 10:37A-5.4 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Residential program coordinator requirements, qualifications and duties".

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N.J.A.C. 10:37A-5.6 (2017)

§ 10:37A-5.6 (Reserved)

**HISTORY:**

New Rule, R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Supportive housing program coordinator".

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N.J.A.C. 10:37A-5.7 (2017)

§ 10:37A-5.7 (Reserved)

**HISTORY:**

New Rule, R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Staff training".

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N.J.A.C. 10:37A-6.1 (2017)

§ 10:37A-6.1 Purpose and goals

(a) PA staff shall offer a range of services and supports necessary to assist the consumer in achieving mental health rehabilitative and recovery goals, as identified in the consumer's individualized rehabilitation plan, including, but not limited to:

1. Achieving and maintaining valued life roles in the social, employment, educational, and/or housing domains; and
2. Restoring a consumer's level of functioning to that which allows the consumer to achieve community integration and to access an independent living setting of the consumer's choice.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Former N.J.A.C. 10:37A-6.1, Physical plant requirements, was recodified to N.J.A.C. 10:37A-8.1.

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N.J.A.C. 10:37A-6.2 (2017)

§ 10:37A-6.2 Services to be provided by the supervised housing program

(a) Based upon the needs of the consumers served, a range of services shall be offered to consumers in the supervised housing program, specifically addressing the maintenance or enhancement of consumer self-sufficiency. These services are intended to foster a sense of belonging, both within the residential setting and the greater community. They are designed to enhance the consumer's interest and participation in all spheres of community living (such as religious, social, political, and cultural). The PA shall empower the consumer to use the full range of community services. The PA shall provide consumers with access to an on-call PA staff member 24 hours per day, seven days per week for times of stress and crisis.

(b) Following assessment and evaluation of individual needs and services and in consultation with the consumer, the following minimum services shall be directly provided by the PA to enrolled consumers as individually appropriate and agreed to by the consumer, and shall be documented in the clinical record:

1. Individual services coordination;
2. Training in daily living skills;
3. Residential counseling;
4. Support services;
5. Crisis intervention services;
6. Medication education and facilitation of proper administration techniques; and
7. Health care monitoring and oversight services.

(c) Affiliation agreements with local screening services shall be developed. These agreements shall address the timely sharing of information and procedures for follow-up on the care and disposition of the consumer.

(d) The PA shall document that it has the capability to provide or arrange the services listed below based on individual consumer need. This capability may be documented through such means as policies and procedures, schedules of services, and logs. In addition, the PA shall document that such services were in fact provided. Provided services shall be documented in the clinical record, schedules, logs, or other means of documentation presented by the PA.

1. Support services;

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2. Recreation;

3. Education. Instruction shall minimally be provided or arranged in physical and mental health maintenance, alcohol and drug abuse prevention, family planning, prevention of sexually transmitted diseases and education about self-help and recovery programs; and

4. Vocational and academic services. These services shall be arranged as needed for each consumer resident and include, but not be limited to, basic academics, formal academics, career exploration and development, supported employment, transitional employment, sheltered work and job placement.

(e) The PA shall maintain ongoing communication with all other providers of needed treatment and generic human services, so that appropriate adjustments are made in the services provided to the consumer. Such services include, but are not limited to, partial care, hospitalization, outpatient treatment, vocational services, medical services, education programs, community activities (such as cultural, charitable, religious, or spiritual gatherings), clinical case management, substance abuse counseling, acute care services, and entitlements.

1. The PA shall maintain affiliation agreements as needed.
2. The PA shall participate in local systems planning activities as needed.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote the section.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Recodified from N.J.A.C. 10:37A-4.2 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Services to be provided by the Level A+, A, B, C and D Residential Program". Rewrote the section. Former N.J.A.C. 10:37A-6.2, Water supply, was recodified to N.J.A.C. 10:37A-8.2.

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N.J.A.C. 10:37A-6.3 (2017)

§ 10:37A-6.3 Other services

(a) At a minimum, and in addition to the services required to be provided by N.J.A.C. 10:37A-6.2, the PA shall offer or arrange for the following services to be made available, where they are appropriate to the needs of the consumer as identified in the comprehensive rehabilitation needs assessment:

1. Housing skills. Assist the consumer in identifying natural supports to successfully live in an unsupervised setting. Assist the consumer to set up and decorate their residence, help them to become familiar with the local community resources, access transportation services, and locate resources, such as the supermarket, bank, library, post office, and pharmacy;

2. Mental health medication and illness self-management. Develop a plan to help the consumer monitor their symptoms, track early warning signs, develop coping skills, and prepare a plan to prevent or minimize a relapse. Observe the consumer's symptoms, help the consumer manage symptoms not reduced with medication, and assist the consumer to adapt and cope with internal and external stresses. Assist consumers in advocating for themselves regarding medication concerns and act as a liaison to clinical service providers.

3. Finances, budgeting, and banking. Provide training and support in all areas concerned with the consumer's finances, including weekly/monthly budgeting, establishing bank accounts, balancing checkbooks, looking for sales, using coupons and rebate offers, avoiding impulse buys, responding to telemarketing or mail "schemes," establishing a savings plan designed for emergencies, and enhancing self-sufficiency;

4. Co-occurring mental health and substance abuse services linkages. Inquire about substance use/abuse history, and when a problem is identified, help consumers identify triggers for relapse and focus on a lifestyle centered on recovery. Refer to co-occurring mental health and substance abuse treatment if necessary. Educate the consumer on the interactive effects of substance use on psychiatric symptoms, psychiatric and other medications, and social behavior. Share Twelve-Step recovery and local co-occurring group meeting lists with consumers and accompany to local groups and/or meetings in order to encourage attendance. Encourage an alcohol and substance free-living environment in shared living arrangements. If necessary, assist consumers in accessing in-patient rehabilitation facilities;

5. Transportation services. Provide coaching in the use of Medicaid taxi service, carpools, buses, trains, etc., and help consumers access low-cost transportation resources, if available. Assist with reading maps, reading bus/train schedules, locating bus stops/train stations, etc. Assist consumers to save for bicycles or other low-cost methods of transportation. Provide instruction on and assistance with all transportation options;

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6. Access to natural supports. Assist consumers to develop a support network other than professionals, which may include neighbors, family, friends, co-workers, clergy or lay religious or spiritual guides, shopkeepers, etc. Explore with the consumer opportunities for social networks and coach the consumer to strengthen these connections. Explore/encourage joining or rejoining a social organization, recreational group, or religious or spiritual organization to enhance quality of life and promote community integration;

7. Crisis intervention, consisting of face-to-face, short-term interventions with a consumer who is experiencing increased distress and/or an active state of crisis. Interventions and strategies include:

i. Contributing to the development and implementation of the consumer's crisis contingency plan and psychiatric advance directive;

ii. Brief, situational assessment;

iii. Verbal interventions to de-escalate the crisis;

iv. Assistance in immediate crisis resolution;

v. Mobilization of support systems; and

vi. Referral to alternative services at the appropriate level;

8. Residential counseling; and

9. Emergency response services.

#### HISTORY:

Repeal and New Rule, R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Section was "Settings to provide residential programs".

Recodified from N.J.A.C. 10:37A-4.3 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Services to be provided by the supportive housing program". Rewrote the section. Former N.J.A.C. 10:37A-6.3, Residences, was recodified to N.J.A.C. 10:37A-8.3.

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N.J.A.C. 10:37A-6.4 (2017)

§ 10:37A-6.4 Medication

(a) Each consumer taking prescribed or over-the-counter medication shall self-administer his or her own medication to the extent possible.

1. Self-administration of medication means the consumer removes the individual dose of medication from a container provided by a pharmacy, sample medication container provided by the prescriber, or a container of non-prescription medication, and consumes the medication, places it into another container for consumption at a later time, applies the medication externally, or injects him- or herself with the medication.

2. Qualified PA staff (including those qualified by training to administer diabetes testing and medications) may assist the consumer in self-administering the medication or by coaching or monitoring the consumer while he or she is self-administering the medication as part of the individualized rehabilitation plan.

3. If psychotropic medication or controlled substances are included in the individualized rehabilitation plan, arrangements appropriate to the consumer's ability to self-administer such medications shall be provided or arranged as appropriate by any engaged service provider, including procedures for location, storage, and retrieval of the medications.

(b) If the consumer is not capable of taking his or her own medication independently, the PA staff shall verbally assist and/or supervise the self-administration of the medication as prescribed. If the consumer is not physically capable of self-administration of medication with verbal assistance, appropriately licensed or certified staff must administer medication by removing the individual dose of medication from the original container and either giving it to the consumer to consume, placing it in another container for the consumer to consume at a later time, applying the medication externally, or administering an injection of the medication.

(c) Pursuant to the PA policy, an ongoing written record shall be maintained of all medication administration events and self-administration events in which PA staff verbally assisted the consumer.

(d) Medications of consumers who self-administer their medications and who live in a setting with other consumers may be stored in the consumer's unit if the consumer and PA take reasonable precautions to prohibit access to the medications by other consumers. For consumers who require administration of medication or verbal assistance in self-administering medication, the PA staff shall store all prescription and non-prescription medication in a safe and organized manner as follows:

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## N.J.A.C. 10:37A-6.4

1. Both prescription and non-prescription medications shall be kept locked at all times when a staff member is not in the room. The medications shall be kept locked in a closet, cabinet, drawer, adequately secured box, or in a room exclusively dedicated for this purpose.

2. Medications that require refrigeration shall be maintained in a secure manner (for example, by using locked boxes or a locked refrigerator) and at a temperature required by the manufacturer of the medication.

3. The medications specific to each consumer shall be kept in a separate bag, box, container, or drawer clearly labeled with the consumer's name. The newly received supply of each medication for a consumer shall be kept in a separate bag, box, container, or drawer clearly labeled for newly received medications for the particular consumer until the currently used supply of the particular medication is finished.

4. A discontinued medication for a consumer shall be removed from the supply as soon as it is discontinued and placed within a separate bag, box, container, or drawer clearly labeled for medications no longer in use.

5. The keys to stored medications shall not be accessible to consumers or staff who do not assist the consumer with medications.

6. In supervised residences and shared supportive housing residences, no stock supply of prescription medications or syringes shall be stored in the consumer's room or dwelling unit with the exception of insulin syringes.

7. PA staff shall destroy medications that are outdated or discontinued in accordance with established procedures.

(e) A list of all prescribed medications including the name, purpose, dosage, self-administration frequency, and date prescribed for each medication shall be entered into the consumer's clinical record, as per PA policy.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Former N.J.A.C. 10:37A-6.4, Garbage and rubbish disposal, was recodified to N.J.A.C. 10:37A-8.4.

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N.J.A.C. 10:37A-6.5 (2017)

§ 10:37A-6.5 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.5 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Electrical system".

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N.J.A.C. 10:37A-6.6 (2017)

§ 10:37A-6.6 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.6 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Lighting".

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N.J.A.C. 10:37A-6.7 (2017)

§ 10:37A-6.7 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.7 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Ventilation".

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N.J.A.C. 10:37A-6.8 (2017)

§ 10:37A-6.8 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.8 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Heating".

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N.J.A.C. 10:37A-6.9 (2017)

§ 10:37A-6.9 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.9 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Structural safety and maintenance".

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N.J.A.C. 10:37A-6.10 (2017)

§ 10:37A-6.10 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.10 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Kitchen facilities".

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N.J.A.C. 10:37A-6.11 (2017)

§ 10:37A-6.11 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.11 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Occupancy and use of space".

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N.J.A.C. 10:37A-6.12 (2017)

§ 10:37A-6.12 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.12 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Uniform Fire Code".

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N.J.A.C. 10:37A-6.13 (2017)

§ 10:37A-6.13 (Reserved)

**HISTORY:**

Amended by R.1999 d.203, effective July 6, 1999.

See: 31 N.J.R. 1179(a), 31 N.J.R. 1805(a).

Changed N.J.A.C. reference.

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Group homes with five or less residents not in multiple unit dwellings".

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N.J.A.C. 10:37A-6.14 (2017)

§ 10:37A-6.14 (Reserved)

**HISTORY:**

Amended by R.1999 d.203, effective July 6, 1999.

See: 31 N.J.R. 1179(a), 31 N.J.R. 1805(a).

Changed N.J.A.C. reference.

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Group homes with six to 15 residents not in multiple unit dwellings".

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N.J.A.C. 10:37A-6.15 (2017)

§ 10:37A-6.15 (Reserved)

**HISTORY:**

Amended by R.1999 d.203, effective July 6, 1999.

See: 31 N.J.R. 1179(a), 31 N.J.R. 1805(a).

Changed N.J.A.C. reference.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Group homes in structures with multiple dwelling units".

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N.J.A.C. 10:37A-6.16 (2017)

§ 10:37A-6.16 (Reserved)

**HISTORY:**

Amended by R.1999 d.203, effective July 6, 1999.

See: 31 N.J.R. 1179(a), 31 N.J.R. 1805(a).

Changed N.J.A.C. reference.

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Family care homes".

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N.J.A.C. 10:37A-6.17 (2017)

§ 10:37A-6.17 (Reserved)

**HISTORY:**

Amended by R.1999 d.203, effective July 6, 1999.

See: 31 N.J.R. 1179(a), 31 N.J.R. 1805(a).

Changed N.J.A.C. reference.

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "PA apartments".

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N.J.A.C. 10:37A-6.18 (2017)

§ 10:37A-6.18 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.13 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Smoke and carbon monoxide detectors".

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N.J.A.C. 10:37A-6.19 (2017)

§ 10:37A-6.19 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.14 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Fire drills".

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N.J.A.C. 10:37A-6.20 (2017)

§ 10:37A-6.20 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.15 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Kerosene heaters".

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N.J.A.C. 10:37A-6.21 (2017)

§ 10:37A-6.21 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.16 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Fireplaces".

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N.J.A.C. 10:37A-6.22 (2017)

§ 10:37A-6.22 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-8.17 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Variances".

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N.J.A.C. 10:37A-7.1 (2017)

§ 10:37A-7.1 General requirements

The PA shall employ a sufficient number of staff to offer and provide all required services to consumers, based upon the numbers of consumers served, the level of functioning and needs of the consumers, the types of residences utilized, and the geographical distribution of residences. The PA shall maintain the staffing pattern approved by the Division and reflected in the purchase of service contract.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Former N.J.A.C. 10:37A-7.1, Administrative hearings, was recodified to N.J.A.C. 10:37A-9.1.

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N.J.A.C. 10:37A-7.2 (2017)

§ 10:37A-7.2 Staffing credentials and responsibilities

(a) Staff shall be appropriately licensed.

(b) All staff shall have credentials as appropriate to their functional job descriptions and be hired in compliance with all applicable laws regarding criminal record background checks and substance use testing.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Former N.J.A.C. 10:37A-7.2, Development of residential complaint procedures, was recodified to N.J.A.C. 10:37A-9.2.

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N.J.A.C. 10:37A-7.3 (2017)

§ 10:37A-7.3 Staff training

(a) The PA shall develop, update, administer, and document a comprehensive, competency-based training program and manual for individuals providing adult mental health residential services. The training curriculum shall be consistent with the requirements set forth at N.J.A.C. 10:37-6.99, 10:37D-2.14, and 10:77A-2.4, and shall have as stated objectives the attainment of the skills to provide, to the extent they are applicable, the services listed in (d) below.

(b) A training completion summary sheet shall be documented for each employee, listing each topic and subtopic relevant to the employee's job that is included in the curriculum and indicating the date that each training was provided, the duration of the training, the source of the training, and the competency (as indicated by a completed test, if applicable) or certification achieved. On-line training may serve as the delivery method for each topic or subtopic listed in (d) below.

(c) A training manual shall provide a detailed description of the curriculum, consistent with the topics listed in (d) below, the qualifications of the individuals or sources of the training providers, the training format, any materials to be used or distributed, and a description of how skill attainment will be measured, including a copy of any measurement instrument to be used.

(d) The training curriculum shall include, at a minimum, the following topics:

1. An overview of adult mental health rehabilitation services delivery, including:
  - i. Psychiatric rehabilitation;
  - ii. Illness, management, and recovery;
  - iii. Wellness and recovery action planning;
  - iv. Advance directives for mental health care;
  - v. Professional ethics and boundaries;
  - vi. Confidentiality;
  - vii. Resident populations; and
  - viii. Continuum of care and discharge orientation.

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2. Emergency preparedness including:
  - i. CPR training/first aid;
  - ii. Obstructed airway training;
  - iii. Infection control; and
  - iv. Fire safety;
3. Suicide prevention, including, but not limited to, risk factors and warning signs;
4. Substance use disorders in conjunction with mental illness;
5. Crisis intervention and prevention skills, including:
  - i. Development of a crisis plan;
  - ii. Crisis assessment;
  - iii. Crisis prevention techniques;
  - iv. Verbal intervention;
  - v. Crisis resolution;
  - vi. Mobilization of supports and how and when to access additional resources;
6. Documentation and recordkeeping procedures, including:
  - i. Needs assessment;
  - ii. Individualized rehabilitation plan;
  - iii. Progress notes;
  - iv. Termination summary;
  - v. Objective versus subjective recording of information;
  - vi. Daily attendance logs for programs reimbursed on a daily basis; and
  - vii. Daily recording of the nature of services rendered, including the total number of units of service provided;
7. Policies and procedures for verbally assisting the consumer in self-administering prescription and non-prescription medication;
8. Other medication/clinical issues, including:
  - i. Classes of medication, therapeutic objectives, side effects, and interactions, including documentation and reporting of side effects to appropriate medical professional; and
  - ii. Clinical communication, including how to report symptoms when encountering problematic medical/clinical situations and pertinent information to share with medical providers during emergencies;
9. Activities of daily living and personal care management, including:
  - i. Personal hygiene;
  - ii. Food preparation and nutrition;
  - iii. Household maintenance, laundry, and budgeting; and
  - iv. Monitoring of prescribed individual eating modifications; and
10. Self-care health management and chronic health conditions.

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## N.J.A.C. 10:37A-7.3

(e) A certificate of completion of cardiopulmonary resuscitation (CPR) and first aid training issued by a trainer certified by the American Heart Association or the American Red Cross is required and must be renewed upon expiration.

(f) Individuals who have not completed the required training elements set forth in (d)1 through 9 and (e) above may only deliver services with a co-signature by a person who has been so trained. The co-signer shall be on site and available at all times to provide in-person guidance. Within six months of beginning employment or August 15, 2016, whichever comes later, all employees must have completed all required training elements.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Former N.J.A.C. 10:37A-7.3, PA ombudsman, was recodified to N.J.A.C. 10:37A-9.3.

**NOTES:**

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N.J.A.C. 10:37A-7.4 (2017)

§ 10:37A-7.4 (Reserved)

**HISTORY:**

Recodified to N.J.A.C. 10:37A-9.4 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Consumer resident protection".

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N.J.A.C. 10:37A-8.1 (2017)

§ 10:37A-8.1 Physical plant requirements

All licensed supervised residences shall comply with all applicable provisions of the New Jersey Uniform Construction Code as specified in N.J.A.C. 5:23, all applicable provisions of the New Jersey Uniform Fire Code, as specified in N.J.A.C. 5:70, 5:71, and 5:72, and evidenced by a valid Certificate of Occupancy under the Construction Code or Certificate of Inspection under the Fire Code, as appropriate, and all applicable local codes.

**HISTORY:**

Amended by R.1999 d.203, effective July 6, 1999.

See: 31 N.J.R. 1179(a), 31 N.J.R. 1805(a).

Changed N.J.A.C. references.

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote the section.

Recodified from N.J.A.C. 10:37A-6.1 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-8.2 (2017)

§ 10:37A-8.2 Water supply

(a) Every residence shall be provided with a safe supply of potable water meeting the standards as set forth in the Safe Drinking Water Act rules at N.J.A.C. 7:10. The PA shall document that for every dwelling unit serviced by a private well, testing of the potable water supply is conducted to determine if the standards in the Safe Drinking Water Act rules at N.J.A.C. 7:10 are met before occupancy and at least once every five years. In accordance with the Private Well Testing Act, P.L. 2001, c. 40, N.J.S.A. 58:12A-26 et seq. and the rules promulgated pursuant thereto, N.J.A.C. 7:9E, PAs leasing residences to consumers shall arrange for testing of potable water supply from a private well at least once every five years, and, within 30 days after receipt of the test results, shall provide a written copy of the test results to each rental unit and each new tenant.

(b) The source of such water supply shall be approved by the New Jersey Department of Environmental Protection or the local health agency.

**HISTORY:**

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote (a).

Recodified from N.J.A.C. 10:37A-6.2 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote (a).

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N.J.A.C. 10:37A-8.3 (2017)

§ 10:37A-8.3 Residences

- (a) Every residence shall contain a kitchen sink of non-absorbent impervious material.
- (b) Every residence shall be provided with a minimum of one toilet, bathroom sink, and a bathtub or shower.
- (c) There shall be at least one toilet, sink, and one bath or shower for each eight consumers.
- (d) The bathroom sink shall be located in or adjoining the toilet area.
- (e) Every toilet, bathroom sink and bathtub or shower shall be:
  - 1. Accessible from within the building without passing through any part of any other rooming unit; and
  - 2. Contained in a room or rooms which are separated from all other rooms by walls, doors or partitions that afford privacy.
- (f) No consumer shall be required to go farther than one floor above or below his or her rooming unit to the toilet room.
- (g) No consumer shall be without ready access to a bathroom, bathtub, or shower by reason of physical disability.
- (h) Every plumbing fixture shall be connected to water and sewer/septic systems approved by the New Jersey Department of Environmental Protection and/or the local health agency, and shall be maintained in good working condition. Plumbing systems shall be well maintained.
- (i) Every kitchen sink, bathroom sink, and bathtub or shower required by this section shall be connected to both hot and cold water lines.
- (j) Every residence shall have water heating facilities that are installed and connected with the hot water lines.
- (k) The water heating system must be capable of delivering water at a minimum temperature of not less than 115 degrees Fahrenheit and at a maximum temperature of not more than 135 degrees Fahrenheit at all times in accordance with anticipated needs.

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## N.J.A.C. 10:37A-8.3

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (b) and (c), substituted references to toilets for references to water closets; in (f), substituted "toilet room" for "bathroom"; in (f) and (g), substituted "consumer resident" for "client"; in (k), substituted "115" for "120" and "135" for "140".

Recodified from N.J.A.C. 10:37A-6.3 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

In (b), (c), and (i), inserted comma following "sink"; in (c), substituted "consumers" for "residents"; in (f) and (g), deleted "resident" following "consumer"; in (g), inserted comma following "bathtub"; and in (j), substituted "that" for "which".

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N.J.A.C. 10:37A-8.4 (2017)

§ 10:37A-8.4 Garbage and rubbish disposal

Outdoor garbage, rubbish, or other organic waste shall be stored in covered, watertight receptacles. A sufficient number of garbage or rubbish receptacles shall be available, and shall conform to all applicable State rules and local ordinances.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Added last sentence.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Recodified from N.J.A.C. 10:37A-6.4 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Inserted comma following the first occurrence of "rubbish" and substituted "rules" for "regulations".

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N.J.A.C. 10:37A-8.5 (2017)

§ 10:37A-8.5 Electrical system

(a) Every residence shall be provided with electrical service, which shall be adequately maintained and conform to all relevant local and State electrical codes. The electrical system shall be in working order and size sufficient for the appliances and equipment used. Every outlet and lamp shall be maintained in a good and safe condition and shall be connected to the source of electric power.

(b) Extension cords and flexible cords shall not be used as a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, floors, under drapes, or floor coverings, nor be subject to environmental damage or physical impact. If used, extension cords shall be in good working order and size sufficient for the appliances and equipment used. Large appliances, such as air conditioners, refrigerators, freezers, washers, and dryers shall be directly plugged into an electrical outlet.

**HISTORY:**

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

In (a), inserted "and conform to all local and State electrical codes" at the end of the first sentence; in (b), added the third sentence.

Recodified from N.J.A.C. 10:37A-6.5 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

In (b), inserted comma following "drapes" and inserted last sentence.

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N.J.A.C. 10:37A-8.6 (2017)

§ 10:37A-8.6 Lighting

- (a) Every bedroom shall have at least one window or skylight facing directly to the outdoors.
- (b) The minimum glazed area of the total windows or skylights shall be eight percent of the floor area of each room.
- (c) Every habitable room shall contain sufficient wall-type electric outlets and lamps or light fixtures to enable consumer residents to use the room for its intended function. Lighting in habitable rooms must be sufficient to read by. Open or unshielded halogen lamp stands shall be prohibited.
- (d) Every portion of each staircase, hall, cellar, basement, landing, furnace room, utility room, and all similar non-habitable space shall have light available at all times.
- (e) Every portion of any interior or exterior passageway or staircase shall have light available at all times.
- (f) Every bathroom and toilet room shall have light available at all times. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazard. There must be sufficient light to use the room and/or area for its intended purpose.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote (c) through (f).

Recodified from N.J.A.C. 10:37A-6.6 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

In (d), inserted comma following the second occurrence of "room" and substituted "non-habitable" for "nonhabitable".

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N.J.A.C. 10:37A-8.7 (2017)

§ 10:37A-8.7 Ventilation

- (a) A means of ventilation shall be provided for every habitable room.
- (b) Means of ventilation shall be provided for every bathroom or water closet compartment.
- (c) Ventilation shall be sufficient to remove odors.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-6.7 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

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N.J.A.C. 10:37A-8.8 (2017)

§ 10:37A-8.8 Heating and cooling

(a) Space heaters, including, but not limited to, electrical, kerosene, and quartz heaters, shall be prohibited unless a waiver is granted by the licensing authority. Every residence shall have heating facilities that are:

1. Properly installed;
2. Maintained in good and safe working condition; and
3. Capable of safely and adequately heating all habitable rooms and bathrooms located therein to a temperature of at least 70 degrees Fahrenheit when the outside temperature is 14 degrees Fahrenheit.

(b) The temperature shall be read at a height of three feet above floor level at the center of the room.

(c) There shall be heat adequate to maintain a minimum inside temperature of 68 degrees Fahrenheit in all habitable rooms and bathrooms from October 1 of each year to the next May 1, and when the outside temperature is 57 degrees or less.

(d) Every space heater, except electrical, shall be properly vented to a chimney or duct leading to outdoors.

(e) Unvented portable space heaters, burning solid, liquid, or gaseous fuels, shall be prohibited.

(f) The facility shall establish a written heat emergency action plan to be implemented whenever the indoor air temperature is 82 degrees Fahrenheit or higher for four consecutive hours.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-6.8 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Heating". Rewrote the introductory paragraph of (a) and inserted (f).

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N.J.A.C. 10:37A-8.9 (2017)

§ 10:37A-8.9 Structural safety and maintenance

(a) Every foundation, floor, floor covering, wall, ceiling, door, window, roof, or other part of a residence shall be kept clean, in good repair and capable of the use intended by its design, and any exterior part or parts thereof subject to corrosion or deterioration shall be kept well painted.

(b) Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

(c) Every stairway having three or more steps shall be properly banistered and safely balustraded.

(d) Every porch, balcony, roof, and similar place higher than 30 inches above the ground, used for egress or for use by consumer residents, shall be provided with adequate railings or parapets which are properly balustraded and be not less than three feet in height.

(e) Every roof, wall, window, exterior door, and hatchway shall be free from holes or leaks that would permit entrance of water within or be a cause of dampness.

(f) Every foundation, floor, and wall of each residence shall be free from chronic dampness that is malodorous in the living environment.

(g) Every residence shall be free from rodents, vermin, and insects. A PA of a residence located in an area found by the Department to be infested by rats, insects, or other vermin shall carry out such rodent and insect control or other means of preventing infestations of said dwellings as may be required by the Department.

(h) Every openable window, exterior door, skylight, and other opening to the outdoors shall be supplied with properly fitting screens in good repair from May 1st until October 1st of each year. Screens shall have a mesh of not less than No. 16.

(i) Every residence, including all exterior areas of the premises, shall be clean and free from garbage or rubbish and hazards to safety.

(j) Lawns, hedges, and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly.

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(k) Fences shall be kept in good repair.

(l) The ground maintenance shall be consistent with that of the neighborhood, unless the condition of the neighborhood does not generally meet the minimum standards for maintenance set forth at (j) above.

(m) The Department may require that the PA clean, repair, paint, whitewash, or paper such walls or ceiling, when a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or when such a wall or ceiling has become stained or soiled, or the plaster, wallboard, or other covering has become loose or badly cracked or missing.

(n) Every water closet compartment floor and bathroom floor shall be so constructed and maintained as to be reasonably impervious to water and shall be kept in a clean condition.

(o) No PA shall cause or permit any services, facilities, equipment, or utilities that are required under this chapter to be removed from, shut off, or discontinued, in any PA owned, leased, or contracted residence or part thereof, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies, when discontinuance of service is authorized by the Division.

(p) In the event that any service or utility is discontinued in a PA owned, leased or contracted residence, the PA shall take immediate steps to cause the restoration of such service or utility.

(q) All residences must be clean and sanitary prior to occupation by any resident, and shall be maintained in a clean and sanitary condition.

(r) The PA shall maintain the PA owned, leased, or contracted premises to ensure compliance with all applicable laws and rules. The storage of objects or materials shall be done in a manner to avoid imminent health, safety, or fire hazards.

#### HISTORY:

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote (a), (d), (f), (o), (p) and (r).

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Substituted "Department" for "Division" in (g) and (m).

Recodified from N.J.A.C. 10:37A-6.9 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

In (e), inserted comma following "door"; in (f), inserted comma following "floor"; in (g), inserted commas following the first occurrence of "vermin" and the second occurrence of "insects"; in (j), inserted comma following "hedges"; in (m), inserted comma following "whitewash"; in (o), inserted commas following "services" and "leased" and substituted "that" for "which"; and in (r), inserted commas following "leased" and "safety" and substituted "rules" for "regulations".

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N.J.A.C. 10:37A-8.10 (2017)

§ 10:37A-8.10 Kitchen facilities

(a) Major appliances shall minimally include a refrigerator, freezer (or refrigerator with freezer compartment), an oven, and a cooktop.

(b) Food products shall be thawed, stored, processed, and prepared in a safe manner in all supervised residences.

(c) Refrigeration and storage of food shall be provided at not more than 45 degrees Fahrenheit. Freezer compartments shall operate at no more than zero degrees Fahrenheit and must be maintained in good condition and without excessive ice build-up.

(d) All food and drink shall be safe for human consumption, clean, wholesome, free of spoilage, and prepared and served in a sanitary manner. There shall be at least a two-day supply of food and drink in the supervised residence at all times.

(e) All equipment, surfaces, and utensils used in the residence for eating, drinking, preparation, and storage shall be:

1. Kept clean and in good condition;
2. Thoroughly washed after each use; and
3. In sufficient quantity for the number of occupants.

HISTORY:

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote (b), (c), (e) and (f).

Amended by R.2005 d.1, effective January 3, 2004.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

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N.J.A.C. 10:37A-8.10

Recodified from N.J.A.C. 10:37A-6.10 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

In (a), inserted comma following "oven; and rewrote (b), (d), and the introductory paragraph of (e).

**NOTES:**

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N.J.A.C. 10:37A-8.11 (2017)

§ 10:37A-8.11 Occupancy and use of space

(a) Every rooming unit occupied for sleeping purposes by one consumer shall contain at least 80 square feet of floor space. Every room occupied for sleeping purposes by more than one consumer shall contain at least 60 square feet of floor space for each consumer. Doors for privacy shall be provided and maintained. Means of egress to the rest of the home shall be direct and not through any other bedroom.

(b) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(c) Sufficient closet space for storage shall be provided. The storage space shall be uncluttered and sufficient for clothing and supplies.

(d) Rooms shall be of adequate size for the number of people, types of activities, and storage.

(e) A room located in whole or in part below the level of the ground may be used for sleeping, provided that the following requirements are met:

1. The walls and floor that are in contact with the earth shall be dampproofed; and

2. All requirements of this section and N.J.A.C. 10:37A-8.12 through 8.17 applicable to habitable rooms shall be satisfied.

(f) In family care homes, consumers shall be allowed to share sleeping rooms/accommodations only with other consumers.

(g) In supervised residences in single detached homes, bedrooms above the second floor shall have access to a second means of egress. If the second means of egress is a window, the window shall open onto a fire escape permanently attached to the building.

(h) Basements may be used for storage, heating and water supply equipment, other utilities such as washers and dryers, and as activity rooms. A second means of egress is not required.

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## N.J.A.C. 10:37A-8.11

(i) The PA shall maintain all residences that it owns, leases, or contracts in a manner that ensures the health, safety, and welfare of consumers.

(j) Each residence shall be sufficiently furnished to allow for all consumers to comfortably eat, sleep, relax, and to store their clothing. All indoor as well as outdoor furniture shall be safe and in good repair.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Substituted references to consumer resident for references to client throughout; added (h) through (j).

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Recodified from N.J.A.C. 10:37A-6.11 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-8.12 (2017)

§ 10:37A-8.12 Uniform Fire Code

The provisions of N.J.A.C. 5:70, the Uniform Fire Code, are incorporated herein by reference, and shall apply to all supervised residences. A certificate of a satisfactory life hazard use inspection conducted by the city, township, or State fire authority minimally every 12 months shall be available in each supervised residence that is a single family detached house.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Substituted "5:70" for "5:18".

Recodified from N.J.A.C. 10:37A-6.12 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-8.13 (2017)

§ 10:37A-8.13 Smoke and carbon monoxide detectors

(a) Smoke detectors shall be installed at locations as follows:

1. At least one on every level of the dwelling, including basements, but excluding attics without any living space;
2. In enclosed stairwells;
3. In each bedroom; and
4. Within 10 feet of the door to each bedroom.

(b) Smoke detectors and hard-wired smoke detection systems shall be tested quarterly. The tests shall be documented.

(c) All licensed residences housing consumers who are deaf or hearing impaired shall be equipped with flashing and bed-vibrating fire alarms and carbon monoxide detectors. In residences without a hard-wired smoke and carbon monoxide detection system, the bed-vibrating device shall be activated by the smoke detector in the bedroom, the smoke detector outside the bedroom, and the carbon monoxide detector outside the bedroom.

(d) At least one carbon monoxide detector is required in each dwelling unit within 10 feet of the door to each bedroom.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (b), substituted "quarterly" for "monthly"; added (c).

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

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N.J.A.C. 10:37A-8.13

Recodified from N.J.A.C. 10:37A-6.18 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-8.14 (2017)

§ 10:37A-8.14 Fire drills

(a) Fire drills shall be conducted in all licensed supervised residences.

1. Fire drills shall be conducted monthly with at least one drill being conducted on each staff covered shift each quarter. Within a 12-month period, at least one of the drills on each staff covered shift shall be conducted with an activated hard-wired fire alarm system, if the home is equipped with such a system. The drills that are conducted without activating a hard-wired fire alarm system shall be initiated by activating a battery powered smoke detector.

2. Evacuation shall be completed in less than three minutes. If timely evacuation without assistance is not possible, a plan must be developed and documented to accommodate each consumer needing assistance, and all plans must be executable at the same time. Assistance may be provided without such plans if needed in A+ supervised residences in which staff are continuously stationed whenever a consumer is home. In the event that an evacuation takes three minutes or longer, the PA in supervised residences shall develop and implement a plan of correction that will result in compliance with this standard.

3. For each fire drill, the time, date, participants, problem areas, resolution of problems, and timeliness of egress shall be documented by agency staff or an assigned consumer.

(b) The Department shall review agency compliance with this procedure every two years during the onsite inspection.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (a), substituted "at least every other month" for "per month"; in (b), defined evening hours as "between 5:00 P.M. and 6:00 A.M."; in (d), added "by agency staff or an assigned consumer resident".

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

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N.J.A.C. 10:37A-8.14

Rewrote the section.

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

In (b), substituted "every two years" for "annually".

Recodified from N.J.A.C. 10:37A-6.19 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote (a).

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N.J.A.C. 10:37A-8.15 (2017)

§ 10:37A-8.15 Kerosene heaters

The use of kerosene heaters is prohibited.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-6.20 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

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N.J.A.C. 10:37A-8.16 (2017)

§ 10:37A-8.16 Fireplaces

All fireplaces, if operable and utilized, shall be cleaned and have a documented inspection every two years. If an unused fireplace is to become operable, it shall be cleaned and have a documented inspection prior to use.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote the section.

Recodified from N.J.A.C. 10:37A-6.21 by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

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N.J.A.C. 10:37A-8.17 (2017)

§ 10:37A-8.17 Variances

The PA shall provide the Department with a copy of all applications for variances from the codes cited in N.J.A.C. 10:37A-8.1 and the action taken on them.

**HISTORY:**

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Recodified from N.J.A.C. 10:37A-6.22 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Amended the N.J.A.C. reference.

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N.J.A.C. 10:37A-9.1 (2017)

§ 10:37A-9.1 Administrative hearings

Administrative hearings regarding final Department actions will be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

**HISTORY:**

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Inserted "regarding final Department actions" following "Administrative hearings".

Recodified from N.J.A.C. 10:37A-7.1 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Inserted "and 52:14F-1 et seq.,".

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N.J.A.C. 10:37A-9.2 (2017)

§ 10:37A-9.2 Development of residential complaint procedures

All PAs shall establish internal complaint procedures, which will be subject to the Department's review and approval at the time of the initial licensing and triennial licensing reviews. Complaint procedures shall allow for a consumer of the PA or his or her designee to make known a grievance regarding services provided or which failed to be provided; to seek appropriate redress related thereto; and to have corrective action taken as might be warranted. The policy and procedure for consumer complaints shall be posted in a public place at the PA office site and a copy given to each consumer upon beginning the program. Any implementation of the complaint procedure shall be documented in the consumer's clinical record.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Substituted references to consumer resident for references to client throughout

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

Inserted comma following the first occurrence of "procedures" and deleted "annual" preceding the second occurrence of "licensing".

Recodified from N.J.A.C. 10:37A-7.2 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-9.3 (2017)

§ 10:37A-9.3 Complaint process; ombudsperson

The PA's internal complaint procedures shall be consistent with the provisions of N.J.A.C. 10:37-4.6 regarding consumer complaint agency ombudsperson and review procedures, which are incorporated by reference.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Substituted "consumer resident" for "client".

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Recodified from N.J.A.C. 10:37A-7.3 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "PA ombudsman". Rewrote the section.

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N.J.A.C. 10:37A-9.4 (2017)

§ 10:37A-9.4 Consumer protection

No consumer shall be subject to retaliation of any form by the PA because of the filing of any complaint.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Substituted "consumer resident" for "client".

Recodified from N.J.A.C. 10:37A-7.4 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Consumer resident protection". Deleted "resident" following "consumer".

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N.J.A.C. 10:37A-9.5 (2017)

§ 10:37A-9.5 (Reserved)

**HISTORY:**

New Rule, R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Recodified from N.J.A.C. 10:37A-9.8 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-9.5, Conditions permitting discharge from group homes, supervised apartments and family care homes, recodified to N.J.A.C. 10:37A-9.2.

Repealed by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Conditions for termination of supportive housing services".

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N.J.A.C. 10:37A-10.1 (2017)

§ 10:37A-10.1 Quality assurance

(a) The PA shall develop and implement written policies and procedures for an ongoing quality assurance (QA) program that meet the QA requirements for community agencies as articulated in N.J.A.C. 10:37-9. In addition, the PA shall ensure, through its quality assurance program, that supervised residences meet the program and facility requirements for licensure as specified in this chapter and that shared supportive housing residences meet the facility requirements for licensure as specified in this chapter.

(b) Areas to be monitored and evaluated include the following:

1. Therapeutic environment and life safety monitoring shall include at least quarterly documentation of safety inspections (including testing of smoke detectors) to assure the health, safety, and welfare of consumers in supervised residences and annual documentation of these inspections in shared supportive housing residences;

2. Adequacy of planning for more independent living and reduction of service intensity.

i. Barriers to discharge/transfer to a less restrictive living environment shall be reviewed annually for all consumers living in supervised residences.

ii. These review findings shall be forwarded to the agency quality assurance oversight (or utilization review) committee for review and follow-up and should be available at the time of a licensing review; and

3. Adequacy of intake and admission review process to ensure vacancies are filled expeditiously. Vacancy rates and the reasons for those vacancy rates shall also be monitored.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote (b); deleted (c).

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

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N.J.A.C. 10:37A-10.1

Rewrote the section.

Recodified from N.J.A.C. 10:37A-8.1 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-11.1 (2017)

§ 10:37A-11.1 General rule regarding the discharge of consumers from supervised residences

(a) No consumer of a licensed supervised residence shall be prohibited from utilizing or residing in a residence unless:

1. Such action is justified by one of the conditions specified in N.J.A.C. 10:37A-11.2 or 11.4(b); and
2. The PA follows all of the procedures set forth in N.J.A.C. 10:37A-11.3 or 11.4(b), as applicable. A consumer may be discharged voluntarily if the PA has complied with the procedures set forth at N.J.A.C. 10:37A-11.3(b).

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Substituted "consumer resident" for "client" throughout.

Recodified from N.J.A.C. 10:37A-9.4 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-9.1, Criteria for admission, repealed.

Recodified from N.J.A.C. 10:37A-9.1 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "General rule regarding the discharge of consumer residents from group homes, supervised apartments, and family care homes". Rewrote the section.

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N.J.A.C. 10:37A-11.2 (2017)

§ 10:37A-11.2 Conditions permitting discharge from supervised residences

(a) A consumer may be discharged from a supervised residence pursuant to written PA policies, which may include only the following conditions for discharge:

1. The PA reasonably concludes that the consumer clearly violates the rules set forth in the consumer service agreement (N.J.A.C. 10:37A-4.2), which creates a substantial, continuing, and immediate threat to the physical safety of other persons, or to the emotional or psychological health of other consumers of the residence; provided, however, that the PA shall not discharge such consumer on this basis if the consumer has been civilly committed to an inpatient treatment facility pursuant to N.J.S.A. 30:4-27.1 et seq.

2. The PA reasonably concludes that the consumer's clearly inappropriate behavior renders the residence or the PA out of compliance with any agreements to which the PA is signatory as a lessee or with any applicable law or rule.

3. The consumer repeatedly violates a rule governing consumer conduct, which is reasonable both in itself and its application, after the PA delivers to him or her a written notice to cease violating such rule. No such rule shall be the basis for discharging a consumer unless it is reflected in a consumer services agreement and/or other documents in compliance with this chapter.

4. The consumer has received the maximum clinical benefit of the services offered by the residence, an appropriate alternative living arrangement (where the consumer has sufficient financial resources), other than a shelter, motel, or hospital, is available to him or her prior to discharge, and the PA reasonably determines that discharge would be in the consumer's best clinical interests.

5. The consumer absents himself or herself from the residence for a continuous period of 30 days without providing the PA with notice of intent that he or she will return after the expiration of such 30-day period; provided, however, that continued absence beyond 30 days shall be a condition for discharge if such absence is not in the consumer's clinical best interest.

6. The consumer has refused necessary and appropriate services offered by the PA pursuant to a properly developed individualized rehabilitation plan; the refusal is contrary to his or her clinical interest; the consumer has failed to offer any alternate plan, which would be consistent with his or her clinical interest; and an alternative living arrangement other than a hospital is available.

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**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (a), inserted "from a group home, a supervised apartment or a family care home" following "discharged" in the introductory paragraph, and rewrote 1; substituted references to consumer resident for references to client throughout.

Recodified from N.J.A.C. 10:37A-9.5 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-9.2, Additional criteria for admissions, repealed.

Recodified from N.J.A.C. 10:37A-9.2 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Conditions permitting discharge from group homes, supervised apartments and family care homes".  
Rewrote the section.

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N.J.A.C. 10:37A-11.3 (2017)

§ 10:37A-11.3 Discharge procedures from supervised residences

(a) The PA may discharge and remove a consumer from a supervised residence only after complying with all of the procedures set forth in this chapter.

(b) The PA shall comply with the following procedures in all cases prior to discharge, except when the consumer cannot be located, or, despite the PA's effort to comply, the consumer is unwilling to participate:

1. The PA's assigned clinical staff shall fully inform the consumer of and discuss with the consumer the factual and clinical basis for discharge, and, if the consumer does not agree, approve the discharge;

2. The PA shall offer to utilize the consumer Complaint/Agency Ombuds Procedure, N.J.A.C. 10:37-4, to attempt to resolve any problems; and

3. The PA's assigned clinical staff shall formulate a written discharge plan and document all efforts to obtain appropriate alternate living arrangements and appropriate alternate treatment modalities.

(c) If, after the procedures set forth in (b)1 through 3 above are completed, the consumer disagrees with the PA decision to discharge, the PA may discharge and remove the consumer from the residence only after complying with the following procedures and obtaining the approval of the Division's review officer as set forth below:

1. If the consumer has declined to utilize the consumer Complaint/Agency Ombuds Procedure, the PA shall submit its decision for review by the chief executive officer of the PA;

2. If the chief executive officer upholds the basis for the discharge and the consumer disagrees, the PA shall deliver to the consumer a written notice of intent to discharge the consumer from the residence, and read and explain such notice to the consumer in the same language utilized on admission; and

3. The PA shall then schedule a meeting for administrative review by the Division as set forth at (d) below on a date at least 10 days after the date upon which it delivered, read and explained the notice referred to in (c)2 above, if an alternate residence is available. If an alternate residence is not available, the meeting shall be scheduled at least 20 days thereafter.

(d) The administrative review referred to in (c)3 above shall be conducted by the designee of the Assistant Commissioner for Mental Health and Addiction Services, and such designee shall be an employee of the Division. The re-

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viewing officer shall schedule at least one meeting between the PA representatives, the consumer, and the reviewing officer, at which meeting or meetings the reviewing officer shall ensure the following:

1. That the PA has engaged in all of the procedural steps required by this chapter, prior to the meeting date;
2. That the consumer has had fair notice of the factual and clinical basis for the PA's decision to discharge;
3. That the consumer is given a reasonable time within which to obtain the services of an advocate or attorney, if the consumer so desires;
4. That the consumer is present during all meetings conducted by the reviewing officer, unless the consumer waives his or her right to be present;
5. That the consumer is assisted and/or represented by any available individual of his or her choice during the meeting, if the consumer so desires;
6. That the consumer has a full opportunity to respond to everything stated during the meeting; and
7. That the consumer has a full opportunity to present any relevant documents, objects, or statements of third persons. The officer must permit such persons to make such statements in person during the meeting, and may accept such statements in writing. The officer may base his or her decision in part upon written statements, if at least one person attends the meeting who has personal knowledge of the relevant facts.

(e) During or after the meeting or meetings described in (d) above, the reviewing officer shall make the following findings:

1. That the consumer has or has not been accorded the safeguards listed in (d) above;
2. That the factual basis for the PA's decision to discharge is or is not true, based upon a preponderance of the credible evidence; and
3. That one or more of the conditions justifying discharge, as specified in N.J.A.C. 10:37A-11.2, does or does not in fact exist at the time of the final review meeting, or that it is reasonable to believe that, if such condition does not exist at the time of the final review meeting, the condition will recur immediately upon disapproval of discharge.

(f) If the reviewing officer makes all of the findings set forth at (e) above in the affirmative, such officer may, in his or her discretion, approve the discharge and removal of the consumer from the residence in question, and set a reasonable date and reasonable conditions, if any, for discharge. If the reviewing officer does not approve such discharge, he or she shall make such recommendation as he or she may consider fair and appropriate.

(g) By letter, the reviewing officer shall notify the PA, the consumer, and the consumer's representative, if any, of the officer's findings and decision. The PA staff shall read and explain such letter to the consumer in the same language utilized at admission.

(h) The decision of the reviewing officer shall be the final decision of the Department; the PA's noncompliance with such decision shall be grounds for revocation of licensure or other administrative sanction.

(i) If the reviewing officer approves the discharge, the PA may discharge and peaceably remove the consumer from the residence as directed by the reviewing officer, and in any event no sooner than seven days after the consumer receives the reviewing officer's written decision. Any such discharge must be to an appropriate form of living arrangement.

#### HISTORY:

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (a), substituted "a group home, supervised apartment, or a family care home" for "the residence" preceding "only after"; substituted references to consumer resident for references to client throughout.

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N.J.A.C. 10:37A-11.3

Recodified from N.J.A.C. 10:37A-9.6 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-9.3, Procedures for admission, repealed.

Recodified from N.J.A.C. 10:37A-9.3 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Discharge procedures from group homes, supervised apartments and family care homes". Rewrote the section.

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N.J.A.C. 10:37A-11.4 (2017)

§ 10:37A-11.4 Miscellaneous provisions regarding the exclusion and discharge of consumers from supervised residences

(a) A PA shall not discharge or exclude a consumer from a supervised residence as a retaliation or reprisal for such consumer's attempt to assert his or her rights, desires, or needs.

(b) Exclusion. Whenever a consumer's behavior presents a substantial, immediate threat to the physical safety of others, or to the emotional or psychological health of other consumers, the PA may remove the consumer immediately and temporarily, if necessary, and may prevent the consumer from returning until the immediate threat has been obviated. The PA may not discharge such consumer, however, unless a condition for discharge listed at N.J.A.C. 10:37A-11.2 exists, and unless the PA follows all procedures for discharge set forth in this chapter. If the PA prevents the consumer's return for more than 24 hours, it must comply with the following procedures:

1. The proposed decision shall be submitted to the chief executive officer of the PA for his or her approval;

2. If the chief executive officer approves, the PA shall schedule an administrative review of such exclusion within the next 48 hours, before a reviewing officer appointed as set forth in N.J.A.C. 10:37A-11.3(d), and such review shall determine the propriety of the continuation of such exclusion. Such review shall be conducted pursuant to the procedures set forth at N.J.A.C. 10:37A-11.3(d), to the extent that such procedures are feasible and applicable. The reviewing officer shall make such order as he or she shall consider fair and appropriate.

(c) The PA shall maintain the consumer's residential placement during brief hospitalizations and temporary absences for at least 30 days from the date of such consumer's admission to a hospital, or from the date of such consumer's leaving the residence.

(d) The PA must exercise reasonable care to safeguard the consumer's property for a reasonable period of time after the consumer is discharged, and in any event for at least 30 days.

(e) A shelter for the homeless shall not be considered an appropriate alternative residence as required pursuant to this subchapter.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

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## N.J.A.C. 10:37A-11.4

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (a), inserted "from a group home, supervised apartment, or a family care home" preceding "as a retaliation"; substituted references to consumer resident for references to client throughout.

Recodified from N.J.A.C. 10:37A-9.7 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-9.4, General rule regarding the discharge of consumer residents, recodified to N.J.A.C. 10:37A-9.1.

Recodified from N.J.A.C. 10:37A-9.4 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Miscellaneous provisions regarding the discharge of consumer residents from group homes, supervised apartments, and family care homes". Rewrote the section.

**CASE NOTES:**

Mental health patients, who were involuntary rehospitalized following alleged violation of condition of their release, were improperly placed on Conditional Extension Pending Placement (CEPP) status, which continued their involuntary hospitalization, as patients each had appropriate placements. In re Commitment of B.L., 346 A.2d 285.

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N.J.A.C. 10:37A-12.1 (2017)

§ 10:37A-12.1 Initial licensing process

(a) All inquiries related to licensure of supervised residences and supportive housing residences shall be made to:

New Jersey Department of Human Services  
Office of Licensing  
PO Box 707  
Trenton, NJ 08625-0707

(b) To become a licensed PA, an agency shall:

1. Demonstrate the intent and ability to operate a residence in accordance with this chapter;
2. Be a mental health services provider with a service contract or, with a waiver of the contract requirement, an affiliation agreement with the Division. Such a service contract or affiliation agreement shall include provisions for the operation of community residences; and
3. Pay the fee(s) required by N.J.A.C. 10:37A-12.2.

(c) The PA shall be in compliance with this chapter, as well as applicable rules in N.J.A.C. 10:37 and 10:37D.

(d) The PA shall apply for licensure to the Department. Applications shall indicate the type or types of supportive housing residences or supervised residences intended, the specific geographical location in which residences would be located, and the number of residents to be served. Such application shall be made to the Department at the address in (a) above.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Amended by R.2004 d.91, effective March 1, 2004.

See: 35 N.J.R. 4200(b), 36 N.J.R. 1203(a).

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N.J.A.C. 10:37A-12.1

In (b), added 3; in (d), deleted the last sentence.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

In (a), updated the address; in (c), added N.J.A.C references.

Recodified from N.J.A.C. 10:37A-2.1 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-12.2 (2017)

§ 10:37A-12.2 Licensure fees

(a) Providers of supervised residences applying for a new license shall pay an initial application fee of \$ 575.00. Providers of shared supportive housing residences shall pay an initial application fee of \$ 100.00.

(b) On an annual basis, the PA shall submit the fee(s) listed at (c) below to the Department at the address listed at N.J.A.C. 10:37A-12.1(a). Checks shall be made payable to the "State of New Jersey." No license shall be issued where payment of this fee has not been received in full by the Department. Failure to pay the fees applicable to an existing license shall result in revocation of that license.

(c) PAs shall pay the following annual licensure renewal fees:

- |    |  |           |
|----|--|-----------|
| 1. | For a supervised residence in a single detached house (SR SDH):  |           |
|    | i. For the first SR SDH license  | \$ 575.00 |
|    | ii. For each additional SR SDH license   | \$ 287.50 |
| 2. | For community support services in a supervised apartment program (CSS SR APT) or community support services in a supervised residence family care program (CSS SR FC) license: |           |
|    | i. For the first CSS SR APT or CSS SR FC license   | \$ 575.00 |
|    | ii. For each additional CSS SR APT or CSS SR FC license  | \$ 287.50 |
| 3. | For each shared supportive housing residence   | \$ 100.00 |

(d) The renewal fee shall be paid upon receipt of a bill from the Division.

**HISTORY:**

New Rule, R.2004 d.91, effective March 1, 2004.

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## N.J.A.C. 10:37A-12.2

See: 35 N.J.R. 4200(b), 36 N.J.R. 1203(a).

Former N.J.A.C. 10:37A-2.2, Licensing of group homes, recodified to N.J.A.C. 10:37A-2.3.

Administrative change.

See: 39 N.J.R. 455(a).

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

In (b), deleted "with its application for renewed licensure" following "submit", comma following "below" and "at the address listed at N.J.A.C. 10:37A-2.1(a)" following the first occurrence of "Division"; and rewrote (d).

Recodified from N.J.A.C. 10:37A-2.2 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-12.3 (2017)

§ 10:37A-12.3 Conditional licensure

(a) A conditional license may be issued whenever:

1. Compliance with a standard pertaining to the consumer's safety, rights, or staffing is lacking during a housing inspection or program review;
2. A corrective action plan required by N.J.A.C. 10:37A-12.10, is not submitted to the Department by the PA at the designated time, or it is determined by the Department to be inadequate;
3. A review of a complaint or serious incident identifies deficiencies that warrant conditional status; or
4. A repeat deficiency is noted during a program review, or during a housing inspection it is evident that a previously noted deficiency has not been corrected.

(b) A conditional license shall be upgraded to a full license when a determination is made, on the basis of a follow-up review or a review of documents submitted by the PA, that each deficiency that has prompted the issuance of the conditional license has been corrected.

**HISTORY:**

New Rule, R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.3, Licensing of group homes, recodified to N.J.A.C. 10:37A-2.4.

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

In (a)1, deleted comma following "rights" and substituted "a" for "an annual" preceding "housing".

Recodified from N.J.A.C. 10:37A-2.3 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

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Rewrote the section.

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N.J.A.C. 10:37A-12.4 (2017)

§ 10:37A-12.4 Licensing of supervised residences in single detached homes

(a) The Department shall inspect any proposed supervised residence in a single detached home, and shall review agency and program operations, policies, procedures, and supporting documentation for compliance with the provisions of this chapter, as well as the applicable provisions of N.J.A.C. 10:37 and 10:37D. In addition, the PA shall submit a current certificate of occupancy or certificate of continued occupancy indicating a residential or institutional use group designation if the city or municipality in which the home is located has a process for issuing such a document for newly purchased or newly rented homes.

(b) The Department shall notify the PA in writing of any violations.

(c) Once the PA has corrected all violations, the PA shall request a final site inspection and shall submit documents indicating habitability.

(d) A license shall be issued once intent and capability to comply with all program requirements is demonstrated, inspections are satisfactory (including satisfactory certificate of life hazard use inspection by the fire official with jurisdiction and documentation that any renovations, additions, modifications, repairs, and alterations completed after issuance of the Certificate of Occupancy (CO) or Certificate of Continued Occupancy (CCO), and requiring permits from the local authority have final approval from the local authority), life hazard use registration (pursuant to Department of Community Affairs rules at N.J.A.C. 5:70-2.4(c)) is initiated and there is reasonable assurance that the supervised residence in a single detached home shall be operated in a manner required by this chapter. For new construction, a certificate of occupancy issued under the Uniform Construction Code shall be accepted in lieu of the life hazard use inspection by the Fire Official. Supervised residences in single detached homes shall not be occupied until licensed.

(e) The license shall be issued by the Department.

(f) The license shall be limited to a specifically identified facility, issued for a period of two years, and shall indicate the maximum number of persons to be served within that facility.

(g) The original license (not a copy) shall be available on the agency's premises for review by the Department, or any interested members of the public, during normal business hours.

**HISTORY:**

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N.J.A.C. 10:37A-12.4

Recodified from N.J.A.C. 10:37A-2.3 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.4, Licensing PA apartments, recodified to N.J.A.C. 10:37A-2.5.

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

In (f), substituted "two years" for "one year".

Recodified from N.J.A.C. 10:37A-2.4 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Licensing of group homes". Rewrote the section.

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N.J.A.C. 10:37A-12.5 (2017)

§ 10:37A-12.5 Licensing supervised residences in apartments

(a) The Department may inspect any proposed apartment site(s), and review agency and program operations policies, procedures, and supporting documentation for compliance with the provisions of this subchapter and the applicable provisions of N.J.A.C. 10:37 and 10:37D.

(b) The Department shall notify the PA in writing of any and all violations.

(c) Once the PA has corrected all violations, the PA shall request a final site inspection and shall submit documents indicating habitability if requested by the Department.

(d) A license shall be issued once intent and capability to comply with all program requirements is demonstrated, inspections, if any, are satisfactory and there is reasonable assurance that the supervised residences in apartment(s) shall be operated in a manner required by this chapter.

(e) The license shall be issued by the Department.

(f) The license shall be issued to the PA for a specific number of supervised residences in apartments and total capacity for consumers within a county for a period of two years. The PA shall notify the Office of Licensing, of any new apartment (before it is occupied), any additional bed capacity, and any apartment that is closed. If adding a new apartment or bed capacity will exceed the licensed capacity of the apartment program, the PA shall not allow the consumer(s) to occupy the new apartment(s) or bed(s) until the licensed capacity is increased. The PA shall not occupy a new apartment in a county in which it is not licensed to operate apartments until such a license is issued. The new facilities shall comply with all requirements of this chapter. The PA shall notify the Office of Licensing of all supervised residences apartments at the time of the housing inspection.

(g) The license shall be available on the agency's premises for review by the Division and/or Department, and any members of the public, during normal business hours.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

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## N.J.A.C. 10:37A-12.5

In (f), added last sentence beginning with "The PA shall notify".

Recodified from N.J.A.C. 10:37A-2.4 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.5, Licensing family care homes, recodified to N.J.A.C. 10:37A-2.6.

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

In (f), substituted "two years" for "one year" and deleted "annual" preceding "housing".

Recodified from N.J.A.C. 10:37A-2.5 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Licensing PA apartments". Rewrote the section.

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N.J.A.C. 10:37A-12.6 (2017)

§ 10:37A-12.6 Licensing supervised residences in family care homes

(a) The PA shall develop a written services agreement with the individual who operates a supervised residence in a family care home.

(b) The content of the services agreement between the PA and the individual who operates a supervised residence in a family care home shall have been approved by the Division.

(c) The Department may inspect any proposed supervised residence in a family care home and review all agency and program operations, policies, procedures, and supporting documentation for compliance with the provisions of this chapter and all other applicable rules. The PA shall notify the Office of Licensing, at the address noted in N.J.A.C. 10:37A-12.1(a), of any proposed supervised residence in a family care home (before placing a consumer in it), of any additional bed capacity and any new family care home that is closed. If adding a new supervised residence in a family care home or increasing bed capacity will exceed the licensed capacity of the family care program, the PA shall not place a consumer in the new supervised residence in a family care home or in the new bed until the licensed capacity is increased. The PA shall not place a consumer in a new supervised residence in a family care home in a county in which it is not licensed to operate supervised residences in family care homes until such a license is issued. The PA shall notify the Office of Licensing, of all supervised residences in family care homes at the time of the housing inspection.

(d) The Department shall notify the PA in writing of any violations.

(e) Once the PA has corrected all violations, the PA shall request a final site inspection and shall submit documents indicating habitability if requested by the Department.

(f) A license shall be issued once intent to comply with all program requirements is demonstrated, inspections, if any, are satisfactory, and there is reasonable assurance that the supervised residences in family care home(s) shall be operated in a manner required by this chapter.

(g) The license shall be issued by the Department.

(h) The license shall be issued to the PA for a period of two years and shall be limited to a defined number of supervised residences in family care homes within a county and shall indicate the maximum number of consumers to be served. No supervised residence in a family care home shall serve more than three consumers at any one time (unless up to four consumers were being served prior to January 3, 2005). The PA shall not exceed the capacity specified on the license.

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(i) The license shall be available on the PA's premises for review by the Division and/or Department, and any members of the public, during normal business hours.

**HISTORY:**

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

In (b) and (h), substituted references to consumer residents for references to clients; in (c), added last sentence beginning with "The PA shall notify".

Recodified from N.J.A.C. 10:37A-2.5 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.6, Licensing supportive housing residences, recodified to N.J.A.C. 10:37A-2.7.

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

In (c), deleted "annual" preceding "housing"; and in (h) substituted "two years" for "one year".

Recodified from N.J.A.C. 10:37A-2.6 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Licensing family care homes". Rewrote the section.

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N.J.A.C. 10:37A-12.7 (2017)

§ 10:37A-12.7 Licensing shared supportive housing residences

(a) The Department may inspect any proposed supportive housing residence and review all program operations for compliance with the provisions of this chapter.

(b) The Department shall notify the PA in writing of any violations.

(c) Inspections of shared supportive housing residences to be licensed will be in accordance with provisions contained in N.J.A.C. 10:37A-8.1 through 8.12 unless specifically excluded.

(d) Licenses shall be issued once intent and capability to comply with all program requirements is demonstrated, inspections, if any, are satisfactory and there is reasonable assurance that the supportive housing residence shall be operated in a manner required by this chapter.

(e) All licensed shared supportive housing residences shall be evaluated on site every two years by the Office of Licensing, and at the discretion of the Department, as needed.

(f) The license shall be issued by the Department to the PA for two years.

(g) The license shall be available on the PA's premises for review during normally scheduled business hours.

(h) Should all consumers receiving services in a shared supportive housing residence refuse or not receive services for a period of 90 days, the PA shall notify the Department's Office of Licensing, at which time the license will be terminated.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-2.6 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.7, Provisional license, repealed.

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

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N.J.A.C. 10:37A-12.7

In (e), substituted "every two years" for "annually" and deleted comma following "Services"; and in (f), substituted "two years" for "one year".

Recodified from N.J.A.C. 10:37A-2.7 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Section was "Licensing supportive housing residences". Rewrote (c), (e), and (h).

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N.J.A.C. 10:37A-12.8 (2017)

§ 10:37A-12.8 Waiver of standards

(a) Requests for waivers of standards contained in this section shall be made to the Department, in writing, at the address identified at N.J.A.C. 10:37A-12.1(a), with supporting information justifying the request.

(b) Waivers of specific program rules shall be considered, at the discretion of the Department in consultation with the Assistant Commissioner, or designee, of the Division, provided that one or more of the following conditions have been met:

1. Where strict enforcement of the rule would result in unreasonable hardship on the consumer resident;
2. The waiver addresses a particular need of a consumer resident(s) but does not adversely affect the health, safety, welfare, or rights of the consumer resident; or
3. There is a clear clinical or programmatic justification for such a waiver that will enhance a PA's effectiveness or efficiency without an adverse effect on any consumer's health, safety, welfare, or rights; and
4. There is a clearly demonstrated need for the type of program services to support the continuum of community-based services.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-2.8 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.9, License renewal, recodified to N.J.A.C. 10:37A-2.10.

Recodified from N.J.A.C. 10:37A-2.9 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-12.9 (2017)

§ 10:37A-12.9 License renewal

(a) All licenses shall be subject to renewal every two years, except for the community support services license. The community support services license shall be renewed at the time of the triennial program review.

(b) Determination of license renewal shall be based on the housing inspection and triennial program review conducted by the Department's Office of Licensing. A housing inspection shall be conducted minimally every two years.

(c) Deemed status may be considered as part of the Department's licensing process at the time of the triennial program review. For programs granted deemed status, in some cases a triennial program review will be conducted and it shall primarily focus on, but shall not be limited to, staffing and clinical records. Deemed status may be considered in those cases where:

1. The residential program is accredited within the past three years by an accrediting body recognized by the Department and the accreditation remains in effect; and

2. The program submits the accrediting body report indicating the program is accredited, as well as other documentation requested by the Department. As applicable, any remediation plan required by the accrediting body shall also be submitted.

(d) In the event that a license expires prior to the determination of renewal, the license shall remain in effect until such a determination is made.

(e) Unless the licensure renewal fee has been waived pursuant to N.J.A.C. 10:37A-12.8, the PA shall submit a licensure renewal fee in accordance with the schedule delineated at N.J.A.C. 10:37A-12.2(c). Failure to pay any portion of a required fee shall result in denial of the renewal of the license(s).

**HISTORY:**

Recodified from N.J.A.C. 10:37A-2.9 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.10, Evaluation and monitoring, recodified to N.J.A.C. 10:37A-2.11.

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N.J.A.C. 10:37A-12.9

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

In (a), substituted "renewal every two years" for "an annual renewal"; and in (b), deleted "annual" preceding "housing" and inserted the last sentence.

Recodified from N.J.A.C. 10:37A-2.10 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-12.10 (2017)

§ 10:37A-12.10 Inspection and monitoring of residences

- (a) All PAs and residences shall be subject to site reviews in accordance with N.J.A.C 10:190.
- (b) Supervised residences that are single family detached homes shall be inspected on site at least every two years by the Department and, at the discretion of the Department or Division, as needed.
- (c) Supervised residences located in PA apartments shall be inspected on site at least every two years by the Department and, at the discretion of the Department or Division, as needed.
- (d) All PA family care homes shall be evaluated at least every two years by the Department and, at the discretion of the Department or Division, as needed.
- (e) All licensed shared supportive housing residences shall be evaluated on-site every two years by Department and, at the discretion of the Department or Division, as needed.
- (f) A written report of, residence inspections including all deficiencies and violations, shall be provided to the PA by the Department within 60 days from the date of the site review.
- (g) A review shall be conducted by the Department at least every three years to assess the PA's compliance with the programmatic requirements contained in this chapter. A written report shall be provided to the PA within 90 days of the review.
- (h) No later than 40 days after receipt of an inspection or review report, the PA shall provide a plan of correction (POC) to the Department. The POC shall document which specific violations have been corrected and the actions taken or planned, as well as the anticipated date of full correction, for each specific outstanding violation.
- (i) The PA shall be notified in writing whether the POC is approved for implementation or whether there are any areas that need to be addressed further.
- (j) For any violations cited by the Department as presenting an imminent threat to the health or safety of a consumer, the PA shall correct them or remove the threat created by such violations immediately and shall provide written notice, within 48 hours, to the Department that such action has been taken.

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## N.J.A.C. 10:37A-12.10

(k) If the Department report identifies violations other than those presenting an imminent threat to the health and/or safety of a consumer, once the POC is approved by the Department, the PA shall provide a report to the Division on progress toward remediation of deficiencies every 60 days until compliance is achieved.

(l) When the PA is cited for a physical violation and the maintenance is the responsibility of another party, there must be documented evidence that the PA has informed the building owner and his or her agent of the need to correct any violations. If such violations are not corrected, the PA shall take further action as appropriate.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-2.10 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.11, Appeal of the Division's findings, recodified to N.J.A.C. 10:37A-2.12.

Administrative change.

See: 39 N.J.R. 455(a).

Amended by R.2009 d.374, effective December 21, 2009.

See: 41 N.J.R. 2072(a), 41 N.J.R. 4790(a).

In (b), (c), (d) and (e), substituted "every two years" for "annually" and deleted comma following the first occurrence of "Department".

Recodified from N.J.A.C. 10:37A-2.11 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-12.11 (2017)

§ 10:37A-12.11 Appeal of the Department's findings

(a) The PA may appeal findings of the Department's Office of Licensing, pursuant to N.J.A.C. 10:37A-12.13, Review of administrative sanction. In the case of life-threatening violations, such appeal shall be conducted pursuant to N.J.A.C. 10:37A-12.14, Emergency situation.

(b) The appeal of findings shall be directed to the Commissioner or designee, with a copy sent to the Division, within 20 days of receipt of the written report of findings. Such appeals shall be submitted to the Department of Human Services, Office of Licensing, PO Box 727, Trenton, New Jersey 08625. Copies of these appeals shall be sent to Assistant Commissioner's Office, Division of Mental Health and Addiction Services, PO Box 707, Trenton, New Jersey, 08625-0707.

(c) A decision on the merits of the appeal shall be provided within 20 days of its receipt. This decision shall be made by the Department, in consultation with the Division.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-2.11 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.12, Administrative sanction, recodified to N.J.A.C. 10:37A-2.13.

Recodified from N.J.A.C. 10:37A-2.12 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-12.12 (2017)

§ 10:37A-12.12 Administrative sanction for PA's failure to adequately address violations

(a) In the event that the PA does not submit the corrective action plan specified in N.J.A.C. 10:37A-12.10(g), (h), and (k) by the required date, or if violations have not been abated within time frames specified in the report or other Department correspondence, the Department shall have the option of directing the Division to suspend payments to which the PA may be entitled under any agreements with the Division, and the Department shall have the option of imposition of a moratorium on admissions to the residence, revocation of the current license to operate the residence or program, non-renewal of the license to operate the residence or program, or imposition of other administrative sanctions.

(b) In the event that the Department requires the revocation or non-renewal of the license and the relocation of the consumers, a written order shall be directed to the PA's executive director and to the President of the Board of Directors of the PA.

(c) Under the supervision of the Division, the PA shall be responsible for placement of consumers when an order to vacate the premises and the revocation of a license has been issued by the Department.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-2.12 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.13, Review of administrative sanctions, recodified to N.J.A.C. 10:37A-2.14.

Recodified from N.J.A.C. 10:37A-2.13 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A-12.13 (2017)

§ 10:37A-12.13 Review of administrative sanctions

(a) Where an administrative sanction exists or a negative licensing action has been taken pursuant to N.J.A.C. 10:37A-12.12 and the PA denies the basis of the sanction or licensing action, the PA may submit a written request for a review of the action to the Department within 20 days of receipt of the sanction or licensing action at the address indicated in N.J.A.C. 10:37A-12.11(b). A decision shall be rendered by the Department within five working days of the receipt of the written request for a review.

(b) If the PA chooses to appeal a final decision made by the Department regarding an administrative sanction or licensing action pursuant to the provisions of (a) above, the PA may request an administrative hearing, which shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-2.13 and amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Former N.J.A.C. 10:37A-2.14, Administrative hearing of appeal, repealed.

Recodified from N.J.A.C. 10:37A-2.14 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

In (a), amended the N.J.A.C. references and in (b), amended the second N.J.S.A. reference.

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N.J.A.C. 10:37A-12.14 (2017)

§ 10:37A-12.14 Emergency situation

The Department, when it determines that the health, safety, or welfare of the consumers warrant it, may immediately suspend the license of a PA, and take the necessary action to ensure the well-being of consumers. The PA shall have the right to make a written request to the DHS Commissioner for a review of an emergency license suspension. The Commissioner, or designee, shall review this request on an expedited basis. The PA shall have the right to appeal the Commissioner's decision by requesting an administrative hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

**HISTORY:**

Recodified from N.J.A.C. 10:37A-2.13 and amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Substituted "consumer residents" for "clients" throughout.

Recodified from N.J.A.C. 10:37-2.14 by R.2004 d.91, effective March 1, 2004.

See: 35 N.J.R. 4200(b), 36 N.J.R. 1203(a).

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Recodified from N.J.A.C. 10:37A-2.15 and amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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N.J.A.C. 10:37A, Appx. A (2017)

**APPENDIX A**

Each consumer in a licensed supervised residence is to be provided with a copy of the following consumer rights regarding discharge and exclusion from the facility (with the appropriate names, addresses, and phone numbers of the individuals listed on page two of this appendix):

**STATEMENT OF CONSUMER RIGHTS REGARDING DISCHARGE AND EXCLUSION FROM A SUPERVISED RESIDENCE**

As a consumer residing in a Supervised Residence licensed by the New Jersey Department of Human Services, you are protected from being discharged or excluded from the residence against your will and without sufficient cause as outlined in the service agreement. Also, specific procedures must be followed by the **Provider** Agency before any discharge or exclusion can occur.

The reasons for discharge or exclusion and the procedures to be followed are as follows:

**REASONS FOR DISCHARGE:**

To be discharged or excluded from a supervised residence, one of the following conditions must occur:

1. You have received the maximum clinical benefit offered by the program and another place (not a hospital or shelter) is available for you to live in, and discharge would be in your clinical best interests.
2. You behave in a manner which substantially threatens the physical safety or emotional or psychological health of others.
3. You repeatedly break a written rule of the residence after being given a written warning to stop.
4. You behave in a manner which breaks the law or causes the residence to violate its lease or other agreements.
5. You leave the residence for 30 days without informing staff that you will return soon.
6. You refuse to participate in many of the services listed in your previously agreed upon treatment plan, have not offered a reasonable alternative plan of daily activities, and there is another place available for you to live, other than a hospital.

**PROCEDURES FOR DISCHARGE OR EXCLUSION:**

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A. The following procedures must be followed in the case of all discharges or exclusions from a Supervised Residence:

1. Your assigned clinical staff must fully explain the reasons.

2. If you wish, you must be offered the opportunity to speak with the Agency Ombudsperson and to follow the consumer Complaint Procedure. If you wish more information about this procedure, the Agency which operates this Supervised Residence will give you the full details in writing.

3. In the case of discharge, clinical staff must make a discharge plan for you and attempt to locate another place for you to live and other appropriate treatment services.

B. If you disagree with the decision to discharge or exclude you, the following procedures must be followed:

1. The Agency's Chief Executive Officer must review the decision and approve it.

2. A representative of the Division of Mental Health and Addiction Services must review the decision and you must be given the opportunity to meet with that representative.

- You will receive at least ten (10) days notice before a meeting is scheduled.

- You must be given the opportunity to bring a lawyer or another person to the meeting if you desire and to have other persons present to tell what they know.

- You must be given the opportunity to say or show anything that helps the Division representative understand why you disagree with the plan to discharge or exclude you. You must also be read any letters or written statements made by others and be allowed to respond to them.

3. The Division's representative may make any decision he or she reasonably considers to be fair and send the decision to you in writing. If the decision is made to approve the discharge or exclusion, you must be given at least seven (7) days from the date you receive the letter to move out of the residence. If the decision does not approve the discharge or exclusion, the Agency which operates this Community Residence will comply with the terms of the decision or otherwise be subject to administrative sanction.

#### **OTHER PROCEDURES:**

1. In the event you are hospitalized or leave the residence temporarily, your place in the residence must be held for you for thirty (30) days.

2. In the event you are discharged or excluded and you have not taken all of your personal property with you, the Agency must safeguard that property for a reasonable period of time, at least thirty (30) days.

3. In the event of an emergency where your behavior endangers others and there is no other effective way of dealing with the situation, you may be removed from the residence temporarily without prior review by the Division. If that occurs, you must be given the opportunity to meet within three (3) days with a representative of the Division of Mental Health and Addiction Services. The procedures set forth in N.J.A.C. 10:37A-11.3(d) and 11.4(b)2 will be followed.

4. You may not be discharged or excluded from a community residence as a retaliation or reprisal for trying to state or obtain your rights or anything you may want or need.

This statement is a summary of your full discharge rights, which appear at N.J.A.C. 10:37A-11, and which shall be available at your request at the Agency. Nothing in this statement is intended to alter or interpret the provisions of N.J.A.C. 10:37A-11.

#### **WHERE TO CALL FOR HELP:**

If you need assistance regarding your rights in a licensed Community Residence, you may call any of the following:

Agency Ombudsperson

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Provider to insert name, and contact information  
County Mental Health Administrator  
Provider to insert name and contact information  
Department of Human Services

Division of Mental Health and Addiction Services  
Capital Place One, 3rd floor  
222 S. Warren Street  
PO Box 700  
Trenton, New Jersey 08625-0700  
1-800-382-6717

(staff to circle where geographically appropriate):

Atlantic, Salem, and Camden Counties:  
Station House Office Bldg.,  
900 Haddon Ave., Suite 400  
Collingswood, NJ 08108  
(856) 858-9500  
Fax: (856) 858-9545  
TTY: (856) 858-9500  
Email: collingswood@chlp.org

Essex and Passaic Counties:  
650 Bloomfield Ave. Suite 210  
Bloomfield, NJ 07003  
(973) 680-5599  
Fax: (973) 680-1488  
TTY: (973) 680-1116

Hudson and Union Counties:  
65 Jefferson Ave., Suite 402  
Elizabeth, NJ 07201  
(908) 355-8282  
Fax (908) 355-3724  
TTY: (908) 355-3369  
Email: elizabeth@chlp.org

Mercer and Burlington Counties:  
225 E. State St., Suite 5  
Trenton, NJ 08618

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(609) 392-5553  
Fax: (609)392-5369  
TTY: (609) 392-5369  
Email: trenton@chlp.org

Monmouth and Ocean Counties:  
1 Main St., Suite 413  
Eatontown, NJ 07724  
(732) 380-1012  
Fax: (732) 380-1015  
Email: eatontown@chlp.org

For all other counties:  
185 Valley Street  
South Orange, New Jersey 07079  
(973) 275-1175  
FAX: (973) 275 - 5210  
TTY: (973)275-1721  
Email: chlpinfo@chlp.org  
Internet: www.chlp.org

Disability Rights New Jersey  
210 South Broad Street (Third Floor)  
Trenton, New Jersey 08608  
1-800-922-7233  
TTY: (609) 633-7106  
Fax: (609)777-0187  
Email: advocate@drnj.org  
Internet: www.drnj.org

#### HISTORY:

Amended by R.2002 d.57, effective March 4, 2002.

See: 33 N.J.R. 960(a), 34 N.J.R. 1003(a).

Rewrote the section.

Amended by R.2005 d.1, effective January 3, 2005.

See: 36 N.J.R. 3248(a), 37 N.J.R. 65(a).

Rewrote the section.

Amended by R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

Rewrote the section.

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**NOTES:**  
Chapter Notes



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NEW JERSEY ADMINISTRATIVE CODE  
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\*\*\* New Jersey Register, Vol. 49 No. 12, June 19, 2017 \*\*\*

TITLE 10. HUMAN SERVICES  
CHAPTER 37A. LICENSED COMMUNITY RESIDENCES FOR ADULTS WITH MENTAL ILLNESSES

**Go to the New Jersey Administrative Code Archive Directory**

N.J.A.C. 10:37A, Appx. B (2017)

**APPENDIX B**

GUIDING PRINCIPLES

**Supportive Housing Principles**

The supportive housing principles are as follows:

1. Where appropriate, consumers shall have access to affordable, lease-based housing linked with flexible community mental health rehabilitation services designed to meet their varying needs as they change over time.
2. The goal shall be for every consumer to sign a lease, have the opportunity, where necessary, to sign a consumer rental subsidy agreement, have all tenancy protections afforded under New Jersey law, pay the rent, hold the key to the residence, and control who else holds or has access to a key.
3. A consumer's housing is not conditioned on his or her acceptance of, attendance at, participation in, or compliance with treatment programming.

**Wellness and Recovery Principles**

The wellness and recovery principles that guide all Division programs are as follows:

1. As a result of their relationships and connections with a residential or services program, consumers can justifiably expect that they will acquire tools and strategies to self-manage their illness and improve their quality of life;
2. Provider agency staff shall assist and support consumers in identifying and building upon their strengths in order to better address needs, preferences, and goals;
3. Any supervised or supportive residence environment shall encourage an atmosphere of wellness and recovery, and emphasize individual dignity and respect;
4. As recovery is most often a process, not an event, every provider agency shall address the needs of consumers over time and across different levels of disability, and shall perform regular assessments to assure that services meet identified needs;
5. Recovery principles shall be applied to the full range of residential, engagement, intervention, treatment, rehabilitation, and supportive services that a consumer may need;

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6. As a recovery-oriented system, a residential program shall have the stated goal of sustaining wellness and recovery for consumers beyond enrollment in the program and shall engage and assist consumers in care in order that they can achieve, where available and appropriate, a degree of stability and recovery over a long period of time in the least restrictive environment possible to promote individual growth and safety;

7. Whenever possible, services provided by the provider agency shall be provided using the consumer's natural supports;

8. Supervised housing staff shall provide skill-building activities that empower consumers to achieve an improved sense of mastery over their disabilities and shall assist consumers in developing or regaining a meaningful sense of membership in the community; and

9. The residential staff shall incorporate evidence-based practices in the full complement of intervention strategies.

**HISTORY:**

New Rule, R.2016 d.098, effective August 15, 2016.

See: 47 N.J.R. 1827(a), 48 N.J.R. 1636(a).

**NOTES:**

Chapter Notes