

41 N.J.R. 938(a)

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RULE PROPOSALS**HUMAN SERVICES
OFFICE OF LICENSING
STANDARDS FOR COMMUNITY RESIDENCES FOR PERSONS WITH HEAD INJURIES**

41 N.J.R. 938(a)

Proposed Readoption with Amendments: N.J.A.C. 10:44C**Proposed Repeal: N.J.A.C. 10:44C Appendix A**

Authorized on January 5, 2009 by: Jennifer Velez, Commissioner, Department of Human Services.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-76.

Submit comments by May 1, 2009 to:

Douglas Swan
Administrative Practice Officer
Department of Human Services
Office of Program Integrity and Accountability
PO Box 700
Trenton, NJ 08625-0700

The agency proposal follows:

Summary

These rules constitute the minimum administrative, physical plant, fire safety, program and staffing requirements for community residences for persons with head injury, licensed by the Department to serve persons who have sustained such injury. The purpose of the rules is to protect the health, safety, welfare and human rights of the individuals who reside in these facilities, and to allow such individuals to develop their fullest potential while residing in an environment, which is normalized and supportive. The rules provide for individualized delivery of services to persons served, the establishment and maintenance of a safe environment, the provision to undertake dignified risk and the delineation of personal rights to protect them and to assist them in maximizing their potential.

The rules are necessary to implement the Department's statutory mandate to license community residences for individuals with traumatic brain injuries. The Department has reviewed the rules and has determined that they are necessary, adequate, reasonable, efficient, understandable and responsive to the purposes for which they were promulgated. The Department proposes to readopt these rules with substantive and technical amendments.

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, N.J.A.C. 10:44C, Standards for Community Residences for Persons with Head Injuries, expires on January 20, 2009. Because this notice of proposal was filed with

the Office of Administrative Law prior to the expiration date, that date was extended 180 days to July 19, 2009, pursuant to N.J.S.A. 52:14B-5.1c.

The Department will notify agencies and organizations representing the regulated community of this notice of proposal. Notice of the proposal will also be sent to the media with offices in the State House and posted on the Department of Human Services web site at www.state.nj.us/humanservices/Rules/index.htm.

A summary of each subchapter and the proposed amendments follows:

Subchapter 1, General Provisions, includes a description of the purpose and scope of the rules, a statement of severability, definitions of words and terms used in the rules, and a description of the process for application, licensing, inspection and renewal. Rules are specified for licensing agency responsibilities, procedure manuals, waivers or variances, search warrants and complaints. The subchapter also addresses the suppression of illegal operations, voluntary closure, administrative hearings and the denial, revocation, non-renewal or suspension of a license.

Amendments to the definition of "full license" at N.J.A.C. 10:44C-1.3 are proposed to indicate that a full license is effective for up to two years, rather than one year as currently stated. This proposed amendment supports the Department's efforts to strengthen current licensing systems by ensuring more efficient and effective use of resources, enabling inspectors to provide more immediate technical assistance and evaluation to agencies that warrant closer review and implementing strategies to intervene before deficiencies result in harm to consumers. The use of unannounced real-time assessments of service delivery (authorized at current N.J.A.C. 10:44C-1.4(m)) will supplement inspections on a routine, planned basis tied to the licensing cycle.

Amendments to the definition of "Regional Assistant Director's Office" are proposed to update the addresses of the Division's Lower Central and Southern Regional offices.

Amendments are proposed at N.J.A.C. 10:44C-1.4(a) to update the address of the Office of Licensing.

Amendments are proposed at N.J.A.C. 10:44C-1.7 to indicate that full licenses upon renewal are effective for up to two years from the expiration date of the preceding license, consistent with the proposed change in the definition of "full license" at N.J.A.C. 10:44C-1.3, discussed above.

Subchapter 2, Organization and Administration, addresses general organization and administration requirements; staff qualifications and personnel standards, including the training required and the minimum staffing levels; development of policy and procedure manuals; records and reporting requirements for incidents and general programming and financial matters, as well as recordkeeping requirements for persons served.

Amendments are proposed to update citations at N.J.A.C. 10:44C-2.1(l), citing rules for alcohol and other drug programs.

Amendments are proposed at N.J.A.C. 10:44C-2.9(d) concerning physical examinations upon admission to a community residence. The current rules at N.J.A.C. 10:44C-2.9(d)1ix require the results of a physical examination completed within 90 days prior to the scheduled admission date. The proposed amendments lengthen the time limit to one year prior to the scheduled admission date. The current rules at N.J.A.C. 10:44C-2.9(d)1xi require certification from a physician or advanced practice nurse stating the person served is free of communicable disease, with written documentation provided to the licensee within 72 hours of admission. This requirement is proposed for deletion. Upon advice from the Medical Director of the Department of Human Services, the Department determined that a physical examination performed within one year prior to admission is sufficient to protect the health, safety and welfare of individuals receiving services and of direct care staff.

Subchapter 3, Advocacy and Rights, specifies standards for notifying persons served regarding their right to advocacy services and an enumeration of rights of residents. The subchapter also deals with rules for a residence, self-advocacy, informed consent and guardianship and the safeguards that must be in place whenever rights are restricted or modified.

Amendments are proposed at N.J.A.C. 10:44C-3.1(b)2 to update references to advocates available to assist persons served in understanding and enforcing their rights. These advocates include Disability Rights New Jersey, previously referenced as New Jersey Protection and Advocacy (N.J.A.C. 10:44C-3.1(b)2i); the Office of Licensing, previously referenced as Developmental Disabilities Licensing (N.J.A.C. 10:44C-3.1(b)2iv); and the Department of Children and Families State Central Registry, previously referenced as the Division of Youth and Family Services' Child Abuse Control (N.J.A.C. 10:44C-3.1(b)2ix).

Subchapter 4, Service Delivery/Rehabilitation/Habilitation, addresses service delivery and treatment, including pre-admission and admission requirements, changes in supports or services, discharges or transfers from service and Individual Treatment Plan (ITP) requirements.

Amendments are proposed at N.J.A.C. 10:44C-4.1(c)2 to lengthen the time limit for records of medical examinations prior to admission, consistent with the proposed amendments at N.J.A.C. 10:44C-2.9(d)1ix discussed above. Amendments are proposed at N.J.A.C. 10:44C-4.1(c)3 to delete the obsolete requirement for hepatitis B screening results in accordance with N.J.A.C. 10:48-2, which expired May 21, 2006.

Subchapter 5, Health and Safety, specifies general medical and health standards; requirements for the storage and administration of prescription, [page=939] over-the-counter and psychotropic medications; emergency telephone numbers; food; clothing; vehicle safety and workplace safety.

Amendments are proposed at N.J.A.C. 10:44C-5.1(h) to delete a reference to chapter Appendix A, which is proposed for repeal, and replace it with a reference to N.J.A.C. 8:57, the Department of Health and Senior Services rules for communicable diseases. Amendments are proposed at N.J.A.C. 10:44C-5.1(i) to delete the obsolete requirement for compliance with expired N.J.A.C. 10:48-2.

N.J.A.C. 10:44C-5.4(b) is amended to include using these phone numbers for filing complaints. Amendments are proposed at N.J.A.C. 10:44C-5.4(b)1 to indicate the toll-free hotline telephone number for the Division of Developmental Disabilities and update the telephone number for the Division's Southern Regional Office. Amendments are proposed at N.J.A.C. 10:44C-5.4(b)2 to update the agency name and telephone number for what is now the Department of Children and Families State Central Registry.

Amendments are proposed at N.J.A.C. 10:44C-5.7 to update a reference to the New Jersey Division of Motor Vehicles, which is now known as Motor Vehicle Commission.

Subchapter 6, Fire Safety and Physical Environment, addresses fire safety requirements, physical plant requirements and maintenance standards, including fire evacuation plans, egress protocols, group classification, fire extinguishers, general home requirements, certificate of occupancy, exits, heat sources, water, railings, stairs and hallways, windows, bedrooms, bathrooms, kitchens and basement use.

New N.J.A.C. 10:44C-6.1(d) is proposed to specify that no interior or exterior door, window or opening in a community residence for persons with head injuries shall be locked, fastened or blocked, so as to prevent or impede the egress of any person in the residence. A rule against locking persons in a residence currently exists at N.J.A.C. 10:44C-6.3(a)8, which is proposed for deletion, as discussed below. The prohibition against locking persons in a residence will be moved to this section and expanded. The amendments are necessary to ensure that persons served can be safely evacuated from the residence in case of fire or other emergency.

Amendments are proposed at N.J.A.C. 10:44C-6.2(a)1vii to require the licensee's evacuation plan to include an evaluation of each person served according to the use of physical or mechanical restraint. This proposed amendment in effect removes the prohibition of physical restraints, currently at N.J.A.C. 10:44C-6.3(a)8 and proposed for deletion below. The Department recognizes that restraints may be necessary in certain instances and are permitted under certain conditions specified at N.J.A.C. 10:42. However, the evaluation of each person served must ensure that the use of restraints does not impede a person's evacuation from the residence in case of fire or other emergency.

New N.J.A.C. 10:44C-6.2(d) is proposed to require the evacuation plan to include one or more designated points of safety at which all persons assemble after evacuating the premises. A similar rule now at N.J.A.C. 10:44C-6.3(a)6 will be moved to this section and expanded.

Amendments are proposed at N.J.A.C. 10:44C-6.3 to change the section heading from "Egress" protocols to "Fire drills," and to change the rules in this section to refer to fire drills only. The current section on egress protocols was designed to comply with the Department of Community Affairs Formal Technical Opinion (FTO) 8, which was withdrawn effective December 4, 2006. FTO 8 specified conditions for classification of community residences regulated by the Department of Human Services, based on the evacuation capability of the residents.

Specifically, the opening paragraph at N.J.A.C. 10:44C-6.3(a) is proposed for deletion, because it is no longer necessary now that FTO 8 has been withdrawn. Current N.J.A.C. 10:44C-6.3(a)1 is proposed for deletion because it is unnecessary, since a fire evacuation plan is already required at N.J.A.C. 10:44C-6.2(a). The provisions of current N.J.A.C. 10:44C-6.3(a)2 through 5, 7 and 9 will become requirements for all community residences, rather than conditions for

persons capable of prompt self-evacuation. Amendments are proposed at recodified N.J.A.C. 10:44C-6.3(a)2 to require at least one fire drill to be conducted between the hours of 1:00 A.M. and 6:00 A.M., in order to ensure that residents can be safely evacuated during overnight hours. Amendments are proposed at recodified N.J.A.C. 10:44C-6.3(a)4 to delete the word "prompt" because it is unnecessary, since the egress time must be three minutes or less. Current N.J.A.C. 10:44C-6.3(a)6 will be amended and relocated to N.J.A.C. 10:44C-6.2(d), as discussed above. Current N.J.A.C. 10:44C-6.3(a)8 will be amended and relocated to N.J.A.C. 10:44C-6.1(d) and 6.2(a)1vii, as discussed above. Amendments are proposed at recodified N.J.A.C. 10:44C-6.3(c)1i to update citations.

Current N.J.A.C. 10:44C-6.4(c), concerning provisions for persons who are not capable of prompt self-evacuation, is proposed for deletion because it is obsolete now that FTO 8 has been withdrawn.

Appendix A, which sets forth a table of communicable diseases, is proposed for repeal. Provisions for communicable disease will be governed by N.J.A.C. 8:57, cited at N.J.A.C. 10:44C-5.1(h), discussed above. Provisions for reporting disease outbreaks will be governed by the rules for reporting unusual incidents, as specified at N.J.A.C. 10:44C-2.2(b)6.

Because the Division has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption and the proposed amendments and repeal will have a positive social impact on the approximately 375 persons with head injury (primarily adults) who currently live in community residences licensed by the Department of Human Services. There are approximately seven agencies that operate approximately 65 community residences for persons with head injury in New Jersey. The rules proposed for readoption and the proposed amendments, as delineated in the Summary above, provide to persons with head injury and the public a level of service appropriate to the persons served, while preserving the health, safety, welfare and rights of persons with head injury in the least restrictive manner possible.

The Department anticipates a positive social impact as a result of the proposed amendments lengthening the licensing cycle from one year to two years. Two-year licensure will facilitate reduction in the current and future licensing inspection backlog and allow reports of routine inspections to be completed more promptly. A survey of more than 100 licensed agencies conducted by the Office of Licensing in May 2008 found that the respondents' primary concern is the need for more timely reporting of inspection results. Implementation of a two-year licensing cycle will free up resources for preparation and distribution of inspection reports and enable the Office of Licensing to concentrate its resources on the most problematic residential settings, while ensuring scheduled inspections of all licensed agencies.

Lengthening the licensing cycle while strengthening risk-based oversight is consonant with national trends and supported by national experts in human services regulation. According to the National Association for Regulatory Administration, "annual renewal may contribute to maintaining standards, but it drains off energy that might be used to achieve generally better compliance. Moreover, doing away with annual renewal should reduce racing the calendar."

Economic Impact

The rules proposed for readoption may impose a significant economic burden on the persons who live in community residences and on their families because of the costs that may be passed down due to the requirements for fees and personnel. The rules proposed for readoption also impose a significant economic burden on the providers of such services with the imposition of fees and with the requirements for certain professional staff enumerated at N.J.A.C. 10:44C-2.5. However, specific fees are necessary to offset significant administrative costs for the licensing agency, as, typically, the Department does not directly fund the operation of such residences. In addition, the provision of some services, both administratively and programmatically, require the employment of persons with proper professional credentials. Almost all of the requirements of the rules proposed for readoption impose some cost on the regulated public. Costs of construction and maintenance of the facility, as well as provision of staff and services, are based upon such factors as salaries for employees, costs of materials, costs of required insurance and general administrative costs.

The proposed amendments are expected to have little or no economic impact on the regulated public. The proposed amendments lengthening the licensing cycle may have a positive economic impact on the [page=940] Department by allowing the Office of Licensing to use resources more efficiently. The rule proposed for repeal will have no economic impact on the regulated public or the Department.

Federal Standards Statement

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

Jobs Impact

Neither the rules proposed for readoption nor the proposed amendments and repeal will result in the creation or loss of any jobs.

Agriculture Industry Impact

Neither the rules proposed for readoption nor the proposed amendments and repeal will have any impact on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption and the proposed amendments and repeal will have an impact on approximately seven agencies, of which approximately 80 percent may be considered small businesses as the term is described in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.; that is, they have less than 100 full-time employees. The reporting, recordkeeping and other requirements, which are delineated more specifically in the Summary and Economic Impact statements above, cannot provide any differentiation based upon business size, since the overriding concern must be for the health, safety and welfare of the individuals living in the community residences. The performance and design standards embodied in the rules can be met by varying levels of provider expenditures, and waivers can be sought in accordance with the provisions of N.J.A.C. 10:44C-1.10. Professional services are required by the rules, including the requirement at N.J.A.C. 10:44C-2.7(c)1i that only nursing personnel are permitted to have feeding tube responsibilities. While staff are required to be trained, and any salary expense for staff attending training would be the responsibility of the facility, the actual training is provided free of charge by the Department.

Smart Growth Impact

Neither the rules proposed for readoption nor the proposed amendments and repeal will have any impact on smart growth or on the implementation of the New Jersey State Development and Redevelopment Plan.

Housing Affordability Impact

The rules proposed for readoption with amendments and a repeal will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules concern standards for community residences for persons with head injuries.

Smart Growth Development Impact

The rules proposed for readoption with amendments and a repeal will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the rules concern standards for community residences for persons with head injuries.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:44C.

Full text of the proposed amendments and repeal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

10:44C-1.3 Definitions

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

...

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

...

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

1. (No change.)

2. Lower Central Region

[Capital Center
50 East State Street
PO Box 726
Trenton, NJ 08625-0726]
32 East Hanover Street
PO Box 706
Trenton, NJ 08625-0706

3. Southern Region

[101 Haddon Avenue Suite 17
Camden, NJ 08103-1485]
2 Echelon Plaza
221 Laurel Road, Suite 210
Voorhees, NJ 08043

...

10:44C-1.4 Application for a license

(a) An application for a license may be obtained from:

Department of Human Services
Developmental Disabilities Licensing
[50 East State Street]
PO Box [726] **707**
Trenton, NJ 08625-[0726]**0707**

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

10:44C-1.7 Renewal of a license

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

1.-2. (No change.)

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

SUBCHAPTER 2. ORGANIZATION AND ADMINISTRATION

10:44C-2.1 General requirements

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

(l) Licensees that provide alcohol and other drug programs shall assure that the services provided in those programs comply with N.J.A.C. [8:43A] **10:161B**.

(m) (No change.)

10:44C-2.9 Records: persons served

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

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

1. Pre-admission information, as follows:

i.-viii. (No change.)

ix. The results of a physical examination completed within [90 days] **one year** prior to the scheduled admission date;

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

[xi. Certification from a physician or advanced practice nurse stating the person served is free of communicable disease (written documentation shall be provided to the licensee within 72 hours of admission); and]

[page=941] [xii.] **xi.** (No change in text)

2.-12. (No change.)

(e) (No change.)

SUBCHAPTER 3. ADVOCACY AND RIGHTS

10:44C-3.1 General requirements

(a) (No change.)

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

1. (No change.)

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

[i. New Jersey Protection and Advocacy, Inc.;

i. Disability Rights New Jersey;

ii.-iii. (No change.)

iv. [Developmental Disabilities] **Office of Licensing**;

v.-viii. (No change.)

ix. [Division of Youth and Family Services' Child Abuse Control number (1-800-792-8610)] **Department of Children and Families State Central Registry at 1-877-NJ-ABUSE (1-877-652-2873)**, if applicable; and

x. (No change.)

3.-4. (No change.)

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

SUBCHAPTER 4. SERVICE DELIVERY/REHABILITATION/HABILITATION

10:44C-4.1 Pre-admission and admission

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

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

1. (No change.)

2. Results from a medical examination conducted no more than [90 days] **one year** prior to admission;

3. A current immunization record, as available [and hepatitis B screening results in accordance with N.J.A.C. 10:48-2];

4. (No change.)

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

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

SUBCHAPTER 5. HEALTH AND SAFETY

10:44C-5.1 General health care

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

(h) Upon confirmation that a person served has contracted a communicable disease as [identified in the chapter Appendix, incorporated herein by reference] **specified at N.J.A.C. 8:57**, the licensee shall assure exposed persons served are placed under a physician's or advanced practice nurse's care.

1.-2. (No change.)

[(i) The licensee shall comply with N.J.A.C. 10:48-2 regarding the screening, treatment and control of viral Hepatitis B.]

[(j)] **(i)** (No change in text.)

10:44C-5.4 Telephone numbers

(a) (No change.)

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

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

i.-iv. (No change.)

v. Southern Regional Office: [609-561-5070] **856-770-5900**;

2. If a minor is living in **the** residence, the telephone number for the [Division of Youth and Family Services' Office of Child Abuse Control (1-800-792-8610)] **Department of Children and Families State Central Registry at 1-877-NJ-ABUSE (1-877-652-2873)**;

3.-4. (No change.)

10:44C-5.7 Vehicle safety

(a) (No change.)

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

1.-5. (No change.)

SUBCHAPTER 6. FIRE SAFETY AND PHYSICAL ENVIRONMENT

10:44C-6.1 Fire safety

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

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

10:44C-6.2 Fire evacuation plans

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

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

i.-iv. (No change.)

v. Medical factors; [and]

vi. Behavioral factors[.]; **and**

vii. The use of physical or mechanical restraint.

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

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

10:44C-6.3 [Egress protocols] **Fire drills**

[(a) Persons served residing in a community residence are presumed to have a prompt self-evacuation capability when the following conditions are met:

1. A site-specific evacuation plan is drawn up and followed;]

[2.] (a) Fire drills, supervised by staff, [are] **shall be** performed a minimum of once per month[;].

[3.] **1.** Each shift **shall** perform[s] at least four fire drills a year[;].

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

[5.] **3.** Fire drills **shall** assume different fire location simulations that require that all means of egress be used[;].

[6. The evacuation plan includes a designated meeting spot at which the persons assemble after evacuating the premises;]

[7.] **4.** [A prompt] **An** egress time of three minutes or less [is] **shall be** attained and maintained[;].

[8. Persons served are free from physical restraint and are not locked in at any time; and]

[9.] (b) Written records [are] **shall be** maintained, including the following information:

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

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

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

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

2.-4. (No change.)

[(c)] (d) (No change in text.)

10:44C-6.4 Group classification requirements

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

[(c) The classification of community residences for persons with head injury into Group R-5 or R-2 when some persons are not capable of prompt self-evacuation shall be dependent upon the following:

[page=942] 1. Community residences for persons with head injury housing up to two people not capable of prompt self-evacuation shall be classified as R-5 (for five or fewer) or R-2 (for more than five people) provided the following provisions are met:

i. An interconnected smoke detection system complying with the building subcode for the designated group shall be provided;

ii. The egress protocol, including a site-specific evacuation plan, shall be followed;

iii. Within 24 hours of admission, each new person served shall participate in a fire drill to ensure compliance with the egress protocols;

iv. One awake staff shall be provided for overnight coverage. Additional awake staff shall be added, as necessary, on a temporary or permanent basis to meet the requirements of the egress protocols as specified in N.J.A.C. 10:44C-6.3;

v. An exit door opening directly to the outside shall be available within 50 feet of each bedroom; and

vi. Ramps shall be provided at all required exits when necessary for wheelchair accessibility.

2. Community residences for persons with head injury housing three to five people not capable of prompt self-evacuation shall be classified as Group R-2 provided the following additional conditions are met:

i. Emergency egress lighting is provided;

ii. A sprinkler system complying with NFPA 13R is provided;

iii. The smoke detection system is tied into a central station; and

iv. Two awake overnight staff are provided.

3. Community residences housing more than five persons served not capable of prompt self-evacuation shall meet the requirements for an I-2 Group classification.]

[APPENDIX

TABLE OF COMMUNICABLE DISEASES

Respiratory Illnesses -----	Gastro-Intestinal Illnesses -----	Contact Illnesses -----
Chicken pox	Giardia lamblia	Impetigo
German measles*	Hepatitis A*	Lice
Hemophilus	Salmonella*	Scabies
Influenza*	Shigella*	
Measles*		
Meningococcus*		
Mumps*		
Strep throat		
Tuberculosis*		
Whooping cough*		

*Reportable diseases, as specified in N.J.A.C. 8:57]