

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Notice of Readoption

Standards for Licensure of Residential Health Care Facilities Not Located With, and Operated by
Licensed Health Care Facilities

Readoption: N.J.A.C. 5:27A

Authority: N.J.S.A. 26:2H-5 and 30:11A-3; and Reorganization Plan No. 002-2005

Authorized By: Jacquelyn A. Suárez, Commissioner, Department of Community Affairs

Effective Date: _____, 2024.

New Expiration Date: _____, 2031.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Standards for Licensure of Residential Health Care Facilities Not Located With, and Operated By, Licensed Health Care Facilities, N.J.A.C. 5:27A, were scheduled to expire on November 15, 2024. The Department has reviewed the rules and finds that they continue to be necessary for the purpose for which they were adopted and is, therefore, proposing that they be readopted.

The rules proposed for readoption are intended to protect the health, safety, and welfare of residents of residential health care facilities under the jurisdiction of the Department of Community Affairs pursuant to Reorganization Plan 002-2005. Residential health care facilities located with, and operated by, a licensed health care facility remain subject to the jurisdiction of the Department of Health. Residential health care facilities were moved to the jurisdiction of the Department of Community Affairs because, as a practical matter, these facilities are very similar to rooming and boarding houses.

A residential health care facility provides food, shelter, supervised health care, and related services in a homelike setting, to four or more persons, 18 years of age or older, who are unrelated to the owner or administrator.

The chapter proposed for readoption includes 19 subchapters, which are as follows: Definitions and Qualifications; Licensure Procedures; Physical Plant for Construction, Renovations, and Additions; Physical Environment for Existing Residential Health Care Facilities; General Requirements; Administration; Resident Care Policies; Personal Care Services; Dietary Services; Health Services; Medications; Recreational Services; Emergency Services and Procedures; Resident Records; Resident Rights; Housekeeping, Sanitation, Safety, and Maintenance; Infection Prevention and Control Services; Survey Procedures; Enforcement Remedies; and Carbon Monoxide Detection Equipment. There are also three appendices, which are as follows: Guidelines for Inappropriate Behavior and Resident to Resident Abuse; Daily Food Guide; and Recommendations for Pet Therapy.

The Department of Community Affairs has reviewed the rules and has determined that they should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c, these rules are readopted and shall continue in effect for a seven-year period.