

## [N.J.A.C. 10:44A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 3, February 5, 2024

***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES***

### **Title 10, Chapter 44A -- Chapter Notes**

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#### **Statutory Authority**

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##### **CHAPTER AUTHORITY:**

[N.J.S.A. 30:6-32](#), 30:11B-1 et seq., specifically, 30:11B-4.

#### **History**

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##### **CHAPTER SOURCE AND EFFECTIVE DATE:**

Effective: March 29, 2019.

See: [51 N.J.R. 1571\(a\)](#).

##### **CHAPTER HISTORICAL NOTE:**

Chapter 44A, Manual of Standards for Licensed Community Residences for Developmentally Disabled, was adopted as R.1978 d.330, effective September 18, 1978. See: 10 N.J.R. 283(a), 10 N.J.R. 444(b).

Chapter 44A, Manual of Standards for Licensed Community Residences for the Developmentally Disabled, was repealed and Chapter 44A was adopted as new rules by R.1983 d.23, effective February 7, 1983. See: 14 N.J.R. 531(a), 15 N.J.R. 149(b). Pursuant to Executive Order No. 66(1978), Chapter 44A expired on February 7, 1988.

Chapter 44A, Standards for Licensed Community Residences for the Developmentally Disabled, was adopted as R.1988 d.546, effective November 21, 1988. See: 20 N.J.R. 149(b), 20 N.J.R. 2898(b). Public Notice: Annual certification of facility standards pursuant to the Keys Amendment to the Social Security Act. See: 24 N.J.R. 656(a). Public Notice: Annual certification of facility standards pursuant to the Keys Amendment to the Social Security Act. See 25 N.J.R. 603(a).

Pursuant to Executive Order No. 66(1978), Chapter 44A, Standards for Licensed Community Residences for the Developmentally Disabled, was readopted as R.1993 d.633, effective November 8, 1993. See: 25 N.J.R. 4378(a), 25 N.J.R. 5528(a). Public Notice: Annual certification of facility standards pursuant to the Keys Amendment to the Social Security Act. See: 26 N.J.R. 3757(a). Pursuant to Executive Order No. 66(1978), Chapter 44A expired on November 8, 1998.

Chapter 44A, Standards for Community Residences for Individuals with Developmental Disabilities, was adopted as new rules by R.2000 d.15, effective February 7, 2000. See: [31 N.J.R. 597\(a\)](#), [32 N.J.R. 454\(a\)](#).

## Title 10, Chapter 44A -- Chapter Notes

Chapter 44A, Standards for Community Residences for Individuals with Developmental Disabilities, was readopted as R.2005 d.151, effective April 18, 2005. See: [36 N.J.R. 5192\(a\)](#), [37 N.J.R. 1730\(a\)](#).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from April 18, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) et seq.

Chapter 44A, Standards for Community Residences for Individuals with Developmental Disabilities, was readopted, effective March 29, 2019. See: Source and Effective Date.

Subchapter 4, Service Delivery/Habilitation was renamed Service Delivery by R.2023 d.021, effective February 6, 2023. See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Annotations

## Notes

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[Chapter Notes](#)

## Research References & Practice Aids

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### CHAPTER EXPIRATION DATE:

Chapter 44A, Standards for Community Residences for Individuals with Developmental Disabilities, expires on March 29, 2026.

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## [N.J.A.C. 10:44A-1.1](#)

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### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 1. GENERAL PROVISIONS**

#### **§ 10:44A-1.1 Purpose and scope**

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- (a) The purpose of this chapter is to establish minimum requirements for the provision of residential services to people with developmental disabilities.
- (b) This chapter shall apply to a variety of program models, to include group homes and supervised apartments that are provider-managed.
- (c) Community care residences, living arrangements in which a Family Care or Skill Development program is provided in a private home or apartment, are licensed under [N.J.A.C. 10:44B](#).
- (d) Community residences for persons with head injuries are licensed pursuant to [N.J.A.C. 10:44C](#).
- (e) If none of the individuals with developmental disabilities at a particular place of residence require personal guidance, as determined by the planning team, licensing shall be available on a strictly voluntary basis, in recognition of an individual's right to choose independent living.

#### **History**

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##### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote (b), added new (d), recodified former (d) as (e), and in (e) substituted "planning" for "interdisciplinary".

Annotations

#### **Notes**

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##### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-1.2](#)

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### **§ 10:44A-1.2 Severability**

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If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect and to this end the provisions of this chapter are severable.

Annotations

### **Notes**

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#### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-1.3](#)

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### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 1. GENERAL PROVISIONS**

## **§ 10:44A-1.3 Definitions**

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

"Abuse" means wrongfully inflicting, or allowing to be inflicted, physical abuse, sexual abuse, or verbal or psychological abuse or mistreatment by a caregiver on an individual with a developmental disability, as defined at [N.J.S.A. 30:6D-74](#).

"Advanced practice nurse," also known as a nurse practitioner (see [N.J.S.A. 45:11-46.c](#)), is as defined at [N.J.S.A. 45:11-23](#) and may, in addition to those tasks lawfully performed by a registered professional nurse, manage specific common deviations from wellness, and stabilized long-term care illnesses by initiating laboratory and other diagnostic tests and prescribing or ordering certain medications, treatments, and devices (see [N.J.S.A. 45:11-49](#)).

"Advocate" means a public or private officer, agency, or organization designated by State legislation, State plan, or the Governor to represent the interest of persons with developmental disabilities and speak on behalf of such individuals.

"Age appropriateness" means that aspect of normalization that reinforces recognition of an individual as a person of a certain chronological age. This includes, but is not limited to, an individual's dress, behavior, and use of language, choice of leisure and recreation activities, personal possessions and self-perception.

"Application for licensure" means a document supplied by the Division's Provider Enrollment Unit that, when properly completed, begins the licensing process.

"Authorization to operate" means official correspondence issued by the Office of Licensing to permit a licensee to operate beyond the license expiration date, because of a delay in completing a licensing inspection.

"Behavior support plan" means any individualized written planned action or set of actions taken in advance of, or subsequent to, the occurrence of a target behavior, whose purpose is to modify the frequency or intensity of the behavior.

"Capacity" means the maximum number of individuals with developmental disabilities who may reside in the licensed residence.

"Care manager" means the representative of any agency who coordinates the provision of social services and/or habilitation services to individuals with developmental disabilities, and which may be a case manager or support coordinator.

"Central Registry" means the "Central Registry of Offenders Against Individuals with Developmental Disabilities" established pursuant to [N.J.S.A. 30:6D-73](#) et seq., and [N.J.A.C. 10:44D](#), which creates a list of caretakers who have committed acts of abuse, neglect, or exploitation and, after being afforded due process rights, have been prohibited from employment working with individuals with developmental disabilities.

## § 10:44A-1.3 Definitions

"Community agency" means an agency licensed by the Department to provide services to individuals with developmental disabilities.

"Community agency head" means the person responsible for the overall operation of the agency under contract with or licensed by the Department. This may be the licensee, owner, or executive director.

"Community residence for individuals with developmental disabilities" means any community residential facility housing up to 16 individuals with developmental disabilities which provides food, shelter, personal guidance, and/or training and integration with the community. Such residences shall not be considered health care facilities within the meaning of the "Health Care Facilities Planning Act," P.L. 1971, c. 136 (N.J.S.A. 26:2GH-1 et seq.), and shall include, but not be limited to, group homes, halfway houses, supervised apartments, and hostels. Such residences shall not be located on the grounds or immediately adjacent to public institutions serving a similar population. Community care residences are also community residences for individuals with developmental disabilities; however, these owner-occupied living arrangements are governed by [N.J.A.C. 10:44B](#).

"Critical information" means information that must be communicated from shift to shift in order to ensure the health, safety, and welfare of the individuals served, and includes, but is not limited to: unexpected behavioral outbursts, unexpected or unexplained mood swings on the part of individuals, the administration of PRN medication, problems with transportation, unexpected visits to the doctor or hospital, routine visits to the doctor requiring follow up, reportable communicable diseases, and missed medical appointments.

"Deficiency" means that an applicant or licensee has not complied with a rule contained in this chapter.

"Department" means the Department of Human Services.

"Developmental disability" means a severe, chronic disability of a person which:

1. Is attributable to a mental or physical impairment or combination of mental or physical impairments;
2. Is manifest before age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitations in three or more of the following areas of major activity: self-care; receptive and/or expressive language; learning; mobility; self-direction; and capacity for independent living or economic self-sufficiency; and
5. Reflects the need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of life-long or extended duration and are individually planned or coordinated.

"Direct support professional" means any licensee and any full time, part time, temporary employment services, or contract employee at a community residence for persons with developmental disabilities present in the living or program area who works directly with individuals served. This term includes "caregiver" as defined at [N.J.A.C. 10:44D-1.2](#), does not include housekeepers, food service workers, maintenance workers, clerical staff, or volunteers.

"Division" means the Division of Developmental Disabilities.

"Eviction" means an actual expulsion of a tenant out of the premises.

"Executive director" means the person to whom the licensee may delegate administrative authority over the licensee's community based programs regulated by, or under contract with, the Department.

"Exploitation" means the act or process of a caregiver using an individual with a developmental disability or his or her resources for another person's profit or advantage (see [N.J.S.A. 30:6D-73](#) et seq., and [N.J.A.C. 10:44D](#)).

"Falsification" means intentionally making a record or a document false, giving a false appearance to a record or a document, tampering with a record or a document.

## § 10:44A-1.3 Definitions

"Fiduciary capacity" means that the licensee acts with a high degree of good faith when handling money entrusted to the licensee by individuals receiving services.

"Fire official" means a person certified by the Commissioner of the Department of Community Affairs, and appointed or designated to direct the enforcement of the Uniform Fire Safety Code by the appointing authority of a local enforcing agency and also means any certified fire inspector working under the direction of the fire official.

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

"Group homes" means living arrangements operated in residences leased or owned by the licensee, which provide the opportunity for individuals with developmental disabilities to live together in a home, sharing in chores and the overall management of the residence. Staff in a group home provide supervision, training, and/or assistance in a variety of forms and intensity as required to assist the individuals as they move toward independence and integration with the community.

"Governing authority" means the organization or person designated to assume the legal responsibility for the management, operation, and fiscal viability of the community agency.

"Guardian" means an individual or agency appointed by a court of competent jurisdiction who is otherwise legally authorized and responsible to act on behalf of a minor or incompetent adult to assure provision for the health, safety, and welfare of the individual and to protect his or her rights.

"Imminent danger" means a situation that could reasonably be expected to cause a serious risk to the health, safety or welfare of an individual.

"Individual" means a person with developmental disabilities residing in a licensed community residence for individuals with developmental disabilities. "Individual with developmental disabilities" will be used in this chapter as necessary to distinguish between such persons and others, such as staff of the agency or staff of the Division of Developmental Disabilities or the Department.

"Interferon Gamma Release Assay" (IGRA) means a blood test to identify or rule out infection with *M. tuberculosis*. Only FDA-approved IGRAs, such as QuantiFERON-TB Gold or T-Spot.TB, are acceptable.

"Least restriction" means that interventions in the lives of individuals with developmental disabilities are carried out with a minimum of limitation, intrusion, disruption, or departure from commonly accepted patterns of living.

"License" means the authorization issued by the Department of Human Services to operate a community residence providing services to individuals with developmental disabilities.

"Licensee" means the individual, partnership, or corporation responsible for providing services associated with the operation of a community residence(s).

"Negative licensing action" means an action which imposes a restriction on a licensee, including, but not limited to, suspension of admissions, issuance of a provisional license, a reduction in the licensed capacity, a denial of the license, a non-renewal of the license, a suspension of the license, or a revocation of the license.

"Neglect" means any of the following acts by a caregiver on an individual with a developmental disability: willfully failing to provide proper and sufficient food, clothing, maintenance, medical care, or a clean and proper home; or failure to do or permit to be done any act necessary for the well-being of an individual with a developmental disability (see [N.J.S.A. 30:6D-73](#) et seq., and [N.J.A.C. 10:44D](#)).

"Normalization" means making commonly accepted patterns and conditions of everyday life available to people with developmental disabilities. Age-appropriateness and least restriction are two key aspects of normalization.

"Office of Investigations" means that component of the Department responsible to investigate serious unusual incidents in community programs licensed, contracted, or regulated by the Department.

"Office of Licensing" means the licensing agency, that component of the Department responsible to inspect and license programs pursuant to this chapter.

## § 10:44A-1.3 Definitions

"Person-centered planning" means a process of helping individuals, in accordance with their needs and preferences, to achieve a lifestyle that is consistent with the norms and patterns of general society and in ways which incorporate the principles of age appropriateness and least restrictive interventions.

"Personal advocate" means a person selected by an individual with developmental disabilities to provide assistance or act on his/her behalf in non-legal matters.

"Personal funds" means an individual's wages and cash gifts.

"Personal guidance" means the assistance provided to an individual with developmental disabilities in activities of daily living because he or she routinely requires help completing such activities of daily living and/or cannot direct someone to complete such activities when physical disabilities prevent self completion; or there is a documented health or mental health problem requiring supervision of the person for the protection of the individual or others. In the absence of a court determination, the planning team determines the need for personal guidance for each individual.

"Plan of correction" means a written response outlining actions taken or to be taken to address deficiencies cited in a licensing inspection report.

"Planning team" (PT) means an individually constituted group responsible for the development of a single, integrated service plan. The team consists of the individual receiving services, the legal guardian, the parents, or family member (if the adult individual desires that the parent or family member be present), the care manager, those persons who work most directly with the individual served, and professionals and representatives of service areas who are relevant to the identification of the individual's needs and the design and evaluation of programs to meet them.

"Private placement" means the status of an individual who does not receive residential services from the Division of Developmental Disabilities at the time of his or her admission to a community residence governed by this chapter.

"Program description" means a document submitted to obtain a license from the Department. A program description includes a description of services provided to individuals and staff coverage that assures supervision to every individual served at the program, in accordance with their service plan, and is reviewed as part of the licensing inspection process. The program description is amended, as necessary.

"Provider managed" means a setting where services and supports are coordinated by a single service provider, the licensee, that manages all aspects of residential services for the individuals residing there.

"Provisional license" is a negative licensing action issued to prompt corrective actions in existing community residences. A provisional license is effective for less than one year.

"Relocate" means providing an individual with accommodations when the individual cannot evacuate a residence within three minutes, which arrangement meets the individual's needs and enables the individual to evacuate the residence within three minutes.

"Respite placement" means a service in which a licensee provides short term supports for an individual with developmental disabilities.

"Roommate" means the person with whom one shares a bedroom.

"Self-advocacy group" means a group of people with developmental disabilities who meet on a regular basis to discuss common goals, issues, needs and wishes. With the assistance of a facilitator, if needed, a self-advocacy group can serve as a united voice for people with disabilities.

"Service plan" (SP) means a written, individualized habilitation plan, consistent with the requirements at [N.J.S.A. 30:6D-10](#) through 12, developed by the PT. It is an outcome-based planning tool that, at a minimum, identifies each individualized program, support, and/or service requested by and provided to the individual, for which the individual demonstrates a need. It identifies the person and/or provider responsible for its implementation. The complexity of the service plan will vary according to the individual's interests, preferences, and needs. The service plan format must be approved by the Division.

"Substantial non-compliance" means:



## § 10:44A-1.3 Definitions

1. The violation by an applicant, licensee or executive director of the laws of the State of New Jersey pertaining to or governing community residences for the developmentally disabled;
2. One or more licensing requirements have been left unmet and the unmet licensing requirements directly endanger the health, safety, or well-being of an individual;
3. The applicant, licensee or executive director refuses to cooperate with Department personnel in gaining admission to a residence or in conducting an investigation or inspection;
4. The applicant, licensee or executive director has failed to adhere to the approved Program description;
5. The applicant, licensee or executive director has falsified any information in order to obtain a license; or
6. The applicant, licensee or executive director has refused to furnish the Department with files, reports, or records as required by [N.J.A.C. 10:44A](#).

"Supervised apartments" means apartments that are occupied by individuals with developmental disabilities and leased or owned by the licensee. Staff provide supervision, guidance, and training, as needed, in activities of daily living as defined by the individual's needs and targeted future goals, in accordance with the requirements of this chapter. Up to four individuals may reside in a single apartment.

"Valuable personal possessions" includes, but is not limited to: mementos, durable medical equipment, adaptive devices, eyeglasses, hearing aids, jewelry, clothing, bank/credit cards, electronic equipment, and accessories and furniture.

"Variance" means written recognition by the Department that the licensee has complied with the intent of a standard in a Department-approved alternative manner, in accordance with [N.J.A.C. 10:44A-1.10](#).

"Waiver" means the temporary suspension of a standard that is granted, in writing, by the Office of Licensing.

"Willful non-compliance" means that action or non-action of an applicant or licensee who has knowledge of the violations of licensing rules and/or terms of the license, has been advised of the consequences of not achieving compliance and has not achieved compliance after being given an adequate opportunity to do so.

## History

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### HISTORY:

Amended by R.2003 d.221, effective June 2, 2003.

See: [34 N.J.R. 4298\(a\)](#), [35 N.J.R. 2479\(a\)](#).

In 'Full license' amended the length which the license shall be effective from two years to one.

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

Rewrote "Licensing agency"; substituted "Department" for "Division" throughout.

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Added definitions "Advanced practice nurse", "Authorization to operate", "Behavior support plan", "Central Registry", "Community agency", "Community agency head", "Critical information", "Direct support professional", "Eviction", "Governing authority", "Interferon Gamma Release Assay", "Office of Investigations", "Office of

## § 10:44A-1.3 Definitions

Licensing", "Personal funds", "Planning team", "Provider managed", "Roommate", "Service plan", "Valuable personal possessions"; rewrote definitions "Abuse", "Application for licensure", "Exploitation", "Group homes", "Negative licensing action", "Neglect", "Person-centered planning", "Personal guidance", "Private placement", "Program description", "Supervised apartments", "Waiver"; substituted "Care manager" for "Case manager", "Community residence for individuals with developmental disabilities" for "Community residence for the developmentally disabled"; and deleted definitions "Annex A", "Community Services", "Individual Habilitation Plan", "Interdisciplinary Team", "Licensing agency", "Mobile non-ambulatory individual", "Special Response Unit", and "Supported living".

Annotations

## Notes

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### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-1.4](#)

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#### **§ 10:44A-1.4 Application for licensure**

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(a) Application for licensure shall be initiated by completing and mailing the Combined Application to Become a Medicaid/DDD Approved Provider and the Attestation for Individual Supports Provider, as detailed at: <http://www.nj.gov/humanservices/ddd/programs/sppp.html>.

(b) No community agency applying to be or currently licensed by the Department shall pay or contract for any agency head until the Department has determined that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police that would disqualify the community agency head from such employment, pursuant to [N.J.S.A. 30:6D-63](#) through 69 (criminal history background checks).

1. No prospective community agency head who refuses to consent to, or cooperate in, securing of a criminal history record background check shall be considered for employment or licensure.
2. When the agency head is not the owner or licensee, the owner(s) or licensee shall also comply with a criminal history background check.

(c) An application for licensure as an operator of a group home or supervised apartment program shall be submitted to the Division.

1. The application shall be composed of the following:
  - i. A table of organization, including titles, which shows reporting structure;
  - ii. Curriculum vitae for the applicant and executive director;
  - iii. Identification of all owners that comprise the licensee;
  - iv. A description of the applicant's or executive director's experience in providing services to individuals with developmental disabilities that demonstrates compliance with [N.J.A.C. 10:44A-2.5\(a\)](#)1, 2, and 3;
  - v. Documentation that the business is incorporated or otherwise authorized to do business in the State of New Jersey;
  - vi. A list of the governing body (for example, board of directors/trustees), which includes names, current mailing addresses, and their occupations;
  - vii. At least three professional references each, for the applicant and executive director;
  - viii. Documentation of agency history of service provision to individuals with developmental disabilities for a minimum of 24 months, including survey or audit results and plans of correction;
  - ix. A record of penalties or fines assessed against the program(s) and its ownership relative to the operation of the program(s) by any national, state, county, or local agency or court of competent jurisdiction which may reasonably be considered relevant to the safety of individuals in a program and the community in which it is located; and

## § 10:44A-1.4 Application for licensure

- x.** An independent examination of the organization's financial status, obtained from a certified public accountant, for the two most recent fiscal years, with the Management Letters.
- (d)** An application shall be considered complete when the application is filled out in its entirety and all requested information on the application has been provided, and compliance with (b) above, for the community agency head, has been determined.
1. If all required elements are not received within 45 days of the initial submission, the application may be denied, and the applicant shall be prohibited from re-applying for six months, unless the Department allows such resubmission for good cause. After the six-month period has elapsed, the applicant may submit to the Division a new application for licensure.
- (e)** The Division shall review the completed application to determine:
1. Whether all required elements have been submitted;
  2. The applicant's qualifications;
  3. The applicant's apparent ability to comply with this chapter;
  4. The applicant's apparent ability to deliver services, in accordance with its stated goals and purposes; and
  5. Potential barriers to licensing.
- (f)** The Department may employ the services of any qualified professional, as necessary, in the review process in order to conduct a thorough and valid review of the program, supports, and services to be rendered.
- (g)** Within 60 calendar days of the receipt of the completed application, the applicant shall be advised, in writing, by the Department of its approval or non-approval. The Department may extend this deadline under exceptional circumstances.
1. Upon a determination that an application is denied, the applicant may submit a new application after six months.
- (h)** Falsification of any information during the application process shall be sufficient cause to deny the application.
- (i)** Upon approval of the completed application prior to opening a residence, the applicant shall submit a procedure manual to the Office of Licensing, which shall be approved upon determination that it meets the requirements at [N.J.A.C. 10:44A-2.2](#).
1. This requirement shall not extend to licensees currently operating community residences for the developmentally disabled in New Jersey whose procedure manuals have been approved.
  2. Upon approval of the manual, the applicant shall submit job descriptions to the Division of Developmental Disabilities for each position included on the table of organization in the procedure manual, for review and approval.
- (j)** No person shall own or operate a community residence for individuals with developmental disabilities without authorization from the Office of Licensing.
- (k)** Each community residence for individuals with developmental disabilities shall be subject to inspection or investigation by the Department, as deemed necessary, without limitation or notice to allow for an inquiry into the facility's records, equipment, sanitary conditions, accommodations, and management of the individuals served.
- (l)** Each community residence for individuals with developmental disabilities shall be subject to an annual on-site inspection by the Office of Licensing.

## § 10:44A-1.4 Application for licensure

**(m)** No license shall be issued to any person who has previously been denied a license by any State agency due to substantial noncompliance or due to violation of any Federal law pertaining to the operation of a community residential facility.

**(n)** No license shall be issued to, or held by any person who, in a final determination by a court of record or by the Division on Civil Rights, has been found to discriminate against any person on the basis of race, color, creed, gender, national origin, ancestry, or disability.

## History

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### HISTORY:

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

In (d), inserted "and/or Department" following "Division" in the introductory paragraph.

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## Notes

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## [N.J.A.C. 10:44A-1.5](#)

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#### **§ 10:44A-1.5 Requirements for an initial license**

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- (a) A program description shall be submitted to the Division of Developmental Disabilities for each community residence.
1. The program description shall be reviewed for completeness by staff of the Division of Developmental Disabilities, the Office of Licensing, and other Division and/or Department staff, as deemed appropriate.
  2. After a determination that the program description is complete, the Office of Licensing shall conduct an on-site initial inspection of the residence to determine that it will adequately provide for the health, safety, and welfare of the individuals served.
- (b) Prior to the issuance of an initial license, the following, at a minimum, shall be available:
1. Documentation that demonstrates compliance with all Certificate of Occupancy (CO), Certificate of Continued Occupancy, Temporary Certificate of Occupancy, or Certificate of Habitability requirements.
    - i. If the local enforcing authority does not have a process for issuing such a certificate, documentation of such shall be obtained.
  2. Documentation of any required inspection by the Fire Official and registration with the Department of Community Affairs;
  3. An emergency evacuation plan;
  4. A first aid kit that meets the requirements at [N.J.A.C. 10:44A-5.1\(g\)](#);
  5. Functioning utilities, including an operable telephone;
  6. If the building is not serviced by a public water supply, written approval from the local health department that the water supply is safe for human consumption;
  7. Documentation from a licensed testing entity that any septic system is functioning adequately;
  8. Furniture and food for each individual served;
  9. A staff schedule that conforms to the program description, in accordance with [N.J.A.C. 10:44A-1.5](#).
    - i. Full names of staff shall be written on the staff schedule;
  10. A copy of the deed or lease; and
  11. Documentation that all necessary residential and vehicle insurance is in force.
- (c) The Department shall issue a non-transferable full license, effective from the date of the on-site inspection, upon compliance with (a) and (b) above.
- (d) If licensure is not approved, an applicant or licensee shall submit a plan of correction regarding all deficiencies within 30 days after notification to the licensee.

## § 10:44A-1.5 Requirements for an initial license

1. Following receipt of the plan of correction, the Office of Licensing shall conduct an on-site review to verify the corrective action taken, in accordance with [N.J.A.C. 10:44A-1.7](#).
- (e) The license shall document the location of each residence and shall specify the maximum number of individuals with developmental disabilities that may occupy the home or apartment, excluding licensee's staff.
- (f) The licensee shall not operate the program or allow individuals to be placed in the residence prior to approval by the Office of Licensing.
- (g) Each license issued to a licensee shall remain the property of the Department. If the Office of Licensing suspends or revokes a license, the licensee shall, upon notification, return the license to the Office of Licensing, in accordance with [N.J.A.C. 10:44A-1.8\(c\)](#).
- (h) Once issued, a license shall not be assignable or transferable, and shall be immediately void if the program ceases to operate, relocates, or its ownership changes.

## History

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### HISTORY:

Repeal and New Rule, R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Procedure manual".

Annotations

## Notes

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### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-1.6](#)

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### **§ 10:44A-1.6 Renewal of a license**

---

- (a) The renewal of a license shall be based upon the results of a re-inspection of the residence.
  - 1. As applicable, the Office of Licensing shall provide an authorization to operate upon the request of the licensee.
- (b) Full licenses shall remain in effect, unless otherwise specified by the Department by the issuance of a provisional license, a non-renewal of license, suspension of license, or revocation of license.

### **History**

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#### **HISTORY:**

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

Repeal and New Rule, R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Issuance of an initial license".

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-1.7](#)

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#### **§ 10:44A-1.7 Plan of correction**

---

- (a) A licensee shall submit a plan of correction regarding all deficiencies within 30 days, or in accordance with a shorter time frame, as established by the Office of Licensing.
1. A shorter time frame shall be established by the Department in those instances where prompt remediation of a deficiency is required in order to protect the health, safety, welfare, and rights of individuals receiving services.
- (b) Following receipt of the plan of correction, the Office of Licensing shall conduct an unannounced on-site review to verify the corrective action taken for all deficiencies that pose a risk to the life and safety of the residents.
1. Following an on-site review, the findings of the Office of Licensing regarding the licensee's plan of correction shall be provided to the licensee. These findings shall indicate that each deficiency is corrected, partially corrected, not corrected, or further review is required by the Office of Licensing.
    - i. Should there be continuing deficiencies, or if new deficiencies are noted that document substantial or willful noncompliance, the findings shall indicate that a second plan of correction is required or that the Office of Licensing may impose a negative licensing action.
  2. If a second plan of correction is required by the Office of Licensing, the licensee shall submit the plan of correction within the time frame specified by the Office of Licensing.
- (c) Following receipt of the second plan of correction, the Office of Licensing may conduct an on-site review to verify the corrective action taken.
1. Subsequent to an on-site review, the findings of the Office of Licensing regarding the licensee's second plan of correction shall be provided to the licensee. These findings shall indicate whether or not each deficiency is corrected.
    - i. Should there be continuing deficiencies that the licensee has stated in the plan of correction have been corrected, or if other deficiencies are noted that jeopardize the health, safety, welfare, and rights of the individuals, or that document substantial or willful noncompliance, the Office of Licensing shall impose a negative licensing action.
- (d) The Office of Licensing may, when process or systemic problems are identified, require the licensee to submit an action plan and results of the implementation of the action plan, as required at [N.J.A.C. 10:44A-2.2\(b\)](#)22v.

#### **History**

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##### **HISTORY:**

Amended by R.2003 d.221, effective June 2, 2003.

## § 10:44A-1.7 Plan of correction

See: [34 N.J.R. 4298\(a\)](#), [35 N.J.R. 2479\(a\)](#).

In (a), amended the length which a full license shall be effective from two years to up to one.

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

Repeal and New Rule, R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Renewal of a license".

Annotations

## Notes

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## [N.J.A.C. 10:44A-1.8](#)

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## **§ 10:44A-1.8 Negative licensing action**

---

(a) The Office of Licensing may suspend admissions to a residence, reduce the capacity of a residence, deny a license, issue a provisional license, suspend a license, refuse to renew a license, revoke a license, or take other action for substantial noncompliance or willful noncompliance.

1. When a license is suspended, the Office of Licensing may reinstate the license when the licensee achieves compliance with the provisions of this chapter. The Department shall not require the licensee to submit a new application for a license, unless such application is expressly made a condition of the reinstatement of the license.

(b) When any negative licensing action is based upon falsification, willful noncompliance, criminal activity on the part of the applicant, licensee, or executive director, or when individuals have suffered physical harm due to the applicant's, licensee's, or executive director's actions or failure to act, the Department may refuse to reinstate any license and/or accept any subsequent application.

(c) Each license issued to a licensee shall remain the property of the Department of Human Services. If the licensing agency suspends or revokes a license, the licensee shall, upon notification, return the license to the licensing agency.

## **History**

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### **HISTORY:**

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

Repeal and New Rule, R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Denial, revocation, non-renewal or suspension of a license".

Annotations

## **Notes**

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§ 10:44A-1.8 Negative licensing action

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## [N.J.A.C. 10:44A-1.9](#)

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## **§ 10:44A-1.9 Administrative hearings**

---

- (a) Upon imposition of a negative licensing action, the licensee shall have the opportunity to request an administrative hearing pursuant to N.J.A.C. 10:48-1.
- (b) In the event of the imposition of a non-renewal, suspension or revocation, if the Department determines that individuals are not at risk and that no imminent danger(s) exist(s), the Department may permit a residence, operated by a licensee who has requested an administrative hearing as specified in (a) above, to continue to operate until a final decision is rendered as a result of the hearing.
- (c) If it is determined that the occupants of a home are at risk, the Department shall take action to eliminate such risk. Such action may include, but are not limited to:
1. Removing the individuals from the residence;
  2. The assignment of staff approved by the Department at the residence to ensure the safety of the individuals; or
  3. The appointment of an independent monitor by the Department, paid for by the licensee.

## **History**

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### **HISTORY:**

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote (c).

Annotations

## **Notes**

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## [N.J.A.C. 10:44A-1.10](#)

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### **§ 10:44A-1.10 Waiver or variance**

---

(a) A waiver or variance may be granted by the Office of Licensing, provided that such a waiver or variance would present no danger to the health, safety, welfare, or rights of the individuals receiving services.

1. The licensee shall request the waiver with substantial detail justifying the request.
2. Issuance of a waiver or variance shall be limited to the following circumstances:
  - i. Where enforcement of the standard would result in unreasonable hardship on the residence; or
  - ii. Where the waiver or variance is in accordance with the particular needs of the individuals with developmental disabilities.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Substituted "may" for "shall", "Office of Licensing" for "licensing agency"; and inserted a comma following "welfare".

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-1.11](#)

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### **§ 10:44A-1.11 Complaints**

---

- (a) The Department shall have the authority to investigate any complaint received regarding a licensee.
1. The licensee and all of its employees shall cooperate with the Department in any investigation.

### **History**

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#### **HISTORY:**

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

In (a)1, inserted "and all of its employees".

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-1.12](#)

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### **§ 10:44A-1.12 Voluntary closure**

---

A licensee operating a community residence for individuals with developmental disabilities governed by this chapter shall give at least 60 days' written notice to the Division of Developmental Disabilities, Office of Licensing, and the Division of Medical Assistance and Health Services of any planned closure.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-2.1](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 2. ORGANIZATION AND ADMINISTRATION***

#### **§ 10:44A-2.1 General requirements**

---

- (a) The purposes of the licensee's organization and a description of the services that it provides shall be made available to individuals, parents, guardians, advocates, and the general public. This information shall describe, in general terms, who is served, the services provided, and the goals of the licensee's organization.
- (b) The licensee shall keep the following on file:
1. A record of all admissions and discharges, including names and dates, for the previous 24 month period;
  2. A current copy of this chapter.
    - i. A current copy of this chapter shall also be kept on file in each residence;
  3. Copies of all current licenses.
    - i. A copy of the current license shall also be kept on file in each residence;
  4. Written descriptions of any religious practices or restrictions that are observed if a licensee has a particular religious orientation;
  5. Reports of unusual incidents;
  6. A copy of the policy and procedure manual; and
  7. Personnel files.
- (c) A licensee having nonprofit status in accordance with [26 U.S.C. § 501\(c\)\(3\)](#) shall have a Board of Trustees which meets the following criteria:
1. A minimum of five persons shall comprise the board;
  2. Provisions shall exist for the orientation of new board members; and
  3. Meetings shall be held with a frequency sufficient to discharge their responsibilities effectively; in no event shall the full governing body meet less than three times a year.
- (d) A licensee having for-profit status shall have a board of directors that meets the following criteria:
1. Procedures for the orientation of new members to the operations of the organization;
  2. Policies to guard against the development of a conflict of interest between a member of the board and the organization, which shall include nepotism by relatives and family members;
  3. An explanation of the board's committee structure, if any, including such subordinate groups as may be employed to carry out the board's responsibilities;
  4. Documentation that board meetings are held at least three times a year.
    - i. Minutes shall be kept of each meeting and shall be available for review; and

## § 10:44A-2.1 General requirements

5. Provisions to assure the inclusion of individuals served on the board.

(e) A licensee having for-profit status without a board of directors shall institute and maintain such a board in accordance with (d)1 through 5 above by February 6, 2024.

(f) Members of a board of directors shall be informed as to whether liability insurance is provided to directors and officers for errors and omissions.

(g) An independent examination of the organization's financial status shall be obtained from a certified public accountant each year, reviewed, and approved by the governing board, and be available for review.

(h) A list of the current members of the board of trustees or board of directors, to include names, addresses, and occupations, shall be available for review. Any change to the members of the board of trustees, board of directors, or agency head shall be immediately reported to the Office of Licensing.

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## Notes

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## [N.J.A.C. 10:44A-2.2](#)

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## **§ 10:44A-2.2 Development and maintenance of procedure manual**

- (a) The licensee shall develop and implement a manual of written procedures to ensure that the service delivery system complies with State law and rules governing community residences for individuals with developmental disabilities.
1. The procedures shall be reviewed annually and revised as necessary.
  2. Each procedure shall be designed in accordance with the principles of normalization, age appropriateness, least restriction, person centered planning and shall be consistent with the organizational structure and management philosophy of the licensee.
  3. While specific content for inclusion in a procedure shall be identified on an as-needed basis in these rules, to ensure consistency, each procedure shall include:
    - i. A descriptive title which is unique so as to permit easy reference and retrieval of each document;
    - ii. An explanation regarding the purpose of the document;
    - iii. A description of sequential steps required to successfully complete a task or action;
    - iv. Assignment of staff responsibilities at each step in the implementation; and
    - v. Reporting and recording requirements for each person involved.
- (b) The licensee shall maintain a procedure manual containing the following documents and/or procedures:
1. A statement of philosophy, values and goals so as to govern the organization's direction and character;
  2. A table of organization that illustrates lines of authority, responsibility and communication;
  3. A procedure for assuring compliance with the Central Registry;
  4. A New Employee Orientation Checklist, which shall include, at a minimum, all requirements at [N.J.A.C. 10:44A-2.6\(a\)](#)<sup>1</sup> through 8;
  5. A procedure for implementing a plan to deal with major emergencies requiring evacuation from the residence, such as a fire or a gas leak.
    - i. The procedure shall also address emergencies where evacuation may not be required, such as when the indoor air temperature is below 68 degrees Fahrenheit or above 82 degrees Fahrenheit for four consecutive hours;
  6. A procedure for handling medical emergencies that includes the requirement to call 9-1-1 in the event of a life-threatening emergency, in accordance with [N.J.S.A 30:6D-5.1](#) et seq. (Danielle's Law), and [N.J.A.C. 10:42A](#);
  7. Emergency coverage and on-call procedures;

## § 10:44A-2.2 Development and maintenance of procedure manual

8. A procedure for reporting all unusual incidents, including, but not limited to:
  - i. A written statement expressly prohibiting abuse, neglect, or exploitation; and
  - ii. A written statement regarding the obligation to report each allegation as required at [N.J.S.A. 9:6-8.10](#) and [52:27G-1](#) et seq., and Department policy.
9. A procedure for investigations;
10. A procedure to ensure sound fiscal management of individual's personal funds;
11. A procedure for the safekeeping of valuable personal possessions;
12. A list and schedule of all charges and fees for which an individual shall be held responsible;
13. A procedure for resolving complaints and grievances of individuals that has a minimum of two levels at which the grievance shall be heard, the last of which involves the licensee or the executive director;
14. A procedure, separate from individuals' records, for internal communication, to include the use of a separate log to document critical information and the action taken by the licensee to follow-up:
  - i. Each log entry shall be dated and signed with the full name of the staff person making the entry;
15. A procedure for admissions that complies with the requirements at N.J.A.C. 10:44A-4;
16. A statement regarding maintaining confidentiality of individuals receiving services and records, as required at N.J.A.C. 10:41-2;
17. Written procedures for medication administration, including procedures for self-medication;
18. Written procedures for assuring compliance with the requirements for testing employees for controlled dangerous substances, in accordance with [N.J.S.A. 30:6D-9.5](#);
19. Written procedures for the exchange of contact information of parents, family members who are actively involved in ensuring the individual's welfare, or guardians who choose to, as set forth at [N.J.S.A. 30:6D-9.5](#) and 9.6;
20. A procedure for assuring that no employee is included on the Department of Children and Families' Child Abuse Registry, as set forth at [N.J.S.A. 30:6D-73](#) et seq., and [9:6-8.10f](#);
21. A procedure to address the use of video/audio monitoring in the common areas of the residences, if applicable; and
22. A continuous quality improvement system to identify opportunities to improve services and/or supports and to resolve identified problems. The system shall include, at a minimum:
  - i. A written plan to identify how data is collected, analyzed, and utilized to determine patterns that identify process or systemic problems requiring further in-depth review;
  - ii. Input from a variety of sources, including persons receiving services, family members, and others;
  - iii. A written summary of satisfaction surveys;
  - iv. A written summary of outcomes assessments; and
  - v. An action plan based upon an analysis at (b)22i through iv above.

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

§ 10:44A-2.2 Development and maintenance of procedure manual

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## Notes

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## [N.J.A.C. 10:44A-2.3](#)

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### **§ 10:44A-2.3 Implementation of procedure manual**

---

- (a) The procedure manual shall be available and accessible for staff use.
- (b) All staff shall be able to describe procedures that they routinely implement.
- (c) The licensee shall assure that staff implement all procedures for which they are responsible.
- (d) The procedure manual shall be available for review by authorized representatives of the Department.

### **History**

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#### **HISTORY:**

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Added new (c) and recodified former (c) as (d).

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-2.4](#)

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#### **§ 10:44A-2.4 Personnel**

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- (a) Personnel practices shall comply with all applicable Federal, State and local laws, ordinances, rules and regulations pertaining to employment, including civil rights, retirement plans or social security, minimum wages, hours and workers compensation.
- (b) The licensee shall ensure that no applicant or employee comes into direct contact with individuals served until they have been fingerprinted and a determination has been made by the Department of Human Services that the applicant or employee is not disqualified, in accordance with [N.J.S.A. 30:6D-63](#) through 69 (criminal history background checks).
1. A licensee shall not employ any person who has been adjudged civilly or criminally liable for abuse of a developmentally disabled person.
  2. Criminal history record background checks shall be conducted at least once every two years for a community agency's head and its employees.
  3. Any individual who is required to undergo a criminal history record background check and refuses to consent to, or cooperate in, the securing of a criminal history record background check shall be immediately removed from the person's position and the person's employment shall be terminated.
- (c) A licensee shall not hire, maintain the employment of, contract for, or utilize as a volunteer who provides services to individuals on a planned basis, any person who is placed on the Central Registry, or who is included on the child abuse registry of the Department of Children and Families.
- (d) All employees who may come into contact with individuals served shall be subject to and comply with the requirements for drug testing for controlled dangerous substances, in accordance with [N.J.S.A. 30:6D-9.5](#).
- (e) Prior to hiring any staff or utilizing a volunteer who provides services to individuals on a planned basis, the licensee shall secure and maintain:
1. A signed application for employment from each applicant, indicating the applicant's name, address, and telephone number, education and disclosure of the presence or absence of criminal convictions;
  2. A minimum of two documented references:
    - i. The licensee shall check a minimum of the two most recent work references or, if not available, a minimum of two personal references;
    - ii. The licensee shall document all reference checks and maintain such reference checks in the applicant's personnel record;
    - iii. Each reference check shall include, at a minimum, the name of the person giving the reference, the name of the person taking the reference, and the date that the reference was obtained; and
    - iv. References from family members of the applicant shall not be accepted.



## § 10:44A-2.4 Personnel

3. A current job description that, at a minimum, shall include the following:
  - i. A position statement that documents overall job responsibilities, including the requirement that the employee cooperate with the licensee and Department staff in any inspection, inquiry, or investigation;
  - ii. A list of specific duties;
  - iii. The minimum qualifications;
  - iv. The positions supervised, if applicable;
  - v. The reporting supervisor; and
  - vi. The requirements for checks of criminal background, the central registry, the child abuse registry, and drug testing.
- (f) Upon employment, direct support professionals shall submit a written statement from a licensed physician or advanced practice nurse indicating that he or she is in good health. Such statement shall be based on a medical examination conducted within the 12 months immediately preceding the direct support professional's starting date with the licensee.
- (g) Within one year prior to or upon beginning work, each direct service staff member shall take a Mantoux tuberculin skin test with five TU (tuberculin units) of PPD tuberculin or an IGRA blood test.
  1. The direct support professional shall submit to the licensee written documentation of the results of any testing or certification.
  2. If the direct support professional has had a previous positive Mantoux tuberculin skin test, if the Mantoux tuberculin skin test is significant (10 or more millimeters (mm) of induration), or if the IGRA blood test is positive, the staff member shall submit to the licensee a statement from his or her physician or advanced practice nurse certifying that he or she poses no threat of tuberculosis contagion before he or she is allowed to come in contact with individuals being served and other staff.
  3. If the Mantoux tuberculin skin test is insignificant (zero to nine mm of induration), or the IGRA blood test is negative, no further testing shall be required.
    - i. The Office of Licensing or the licensee may, at any time, require a direct support professional to retake the Mantoux tuberculin skin test, if there is a reason to believe or suspect that the staff member may have contracted tuberculosis or if the Department of Health recommends re-testing.
  4. The licensee shall prohibit any direct support professional who fails to submit satisfactory results from a medical practitioner from having contact with the individuals receiving services or other staff.
  5. Upon any known or suspected exposure to a confirmed case of *M. Tuberculosis*, the licensee shall consult with the local health department and maintain documentation that all requirements for follow up testing were met.

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## Notes

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## [N.J.A.C. 10:44A-2.5](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 2. ORGANIZATION AND ADMINISTRATION***

#### **§ 10:44A-2.5 Minimum staff qualifications**

---

- (a) The licensee or the executive director shall have:
  - 1. A Bachelor's degree;
  - 2. Five years of progressive management experience working with people with developmental disabilities, at least two of which shall have been supervisory in nature, at a senior or administrative level; and
  - 3. Knowledge in the design and supervision of programs serving individuals with developmental disabilities, development of staff, and the application of fiscal and qualitative standards.
- (b) The supervisor responsible for the operation of a residence shall have a high school diploma or equivalent and one year of experience working with people with developmental disabilities.
- (c) Direct support professionals shall be at least 18 years of age and shall have a high school diploma or equivalent.
- (d) Direct support professionals shall have the ability to communicate with the individuals with whom they are working.
- (e) Direct support professionals shall be capable of providing any direct assistance and/or training required by individuals with whom they are working.
- (f) The licensee shall verify that all persons providing a professional service, either through direct employment or contract, possess credentials required by Federal or State law.

#### **History**

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##### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

#### **Notes**

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§ 10:44A-2.5 Minimum staff qualifications

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## [N.J.A.C. 10:44A-2.6](#)

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## **§ 10:44A-2.6 Orientation**

---

(a) Prior to working with individuals receiving services, all direct support professionals shall receive an orientation to acquaint them with:

1. The organization's philosophy, goals, services and practices;
2. The prevention of abuse, neglect and exploitation;
3. Unusual incident reporting and investigating procedures;
4. Emergency procedures as identified in the procedure manual; for example, the emergency evacuation plan, emergency medical treatment, emergency coverage and on-call procedures, the operation of the fire alarm system, and use of fire extinguishers;
5. An overview of developmental disabilities and any special needs of the individuals being served, for example, medical or behavioral problems requiring specific, tailored training;
6. The appropriate job description and the personnel policies of the organization, including its drug testing policies;
7. Training in life-threatening emergencies through a curriculum developed by the Division; and
8. Training consistent with [N.J.S.A. 30:6D-9.5](#) and 9.6.

(b) Records of the orientation provided shall be maintained in the employee's personnel file and shall include a dated, signed acknowledgment by the employee receiving and the person(s) providing the orientation.

## **History**

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### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## **Notes**

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§ 10:44A-2.6 Orientation

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## [N.J.A.C. 10:44A-2.7](#)

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#### **§ 10:44A-2.7 Staff training**

---

- (a) Within 90 days of employment, each direct support professional basic staff training required by the Division that shall address, at a minimum:
1. DDD Shifting Expectations;
  2. Preventing abuse and neglect;
  3. First aid training provided by a training entity that meets the current Emergency Cardiovascular Care (ECC) guidelines (and have a valid certificate on file); and
  4. Cardio-pulmonary resuscitation (CPR) training provided by a training entity that meets the current Emergency Cardiovascular Care (ECC) guidelines (and have a valid certificate on file).
- (b) Staff shall complete medication training and demonstrate competency prior to administering any medication to individuals receiving services.
1. Staff administering medication shall demonstrate competency on an annual basis.
- (c) Staff shall receive training in all policies and procedures not covered during orientation that are relevant to the employee's job.
- (d) Specialized training programs, identified as necessary by the Department, or by the placing agency or by the licensee during the application process, or identified as necessary at any subsequent time, shall be completed by staff within 90 days of employment and shall include, but not be limited to:
1. Persons who work with individuals who require specialized feeding techniques shall receive training in the use of those techniques.
    - i. Feeding tube responsibilities shall be delegated to nursing personnel.
  2. Persons who work with individuals who use mobility devices shall receive training in mobility procedures and the safe use of mobility devices, including those necessary for transport.
    - i. Persons who work with individuals who require assistance to use any other device or technique shall receive specific training in procedures and techniques for the use of such adaptive devices.
  3. Persons who work with individuals with seizure disorders, physical disabilities, or other identified medical needs shall receive training in the provision of training, assistance, and care to those individuals.
  4. Persons who work with individuals with identified mental health needs shall receive training in the provision of training, assistance, and care to those individuals.
  5. Persons who work with individuals who require behavior support plans shall receive training in the implementation of all such plans.

## § 10:44A-2.7 Staff training

- (e) Training records pursuant to (b) and (c) above shall be maintained in the administrative offices and shall contain the following:
1. A curriculum describing the courses or individual topics offered and a training plan addressing how the content of each course or topic will be delivered;
  2. Documentation of attendance through a report that includes the dated signatures of the trainer and the trainee; and
  3. Results of those training programs that the Division requires.
- (f) The licensee may conduct, at its discretion, and without specific prior approval from the Division, training programs, in addition to, the trainings required by this chapter.
- (g) All training conducted pursuant to (c) above shall be conducted by a qualified trainer.

## History

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### HISTORY:

Repeal and New Rule, R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Staff training".

Annotations

## Notes

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## [N.J.A.C. 10:44A-2.8](#)

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### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 2. ORGANIZATION AND ADMINISTRATION**

#### **§ 10:44A-2.8 Staff coverage**

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(a) A written staff schedule, for at least a two-week period, shall be available for review at each residence, with the full names of staff.

1. The schedule shall specify the on-site coverage, in accordance with the program description ([N.J.A.C. 10:44A-2.2](#)).
2. The employee in-charge shall be designated on the schedule for each shift.
  - i. No temporary employment agency staff shall at any time be designated or utilized as "in-charge" in the absence of completion of all training required at [N.J.A.C. 10:44A-2.7](#), and a written policy stipulating the licensee's assumption of responsibility and liability of said employees' actions.
3. At least one staff member currently trained and certified in first aid and CPR shall be on duty for each shift.

(b) The licensee shall assure that, if all staff have not completed necessary specialized training, in accordance with [N.J.A.C. 10:44A-2.7\(c\)](#), each required specialized training for that site has been completed by at least one person on each shift.

(c) Staff are not required to be on-site when no individuals are present in the residence, but trained, paid agency staff, familiar with the individual(s), shall be available for emergencies, in accordance with [N.J.A.C. 10:44A-2.2\(b\)7](#).

(d) Staff of a group home or supervised apartment program shall be on site whenever any individual is present, in accordance with their supervision needs.

(e) The staff residence/office of the supervised apartment program shall be located so that the response time to each individual served is consistent with their supervision needs.

#### **History**

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##### **HISTORY:**

Repeal and New Rule, R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Staff coverage".

Annotations

#### **Notes**

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§ 10:44A-2.8 Staff coverage

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## [N.J.A.C. 10:44A-2.9](#)

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#### **§ 10:44A-2.9 Records of individuals receiving services**

---

- (a) An individual file shall be maintained for each individual receiving services in a licensed community residence for individuals with developmental disabilities.
1. The file shall be legibly marked with the individual's name.
  2. The client record is the property of the Department.
- (b) Files for individuals residing in group homes and supervised apartments shall be maintained at the residence.
- (c) An individual shall have access to his or her records, unless clinically contraindicated and documented.
- (d) Individual records shall include:
1. Pre-admission information, as follows:
    - i. The individual's full name, date of birth, and sex;
    - ii. The individual's Social Security, Medicaid numbers or medical insurance numbers;
    - iii. The date(s) of admission, re-admission, transfer or discharge;
    - iv. The names and addresses of persons or agencies responsible for placement;
    - v. The names and addresses of all personal physicians or advanced practice nurses and dentists;
    - vi. The name, address and telephone number of the legal guardian (or guardianship worker), next of kin, and other interested person(s), and a copy of the guardianship determination, if applicable;
    - vii. Religious preference;
    - viii. Pre-admission data including diagnosis, a psychological evaluation, as appropriate and/or available and developmental history, including behavioral characteristics;
    - ix. The SP;
    - x. The results of a physical examination completed within the past year;
    - xi. The results of a Mantoux Skin Test or IGRA blood test;
    - xii. In the absence of the results at subparagraph (d)1x or xi above, written certification from a physician or advanced practice nurse stating the individual is free of communicable disease shall be obtained prior to admission, and the licensee shall obtain the absent documentation as soon as possible, within a time frame approved by the Office of Licensing; and
    - xiii. An immunization record, as available as required for individuals under the age of 22.
  2. The results of an annual physical examination;
  3. Annual reports from the dentist of dental examinations, dental care, and corrective work done;

## § 10:44A-2.9 Records of individuals receiving services

4. Seizure records, where indicated;
5. A medically prescribed diet, if required;
6. Documentation of known allergies;
7. Medication administration records;
8. An inventory of valuable personal possessions, including, but not limited to, personal mementos, adaptive devices, eyeglasses, hearing aids, durable medical equipment, electronic equipment and accessories, jewelry, clothing, and personal furniture;
9. Authorizations and acknowledgements, as required at [N.J.A.C. 10:44A-4.1\(e\)](#);
10. Identification of the person's capabilities and needs, including, but not limited to:
  - i. The ability to remain unsupervised, specific to location and length of time, including in a vehicle;
  - ii. The ability to self-medicate;
  - iii. The ability to manage their personal funds;
  - iv. All prescribed adaptive equipment; and
  - v. Any rights restrictions; and
11. The current Behavior Support Plan approved by the PT, as applicable.

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Records; individuals receiving services"; rewrote the section.

Annotations

## Notes

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## [N.J.A.C. 10:44A-2.10](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 2. ORGANIZATION AND ADMINISTRATION***

#### **§ 10:44A-2.10 Individual financial records: personal funds**

---

- (a) Each individual shall have the right to manage his or her own personal funds consistent with his or her abilities.
1. If it has been determined that the individual cannot independently manage his or her funds/finances, the PT shall determine how much money, if any, can be managed by the individual at any given time.
- (b) For all personal funds entrusted to the licensee, the licensee shall maintain records and receipts of all income received and all disbursements of the individual's funds.
1. All receipts related to disbursements of an individual's entrusted funds and purchases made on behalf of an individual shall be maintained while the individual resides at the residence.
  2. If an individual's personal funds are entrusted to a licensee, moneys received by an individual in excess of \$ 200.00 shall be placed in an interest-bearing account, unless otherwise determined by the PT.
  3. The licensee may keep up to \$ 200.00 of an individual's entrusted funds in a non-interest-bearing account or petty cash fund, to be readily available for current expenditures, providing it is kept for safekeeping in an account separate from all other funds for the residence.
  4. Any increase in this amount shall be authorized by the individual and his or her guardian, where applicable, and documented in the individual's record.
- (c) The licensee shall, upon written request from the individual and his or her guardian, where applicable, return any or all of the individual's funds entrusted to the licensee, including the interest accrued from deposits.
- (d) There shall be no loans of finances, resources, or property from an individual receiving services to the licensee, staff member, or any other individual receiving services.
- (e) The licensee to whom the individual entrusts his or her funds shall ensure that the management of such funds does not jeopardize the individual's entitlements to any appropriate Federal or private benefit.
- (f) The licensee shall allow each individual and guardian, where applicable, access to a written record of all financial arrangements and transactions involving the individual's entrusted funds, upon request.
1. Copies of this record shall be made available to the individual and his or her guardian, upon request.

#### **History**

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##### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

§ 10:44A-2.10 Individual financial records: personal funds

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Individual financial records: individual funds"; rewrote the section.

Annotations

## Notes

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## [N.J.A.C. 10:44A-3.1](#)

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### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 3. ADVOCACY AND RIGHTS**

#### **§ 10:44A-3.1 General requirements**

---

(a) The provision of services and support shall demonstrate recognition that people with disabilities have the same rights as all other citizens.

1. An individual's exercise of his or her rights shall not be prohibited or be used as a cause for retribution against him or her.

(b) The licensee shall comply with the provisions at [N.J.S.A. 30:6D-1](#) et seq. (Developmentally Disabled Rights Act).

(c) The licensee shall ensure that staff are familiar with and observe the rights and responsibilities of individuals with developmental disabilities enumerated in the Division's rights document.

(d) Individuals receiving services shall receive training and support in order to understand options, make choices, and exercise rights and responsibilities.

1. The individual's exercise of their rights is not limited when an individual has a guardian or interested family.

(e) The licensee shall be responsible for utilizing a Human Rights Committee, in accordance with [N.J.A.C. 10:41A](#) (Human Rights Committees).

#### **History**

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##### **HISTORY:**

Administrative change.

See: [33 N.J.R. 3746\(a\)](#).

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

In (b), substituted "Developmental Disabilities Licensing" for "and Inspections" in 2iii.

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

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## [N.J.A.C. 10:44A-3.2](#)

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### **§ 10:44A-3.2 Rules governing a residence**

---

(a) The licensee may establish reasonable rules that govern the conduct of individuals in their residences, including, but not limited to, rules regarding smoking and pets, provided:

1. The rules are commensurate with the individuals' abilities and rights, as detailed in the Division's rights document;
2. Individuals and their guardians, where applicable, are informed of the rules governing a residence prior to their admission, as required at [N.J.A.C. 10:44A-4.1](#);
3. The individuals affected by such rules are consulted whenever a revision is considered, and there is evidence the rules are necessary to promote order and to benefit the collective group;
4. The rules include provisions to ensure that an individual exercising his or her rights does so in such a way so as to not infringe upon the rights of, or endanger, others; and
5. Each copy of the rules contains a statement that an individual or a group of individuals has the right to challenge such rules as to their appropriateness through the licensee's grievance procedure, in accordance with [N.J.A.C. 10:44A-2.2\(b\)](#)13.

(b) The individuals served at a particular residence may jointly choose to establish mutually agreed upon house rules regarding conduct in the home, in accordance with (a)1 through 5 above.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

### **Notes**

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§ 10:44A-3.2 Rules governing a residence

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## [N.J.A.C. 10:44A-3.3](#)

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### **§ 10:44A-3.3 Self-advocacy**

---

- (a) The licensee shall identify individuals who want a personal advocate, who wish to participate in house meetings, or who wish to participate in a self-advocacy group.
1. Individuals who wish to participate in house meetings shall be included in the process, scheduling, and agenda as much as possible, with the assistance of staff.
- (b) Individuals with developmental disabilities shall be given the opportunity to participate in a self-advocacy group of their choice.
- (c) Notices of advocacy or self-advocacy conferences, seminars, or meetings shall be made available to all individuals in each residence unless determined otherwise by the PT.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote (a); in (c), inserted a comma following "seminars", and substituted "PT" for "IDT".

Annotations

### **Notes**

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#### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-4.1](#)

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### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 4. SERVICE DELIVERY/HABILITATION**

#### **§ 10:44A-4.1 Pre-admission and admission**

---

- (a) The licensee shall have written criteria for admission to a particular program, including temporary (respite) placements. These criteria shall include, at a minimum:
1. Specific services provided;
  2. A non-discrimination statement regarding admissions, assuring no one will be denied admission on the grounds of race, sex, color, national origin, religion, age, physical or mental disability, ancestry, sexual preference or affiliation, AIDS or HIV infection, atypical cellular hereditary blood traits, or any other legally protected status;
  3. A statement regarding any limitations an agency may have in providing services to an individual with a specific developmental disability;
  4. A statement affording all individuals and/or their guardians the opportunity of preplacement visits to the residence;
  5. A statement regarding any minimum and/or maximum age restrictions;
  6. A statement regarding respite criteria; and
  7. A statement regarding all techniques that may be employed by the licensee to provide behavior support.
    - i. The licensee shall comply with [N.J.A.C. 10:42](#) (Mechanical Restraints and Safeguarding Equipment) in the use of mechanical restraints and safeguarding equipment; and
  8. A statement affording all individuals the right to have a choice in the selection of their roommate.
- (b) The number of individuals with developmental disabilities admitted to a residence shall not exceed the licensed capacity.
- (c) Prior to admission, the Division of Developmental Disabilities shall provide the licensee with information that complies with [N.J.A.C. 10:46](#) that addresses eligibility for services.
- (d) Upon admission, where applicable, a written lease agreement shall be signed by the individual, the guardian, as applicable, and the landlord, which shall provide the consumer with all the rights and responsibilities accorded by New Jersey tenant and landlord law and shall be comparable to leases for all other persons in the State.
1. In the absence of a formal lease agreement, a consumer residency agreement shall be signed by the consumer, and guardian, as applicable, that shall provide the consumer the same protections against unlawful evictions as would otherwise be provided by a signed lease agreement. This consumer residency agreement shall provide protections addressing eviction processes and appeals comparable to existing New Jersey landlord and tenant law and shall afford the same rights to appeal an eviction as for all other persons in the State.

## § 10:44A-4.1 Pre-admission and admission

**(e)** Upon admission to the program and upon subsequent request, the licensee shall, without cost to the individual, provide the individual receiving services and his or her guardian, where applicable, with the following:

1. A copy of the written procedures for safekeeping of valuable personal possessions, as required at [N.J.A.C. 10:44A-2.2\(b\)](#)<sup>11</sup>;
2. A copy of the Division's rights document;
3. The names, addresses, and telephone numbers of advocates available to assist the individual in understanding and enforcing these rights, to include, at a minimum:
  - i. Disability Rights New Jersey;
  - ii. Office of Licensing;
  - iii. Bureau of Guardianship, if applicable;
  - iv. His or her case manager/support coordinator;
  - v. Division of Developmental Disabilities' abuse hotline (800-832-9173);
  - vi. Department of Children and Families' Child Abuse Control number (1-800-792- 8610), if applicable; and
  - vii. Office of the Ombudsman (1-877-582-6995), if applicable.
4. A copy of the licensee's rules and any house rules that apply to the individual's residence;
5. A copy of the grievance procedure for appealing licensee decisions, as required at [N.J.A.C. 10:44A-2.2\(b\)](#)<sup>13</sup>;
6. A copy of the fee schedule, as required at [N.J.A.C. 10:44A-2.2\(b\)](#)<sup>12</sup>; and
7. A written statement listing the services regarding the safekeeping and management of entrusted funds.

**(f)** The licensee shall make provisions to explain portions that are not understood and answer any questions the individual may have regarding (e)1 through 7 above.

1. If an individual is unable to read (e)1 through 7 above, the text shall be read to the individual in a language or manner the individual understands.

**(g)** A copy of a written acknowledgment that (e)1 through 7 above has been explained and understood shall be immediately signed and dated by the individual, the licensee's representative(s), and the individual's guardian, if present.

1. If the guardian is not present, the signed acknowledgment shall be sent to the guardian within five days, and documentation shall be maintained in the individual's record.
2. The acknowledgment may also be witnessed by a personal advocate, if present.
3. The acknowledgment shall be placed in the individual's record.

**(h)** At the time of admission, the licensee shall obtain written authorization for any of the individual's funds to be entrusted.

1. The authorization shall specify which funds are to be entrusted to the licensee, including, but not limited to, paychecks, Patient Trust Fund, monetary gifts, payment from family members, transportation reimbursements, public assistance, income tax rebates, and insurance claims, and shall state that the licensee is acting in a fiduciary capacity regarding the funds.
2. The individual and his or her guardian, where applicable, shall sign the authorization.
3. A copy of the signed entrustment authorization shall be maintained in the individual's record.

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## Notes

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## [N.J.A.C. 10:44A-4.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 3, February 5, 2024

***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 4. SERVICE DELIVERY/HABILITATION***

### **§ 10:44A-4.2 Changes in supports/services**

---

- (a) Any major change in an individual's residential service and/or supports shall include the utilization of the PT.
- (b) Should the licensee determine a residence is no longer suitable or no longer meets the needs of an individual, substantive evidence shall be given to the Division.
1. Until an alternate placement is available, the individual shall continue to be served at that residence.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

### **Notes**

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#### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-4.3](#)

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### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 4. SERVICE DELIVERY/HABILITATION**

## **§ 10:44A-4.3 Individual Habilitation Plan (IHP)**

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- (a) The licensee shall establish and implement a procedure to address the development, implementation, review and evaluation of each individual's habilitation or service plan as required by [N.J.S.A. 30:6D-10](#) et seq.
- (b) The individual's plan and monthly documentation of progress shall be maintained as part of the individual's record.
- (c) The comprehensive IHP shall include, at a minimum, the following elements:
1. A cover page;
  2. Evaluation summaries;
  3. A summary of progress toward previous IHP goals and objectives;
  4. Identification of person's preferences, capabilities and needs;
  5. Goals;
  6. Behaviorally stated, measurable, sequential objectives;
  7. A clearly stated method of achieving each objective;
  8. Identification of IDT members and persons responsible for ensuring the delivery of services/programs described in the plan;
  9. A listing of all current and planned services/programs and their dates of initiation, anticipated duration and frequency;
  10. Barriers to meeting the individual's needs;
  11. A review of guardianship status;
  12. A meeting summary/addendum, which may include disagreement with any part of the plan;
  13. A sign-off section, which indicates attendance only; and
  14. Authorization for approved individual expenses.

Annotations

## **Notes**

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[Chapter Notes](#)



§ 10:44A-4.3 Individual Habilitation Plan (IHP)

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## [N.J.A.C. 10:44A-5.1](#)

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### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 5. HEALTH AND SAFETY**

#### **§ 10:44A-5.1 General health care**

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- (a) A personal, primary physician, medical group/clinic, or advanced practice nurse shall be identified for each individual receiving services.
- (b) Each individual shall, at a minimum, have an annual medical examination.
  - 1. The examining physician or advanced practice nurse shall sign, date, and document the results of the examination.
  - 2. A copy of the results of the annual examination shall be maintained in the individual's file. The confidentiality of this document shall be maintained in accordance with N.J.A.C. 10:41-2.
- (c) Each individual shall, at a minimum, have an annual dental or oral examination.
  - 1. A record documenting the results of the dental examination, signed and dated by the dentist, shall be maintained in the individual's record.
- (d) Upon any known or suspected exposure to a confirmed case of *M. Tuberculosis* by an individual served, the licensee shall consult with the local health department and maintain documentation that all requirements for follow up testing were met.
- (e) The licensee shall follow-up on all individual health needs including medical treatment, pharmaceutical, dental or other needed services.
  - 1. Documentation shall be maintained in the individual's record.
- (f) The licensee shall ensure that the community residence has access to emergency medical services.
- (g) Each licensed program site shall have a first aid kit, to include:
  - 1. Antiseptic;
  - 2. Rolled gauze bandages;
  - 3. Sterile gauze bandages;
  - 4. Adhesive paper or ribbon tape;
  - 5. Scissors;
  - 6. Adhesive bandage (for example, band-aids);
  - 7. Either a standard type or a digital thermometer;
  - 8. CPR mask; and
  - 9. Protective gloves.
- (h) Upon confirmation that an individual has contracted a communicable disease, as specified at [N.J.A.C. 8:57](#), the licensee shall ensure exposed individuals are placed under the care of a physician or advanced practice nurse.

## § 10:44A-5.1 General health care

1. The individual's physician shall determine treatment and precautions to be taken.
    - i. Documentation of treatment and precautions shall be maintained in the individual's file.
  2. If the individual does not live alone, the licensee shall contact the primary physician or advanced practice nurse for all other individuals in the residence.
- (i) The agency shall assure that all adaptive and assistive devices are available and in working condition for each individual who requires them.
1. Durable medical equipment shall not be utilized without an order from the physician or advance practice nurse, which shall be maintained in the individual's record.

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## Notes

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## [N.J.A.C. 10:44A-5.2](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 5. HEALTH AND SAFETY***

#### **§ 10:44A-5.2 Prescription medication**

---

- (a) Individuals receiving medication shall take their own medication to the extent that it is possible, as assessed and determined by the PT, documented in the individual's record, and in accordance with licensee procedure.
- (b) If the individual is not responsible for or capable of taking his or her own medication, the licensee or his or her designee shall assist and supervise the administration of the medication as prescribed.
- (c) A record shall be maintained of all medication administered by the licensee or the designee.
1. The record shall include the following:
    - i. The individual's name;
    - ii. The date;
    - iii. The name of medication;
    - iv. The type of medication;
    - v. The dosage;
    - vi. The frequency;
    - vii. The initials and corresponding signatures of staff administering the medication or in the case of electronic records, a means by which the identification of the administering staff is verified;
    - viii. All known allergies; and
    - ix. Medication administration codes.
- (d) If an individual is capable of taking medication without assistance, no daily medication administration record is required.
1. A current list identifying the name of the medication(s), type of medication(s), dosage, frequency, date prescribed, and the location of the medication(s) shall be filed in the individual's record and updated as changes occur.
- (e) Written documentation shall be filed in the individual's record indicating that all prescribed medication was re-evaluated at least annually by the prescribing physician or advanced practice nurse.
- (f) Staff shall have access to medication information, either in a reference book or an online resource approved by the licensee, current within three years and written for lay persons, which shall include information on side effects and drug interaction.
- (g) Any new medication or change in medication order by the physician or advanced practice nurse, as well as new and discontinued prescriptions, shall be immediately noted on the current medication record by staff consistent with the licensee's procedure.

## § 10:44A-5.2 Prescription medication

1. Verbal orders from the physician or advanced practice nurse shall be confirmed, in writing, within 24 hours or by the first business day following receipt of the verbal order.
  2. The prescription shall be revised at the earliest opportunity.
- (h) A supply of medication and prescribed nutritional supplements, adequate to ensure no interruption in the medication schedule, shall be available to individuals at all times.
- (i) The licensee or designee shall supervise the use and storage of prescription medication, ensuring that:
1. A storage area of adequate size for both prescription and over-the-counter medications shall be provided and kept locked for those individuals who are not self-administering their own medication.
  2. Each individual who administers his or her own medication shall receive training and monitoring by the licensee regarding the safekeeping of medications for the protection of others, as necessary.
    - i. Medication shall be kept in an area that provides for the safety of others, if necessary;
  3. Staff shall have a key to permit access to all medication at all times and to permit accountability checks and emergency access to medication.
    - i. Specific controls regarding the maintenance and use of the key to stored medication shall be established by agency procedure;
  4. Prescribed medication for each individual shall be separated within the storage areas, as follows:
    - i. Oral medications, eye drops, and ear drops shall be separated from other medications; and
    - ii. If necessary, medications that require refrigeration shall be maintained in a manner that provides for the safety of others, for example, by using locked boxes.
  5. All medications shall be kept in their original containers from the pharmacy and shall be properly identified with the pharmacist's label.
    - i. An individual who is self-medicating may choose adaptive equipment that continues to assure the safe storage of medication;
  6. No stock supply of prescription medications shall be kept;
  7. Medications that are outdated or no longer in use shall be safely disposed of, according to licensee procedure;
  8. When medication is prescribed PRN (as needed), the prescription label shall include the following: the individual's name, date, name of medication, dosage, specification of interval between dosages, maximum amount to be given during a 24-hour period, a stop date, when appropriate, and under what conditions the PRN medication shall be administered; and
  9. The administration of PRN medication, along with the time of administration, shall be documented on the medication record and shall be communicated to the on-coming shift of residential staff.

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

### Annotations

## Notes

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### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-5.3](#)

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***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 5. HEALTH AND SAFETY***

### **§ 10:44A-5.3 Over-the-counter medications**

---

(a) A statement signed by the physician or advanced practice nurse regarding the usage and contraindications of over-the-counter medications shall be available for staff reference and use and shall be updated annually. This statement shall constitute a physician's order.

(b) For medications available over-the-counter, the manufacturer's label shall be sufficient for identification purposes.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-5.4](#)

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***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 5. HEALTH AND SAFETY***

### **§ 10:44A-5.4 Emergency telephone numbers**

---

- (a) The following emergency numbers shall be easily accessed and located by each telephone:
1. 9-1-1; and
  2. The telephone number to contact the licensee's staff in the event of an emergency.
- (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 hotline number;
  2. If a minor is living in the residence, the telephone number for the Department of Children and Families' Child Abuse Control number (1-800-792-8610);
  3. If an individual 60 years of age or older is living in the residence, the telephone number for the Office of the Ombudsman (toll free in New Jersey at 1-800-624-4262); and
  4. The Unusual Incident Coordinator in the Department identified for the program location.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

### **Notes**

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#### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-5.5](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 5. HEALTH AND SAFETY***

#### **§ 10:44A-5.5 Food**

---

- (a) Sanitary practices shall be utilized in the storage, handling, preparation, and serving of all food and drink.
  - 1. Food shall be thawed in a refrigerator.
- (b) All appliances, equipment and utensils used for eating, drinking, preparation and serving of food shall be kept clean and in good condition and thoroughly washed after each use.
- (c) Food shall be readily accessible to individuals receiving services unless limitations have been approved by the PT through a person-centered planning process documented in the individual's record.
- (d) The licensee shall ensure that each individual is provided the opportunity for the following:
  - 1. Three nutritionally balanced meals, varietal in nature, in the home or in the community; and
  - 2. Reasonable adjustments to individual preferences, habits, customs and appetites.
- (e) Individuals shall be afforded the choice of dining with other individuals or dining by themselves.
- (f) Food shall meet the medical and dietary needs of the individuals receiving services.
  - 1. When a prescribed diet is required, the licensee shall ensure the following:
    - i. That all necessary equipment is readily accessible and utilized by the licensee's staff and/or the individual, as necessary; and
    - ii. That all necessary food and nutritional supplements are available.
  - 2. Documentation of all such diets shall be maintained on the menu.
- (g) An individual shall be allowed to eat at his or her own pace, unless otherwise determined by the PT.
- (h) Menus, to include all meals and available snacks, shall be dated, prepared at least one week in advance, and retained on file for a period of 30 days, unless an individual's SP documents independence in meal purchase and planning.
- (i) Consistent with their abilities, the individuals receiving services shall be consulted for preferences in determining the weekly menu and/or changing it as desired.
- (j) Any substitution of food from the menu shall be of equal nutritional value and shall be documented on the menu.
- (k) At a minimum, there shall be at least a three-day supply of food at all times.

#### **History**

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**HISTORY:**

§ 10:44A-5.5 Food

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## Notes

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### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-5.6](#)

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### **§ 10:44A-5.6 Clothing**

---

- (a) Each individual shall have an adequate supply of clean and well-fitting clothing appropriate to age, gender identity, individual needs and preferences, community standards, season, and weather conditions.
- (b) Each individual shall have the opportunity to select and purchase clothing according to individual taste and preference.
- (c) The licensee shall provide assistance to individuals who require assistance in order to maintain their own clothing.
- (d) The licensee shall provide laundry facilities without additional charge to individuals, unless there is documentation in an individual's SP that the individual is to pay for the laundering of his or her own clothing.

### **History**

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#### **HISTORY:**

Repeal and New Rule, R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Clothing".

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-5.7](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 5. HEALTH AND SAFETY***

#### **§ 10:44A-5.7 Vehicle safety**

---

(a) All agency vehicles used under agency auspices to transport individuals with developmental disabilities shall have the following:

1. Emergency equipment which shall include at least three portable red reflector warning devices and either a spare tire and jack or provisions for roadside assistance and emergency alternate transport.
2. A first aid kit to include:
  - i. Antiseptic;
  - ii. Rolled gauze bandages;
  - iii. Sterile gauze bandages;
  - iv. Adhesive paper or ribbon tape;
  - v. Scissors;
  - vi. Adhesive bandages (for example, band-aids);
  - vii. CPR masks; and
  - viii. Protective gloves.
3. Snow tires, all weather tires, or chains when weather conditions dictate their use.

(b) The licensee shall verify that all vehicles under the auspices of the licensee used to transport individuals with developmental disabilities shall comply with all applicable safety and licensing regulations established by the New Jersey Motor Vehicle Commission.

1. The licensee shall maintain or document valid liability insurance on all vehicles used to transport individuals with developmental disabilities.
2. All drivers shall have a driver's license valid in the State of New Jersey.
3. Individuals receiving services whose PT has determined that being left unattended in a vehicle would present a danger to themselves or others shall be supervised, accordingly.
4. The interior of each vehicle shall be maintained in a clean, safe condition and shall be free of obstacles obstructing clear passage to operable doors.
  - i. All items maintained in the vehicle shall be securely fastened at all times.

(c) An agency vehicle shall be available at all times to provide transportation for individuals, as needed, and as desired by individuals for community integration.

1. Vehicles used to transport individuals in wheelchairs shall be fully accessible and include all required safety mechanisms, which shall be maintained in working order and utilized at all times.

## History

---

### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote (a), (b), and added (c).

Annotations

## Notes

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### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-5.8](#)

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**NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 5. HEALTH AND SAFETY**

### **§ 10:44A-5.8 Workplace safety**

---

(a) The licensee shall comply with the Occupational Safety and Health Administration's (OSHA) regulations (29 CFR Part 1910) as they may apply to a particular type of residence the licensee operates, and shall ensure consistent and sound enforcement.

1. The licensee shall maintain on file all inspection reports and correspondence documenting noncompliance with OSHA requirements.
2. All such reports and correspondence shall be available for review by authorized representatives of the Department.

### **History**

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#### **HISTORY:**

Amended by R.2004 d.404, effective November 1, 2004.

See: [36 N.J.R. 2589\(a\)](#), [36 N.J.R. 4961\(a\)](#).

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

In (a), inserted "Part 1910" following "(29 CFR".

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-6.1](#)

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### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 6. FIRE SAFETY AND PHYSICAL ENVIRONMENT**

#### **§ 10:44A-6.1 Fire safety**

---

(a) Each community residence operated by the licensee shall be registered with the Department of Community Affairs (DCA), Bureau of Fire Code Enforcement, Life Hazard Use Registration Unit, as a life hazard use and shall be subject to inspection, as required by the inspection schedule contained in the code, consistent with [N.J.S.A. 52:27D-192](#) et seq., and the rules promulgated thereunder.

1. All written reports from such inspections shall be maintained on file.

(b) Each community residence for individuals with developmental disabilities shall comply with the provisions at [N.J.S.A. 52:27D-192](#) et seq. (Uniform Fire Safety Act).

1. The Office of Licensing may identify any additional fire safety precautions required to keep service recipients safe.

(c) Variances from regulations may be requested in accordance with [N.J.S.A. 52:27D-200](#).

#### **History**

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##### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote (a) and (b).

Annotations

#### **Notes**

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##### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-6.2](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 6. FIRE SAFETY AND PHYSICAL ENVIRONMENT***

## **§ 10:44A-6.2 Emergency evacuation plans**

---

- (a) The licensee shall design an emergency 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 individual's ability to evacuate the residence in three minutes or less, according to the following risk factors:
    - i. The individual's ability to solve problems;
    - ii. The individual's compliance, including any behavioral factors that adversely affect the individual's ability to evacuate; and
    - iii. Any medical factors, including physical disabilities, which adversely affect the individual's ability to evacuate.
  2. The plan shall incorporate the following elements:
    - i. A general description of the building;
    - ii. Identification of all exits that lead directly to the outside;
    - iii. Identification of the point(s) of safety, a designated meeting spot at which the occupants assemble after evacuating the premises;
    - iv. Any special needs that the service recipients have and the assistance that will be necessary to help them evacuate within three minutes, based upon the individual emergency evacuation assessments; and
    - v. A single plan of prioritized and sequential actions required to promptly evacuate everyone from the building within three minutes.
- (b) The emergency evacuation plan shall be reviewed at least annually and revised, as needed:
1. Within 72 hours of a new individual moving into the residence, the return of a resident absent for more than 30 days, or the discharge of a resident;
  2. Whenever the level of assistance required by the current occupants to evacuate the residence changes; and
  3. Thirty days following an occupant's admission to a hospital or nursing home.
- (c) All individuals shall be able to evacuate the residence in less than three minutes.
- (d) The licensee shall ensure that all staff persons assigned to a residence at any time have been trained in the emergency evacuation plan for that residence.

## **History**

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§ 10:44A-6.2 Emergency evacuation plans

**HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Fire evacuation plans"; rewrote (a), (b), and added (d).

Annotations

## Notes

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## [N.J.A.C. 10:44A-6.3](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 6. FIRE SAFETY AND PHYSICAL ENVIRONMENT***

#### **§ 10:44A-6.3 Egress protocols**

---

(a) Individuals 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 written and implemented that conforms to the requirements at [N.J.A.C. 10:44A-6.2](#);
2. Fire drills, supervised by staff, are performed a minimum of once per month, during which all occupants shall evacuate from the nearest exit;
3. Each shift performs at least four fire drills a year;
4. Fire drills are performed at random and varying times so that individuals are engaged in a variety of routine activities during the drills;
5. Fire drills ensure that all means of egress are used throughout the year; except those in areas that are not routinely utilized by individuals, such as unfinished basements, furnace rooms, and garages without ramps;
6. A prompt egress time of three minutes or less is attained and maintained.
  - i. The evacuation drill shall be timed from when the alarm is sounded until the last occupant crosses the threshold of a means of egress;
7. Individuals are free from physical restraint and are not locked in at any time; and
8. Written records are maintained including the following information:
  - i. The date and time of the fire drill;
  - ii. The location of the simulated fire;
  - iii. The means of egress used;
  - iv. The full names of individuals and staff who participated in the drill; and
  - v. The time required for all persons to evacuate the residence.

(b) Within 24 hours of admission, each individual shall participate in a fire drill to ensure knowledge of emergency egress procedures.

(c) If the individual is unable to evacuate the residence in three minutes or less after re-training, the licensee shall take steps that result in prompt evacuation in subsequent drills, including, but not limited to, the following:

1. Add awake staff to ensure the three-minute time is met;
2. Relocate individuals so that the three-minute time is met; or
3. Conform to the I-1 Use Group classification ([N.J.A.C. 5:23-6.21](#) and [6.21A](#)).

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## Notes

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### [Chapter Notes](#)

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## [N.J.A.C. 10:44A-6.4](#)

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***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 6. FIRE SAFETY AND PHYSICAL ENVIRONMENT***

### **§ 10:44A-6.4 Group classification requirements**

---

- (a) Group homes housing five or fewer individuals shall, at a minimum, meet the requirements of Group R-5 of the Uniform Construction Code (see [N.J.A.C. 5:23-6.27](#)).
- (b) One-and two-family homes housing six to 16 individuals with developmental disabilities shall meet the requirements of Group R-2 of the Uniform Construction Code (see [N.J.A.C. 5:23-6.26](#) and [6.26A](#)).

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Use group classification requirements". Rewrote the section.

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-6.5](#)

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## **§ 10:44A-6.5 Fire safety equipment**

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(a) Fire extinguishers shall be serviced annually and shall be of a type and number as determined by the fire official designated to enforce the Uniform Fire Safety Act ([N.J.S.A. 52:27D-192](#) et seq.)

1. Documentation of servicing shall be available for review.

(b) Fire extinguishers, battery-operated smoke detectors, and stand-alone carbon monoxide detectors shall be checked quarterly by staff to ensure all extinguishers and detectors are fully charged and operable and documentation maintained.

1. Documentation shall be available on the fire extinguisher or at the residence as part of the administrative records.

(c) Hard-wired smoke and/or carbon monoxide detection systems shall be tested quarterly, and documentation maintained.

## **History**

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### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "Fire extinguishers". In (a), substituted "fire" for "Fire", "52:27D-192" for "52:27-197"; rewrote (b); and added (c).

Annotations

## **Notes**

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## [N.J.A.C. 10:44A-6.6](#)

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#### **§ 10:44A-6.6 General home requirements**

---

- (a) For residences housing individuals with physical disabilities, the licensee shall make accommodations to ensure maximum physical accessibility feasible for entrance to and movement within the residence based upon individual characteristics.
1. Any necessary modifications shall conform to the requirements contained in the Barrier Free Subcode, [N.J.A.C. 5:23-3.14\(b\)](#)<sup>10</sup> (which includes the accessibility rules--see [N.J.A.C. 5:23-7.1](#) (Barrier Free Subcode)).
  2. Two means of egress shall be ramped, located in different parts of the building, and lead to the ground level.
  3. Such residences located on a floor above the ground floor shall have been designated for occupancy by non-ambulatory individuals by the fire official, including, but not limited to, safe havens, fire-proof stairs, and fire suppression systems.
- (b) The exterior of the residence and the surrounding grounds shall be properly maintained and shall be free from any hazard to health or safety.
1. Sheds, garages, and other outbuildings shall be maintained in a safe condition or be rendered inaccessible to individuals.
- (c) The interior of the residence shall be properly maintained and shall be free from any hazard to health or safety.
1. All interior doors shall be equipped with standard hardware which can be readily opened in an emergency. Hooks and eyes, bolts, bars, and other similar devices shall not be used on interior doors.
    - i. Where a doorknob lock requires a key or other device to open from the outside, such key or device shall be readily available to staff.
    - ii. Chain locks are prohibited on apartment doors, unless required by local ordinance. In this case, the lock shall be changed to the type that can be opened from the outside with a key. The key must be available to staff at all times. In all cases, the individual must have the ability to operate the chain lock.
  2. A carbon monoxide detector(s) shall be installed with the technical requirements and in the location specified by the Uniform Construction Code ([N.J.A.C. 5:23](#)).
  3. Nothing shall be stored within three feet of a boiler, furnace, or water heater.
  4. Portable halogen lamps shall be prohibited.
  5. Cellophane wrapping on lamps shades shall be prohibited.
  6. The use of candles indoors is prohibited.

## § 10:44A-6.6 General home requirements

- 7.** Electric and gas clothes dryers shall be maintained in good repair. Vent ducts shall remain unblocked, uncrushed, and properly connected to the dryer, and the lint trap screen shall be cleaned after each use.
- 8.** Fireplaces and wood or pellet burning stoves and all components shall be kept clean and well maintained.
- i.** Wood or pellet burning stoves shall be permitted only if proof of its proper installation is provided by the local construction code official, as evidence by a certificate of approval.
  - ii.** Protective screening or covers shall be provided to prevent occupants in the home from coming into direct contact with the fire and/or prevent sparks from flying into the home from the fireplace.
  - iii.** Fireplaces, as well as wood or pellet burning stoves, if used, must be professionally inspected, and cleaned as necessary, annually, and documentation of such shall be maintained.
- 9.** Every exhaust fan and exhaust fan filter shall be regularly cleaned from accumulated grease.
- 10.** Attics and unfinished spaces without adequate flooring shall be rendered inaccessible to individuals.
- (d)** Each individual receiving services shall have access to a telephone.
- (e)** Non-slip surfaces shall be provided as appropriate:
- 1.** As non-skid backing for scatter or throw rugs;
  - 2.** On stairs and landings; and
  - 3.** In each shower or bathtub.
- (f)** All furniture throughout the home shall be clean and in good repair.
- (g)** All common areas for living and dining shall be of sufficient size to provide enough seating for all occupants of the home at one time.
- (h)** No temporary wiring shall be used except UL listed extension cords, rated appropriate to the anticipated load.
- (i)** Extension cords shall not run under rugs, through walls, or through doorways.
- (j)** Standby generators and battery back-up power systems, if present, shall be permanently installed by a qualified technician, in accordance with all local codes, permitting, and inspection requirements.
- (k)** Portable generators shall only be used in accordance with the following:
- 1.** Under a permit issued by the local enforcement agency, if such a permit is required by local municipal codes;
  - 2.** Not plugged directly into the home's electrical receptacles or outlets;
  - 3.** Operated outside and away from doors, vents, or open windows leading into the home;
  - 4.** Properly grounded, dry, and shielded from contact with liquid;
  - 5.** Operated only with heavy-duty electrical cords that are rated for outdoor use, free of any punctures or exposed wiring, kept out of the way of foot traffic and not run underneath rugs;
  - 6.** Powering only devices that, when operated simultaneously, do not draw more electrical capacity than the generator is designed to supply; and
  - 7.** Not powering devices hard-wired into the homes' electrical system, unless the generator is plugged into a transfer switch or panel of transfer switches installed by a qualified technician, in accordance with all local codes and permitting and inspection requirements.

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

## Notes

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## [N.J.A.C. 10:44A-6.7](#)

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### **§ 10:44A-6.7 Certificate of Occupancy**

---

A Certificate of Occupancy or other documentation of approval shall be obtained by the licensee from the local construction official as required by the Uniform Construction Code ([N.J.A.C. 5:23](#)) and/or local ordinance for all repairs or renovation requiring a building permit.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Inserted "or other documentation of approval" following "Occupancy", and "for all repairs or renovation requiring a building permit" following "ordinance".

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-6.8](#)

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### **§ 10:44A-6.8 Exits**

---

- (a) Locks on doors used as an approved means of egress shall be of the type that can be unlocked from the inside without the use of a key.
- (b) No interior or exterior door, window, or opening in a community residence for individuals with developmental disabilities shall be locked, fastened, or blocked, so as to prevent or impede the egress of any person in the residence, unless approved by the local enforcing agency.
- (c) Only commercially available security devices shall be permitted for use with sliding glass exit doors.
- (d) Means of egress shall not be obstructed.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote the section.

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-6.9](#)

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## **§ 10:44A-6.9 Heat sources**

---

(a) Space heaters, including, but not limited to, electrical, kerosene, and quartz heaters, shall be prohibited, unless a waiver is granted by the Office of Licensing.

1. Written documentation shall be maintained indicating that the local enforcing authority has authorized such use.

(b) Every home shall have heating facilities that are properly installed, maintained in good and safe working condition, and capable of maintaining all habitable rooms at a temperature of 68 degrees Fahrenheit (20[degrees]C) when the outdoor temperature is zero degrees Fahrenheit (-18[degrees] C).

(c) Heat sources exceeding 110 degrees Fahrenheit (43<o>C) which are accessible to individuals requiring personal guidance shall be equipped with protective guards or insulated to prevent individuals from coming into direct contact with the heat source.

## **History**

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### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

In (a), substituted "Office of Licensing" for "licensing agency", rewrote (b).

Annotations

## **Notes**

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## [N.J.A.C. 10:44A-6.10](#)

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***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 44A. STANDARDS FOR COMMUNITY RESIDENCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES > SUBCHAPTER 6. FIRE SAFETY AND PHYSICAL ENVIRONMENT***

### **§ 10:44A-6.10 Water**

---

(a) Hot and cold running potable water shall be available at all times.

1. The potable water supply from a private well shall be tested at least once every five years by a New Jersey certified laboratory.

(b) Hot water at the tap shall not exceed 120 degrees Fahrenheit (49 degrees Celsius) or be maintained lower than 105 degrees Fahrenheit.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Codified existing paragraph as (a) and inserted (a)1 and (b).

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-6.11](#)

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### **§ 10:44A-6.11 Railings, stairs and hallways**

---

- (a) Every porch, balcony, staircase, or place higher than 30 inches off the ground shall be provided with adequate railings, according to the Uniform Construction Code.
- (b) All outside stairways consisting of four or more steps shall be provided with a secure handrail.
- (c) All stairways and hallways shall be kept free and clear of obstructions at all times.
- (d) All carpeting and stair treads shall be adequately secured.

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-6.12](#)

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### **§ 10:44A-6.12 Windows**

---

- (a) Every bedroom shall have at least one operable window opening directly to the outside.
  - 1. If a bedroom has only one operable window, it shall not be blocked by an air conditioner or any permanently installed device.
- (b) First floor bedroom windows shall have an operable window space of five square feet.
- (c) Second floor bedroom windows shall have an operable window space of 5.7 square feet.
- (d) From May through October, all openable windows and doors used for natural ventilation shall be provided with easily removable insect screening in good condition.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Inserted (a)1.

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-6.13](#)

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#### **§ 10:44A-6.13 Bedrooms**

---

- (a) Occupancy shall be limited to floors on or above grade level. Bedrooms may be situated in basements under the following conditions:
1. More than half the height of the room is above grade level;
  2. The room is provided with two or more independent means of egress, at least one of which leads directly outside.
    - i. An operable window with a net clear opening of at least five square feet, a minimum net clear opening of 24 inches in height and 20 inches in width, with a sill height of not more than 44 inches above the finished floor is acceptable as one of the means of egress; and
  3. There are no other conditions that may adversely affect the health, safety, welfare or rights of individuals with developmental disabilities.
- (b) There shall be no access to common areas or other bedrooms through an individual's bedroom.
- (c) A maximum of two individuals shall share a bedroom.
- (d) Bedrooms shall contain the following minimum space per person:
1. 70 square feet for occupancy by one person;
  2. 130 square feet for occupancy by two persons.
- (e) At least one half of the floor area of every individual room shall have a ceiling height of 71/2 feet.
1. The floor area of that part of any room where the ceiling is less than five feet shall not be considered allowable floor space.
- (f) Each individual shall be provided with the following bedroom furnishings, in good repair, the style of which is consistent with his or her preference unless otherwise specified by the PT:
1. A standard or platform bed frame;
  2. A minimum of a four-inch thick mattress of fire resistant material and of sufficient size;
  3. A box spring of sufficient size, unless a platform bed or spring bed frame is used;
    - i. Fold-up convertible type beds, roll-aways, cots, hide-a-beds and double deck beds shall be prohibited unless a situation warrants short-term use.
  4. Lighting;
  5. Ample linen supplies consisting of, at a minimum:
    - i. A clean pillow, of non-allergenic material if necessary;
    - ii. Two sets of bed linens and pillowcases; and

## § 10:44A-6.13 Bedrooms

- iii. One mattress cover, one blanket, and one bed covering. Shipping plastic shall be removed from the mattress and box spring.
  - 6. Drawers or a closet for the storage of personal possessions and in-season clothing, provided in the individual's room; and
  - 7. One mirror, securely fastened to the wall and/or fastened to a dresser at a height appropriate for the use of the person(s) occupying the room.
- (g) Individuals may choose to decorate their bedrooms according to individual taste and preference.
- (h) Every bedroom shall have an operable door for privacy, equipped with standard hardware that provides a privacy lock that can be readily opened from the outside in an emergency, and with only appropriate staff having access to the key, as needed. Hooks and eyes, bolts, bars, and other similar devices shall not be used on bedroom doors.

## History

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### HISTORY:

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

In (a)2, substituted a period for "; and"; inserted (a)2i; in (f), substituted "PT" for "IDT"; in (f)3, inserted "or spring bed frame"; in (f)5iii, inserted "Shipping plastic shall be removed from the mattress and box spring."; in (f)7, "chosen by the individual" was deleted and added new (h).

Annotations

## Notes

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## [N.J.A.C. 10:44A-6.14](#)

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## **§ 10:44A-6.14 Bathrooms**

---

- (a) Every residence shall be provided with one flush-type toilet and sink for every four persons and one bathtub or shower for every six persons living in the home.
- (b) Every toilet, sink, bathtub, or shower shall be accessible without passing through any other sleeping unit and shall be available within one floor above or below the individual's room, unless it is a master bedroom type suite where the bathroom is used solely by that bedroom's occupants.
- (c) Toilet paper, soap and toweling shall be available at each toilet and lavatory for access by each individual living in a home.
- (d) Bathroom doors shall be equipped with standard hardware, which provides a privacy lock, which can be readily opened from the outside in an emergency, and with only appropriate staff having access to the key, as needed. Hooks and eyes, bolts, bars, and other similar devices shall not be used on bathroom doors.
- (e) Bathrooms shall be clean and ventilated.

## **History**

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### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

In (d), a comma was inserted following "hardware", "and" was deleted preceding "which" and inserted ", and with only appropriate staff having access to the key, as needed"; added new (e).

Annotations

## **Notes**

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## [N.J.A.C. 10:44A-6.15](#)

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## **§ 10:44A-6.15 Kitchens**

---

- (a) Kitchens shall be clean and ventilated.
- (b) Containers of food shall be covered and appropriately stored above the floor on shelves or other clean surfaces and kept separate from cleaning supplies.
- (c) Disposable dinnerware shall not be used on a regular basis.
- (d) Refrigeration and storage of food shall be provided at no more than 40 degrees Fahrenheit (four degrees Celsius). Freezer compartments shall operate at no more than zero degrees Fahrenheit (-18 degrees Celsius).
- (e) Kitchen appliances shall, at a minimum, include a refrigerator, freezer (or refrigerator with a freezer compartment), an oven, and a cooktop, maintained in good condition.

## **History**

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### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

In (a), "well" was deleted; in (d), "no" was substituted for "not", "40" for "45", "four" for "seven", "zero" for "32" and "-18" for "zero"; (e) was inserted.

Annotations

## **Notes**

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## [N.J.A.C. 10:44A-6.16](#)

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### **§ 10:44A-6.16 Basement use**

---

- (a) Basements may be used for storage and laundry, provided they are dry and have adequate lighting.
- (b) Basements may be used as activity rooms if they are dry, warm, and have adequate lighting.

### **History**

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#### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Rewrote (b).

Annotations

### **Notes**

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## [N.J.A.C. 10:44A-6.17](#)

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## **§ 10:44A-6.17 Maintenance requirements**

---

- (a) When maintenance is the responsibility of another party, the licensee shall document that the other party has been informed of the need to correct all deficiencies relating to maintenance.
- (b) Accumulation of garbage or waste shall be prevented.
  - 1. All garbage collected for disposal shall be stored in water-tight containers with tight-fitting covers.
- (c) When there is evidence of infestation, pest control services shall be arranged in a timely manner.
  - 1. Agency staff may treat the infestation provided they have been trained by a licensed extermination company and the infestation has been determined to be under control by a licensed extermination company after treatments have been completed. The licensee shall retain documentation of all such training and service.
- (d) Floors, walls, ceilings, and other interior surfaces shall be kept clean and in good repair.
- (e) At each residence, doors opening to the outside and outside walkways shall be kept free of ice, snow, leaves and other hazards.

## **History**

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### **HISTORY:**

Amended by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Inserted (b)1, and rewrote (c)1.

Annotations

## **Notes**

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## [N.J.A.C. 10:44A, Appx.](#)

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## **APPENDIX**

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(RESERVED)

## **History**

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### **HISTORY:**

Repealed by R.2023 d.021, effective February 6, 2023.

See: [54 N.J.R. 1117\(a\)](#), [55 N.J.R. 171\(a\)](#).

Section was "TABLE OF COMMUNICABLE DISEASES".

Annotations

## **Notes**

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