

**OFFICE OF LICENSING**

**PSYCHIATRIC COMMUNITY RESIDENCES FOR YOUTH**

**Proposed Readoption: N.J.A.C. 10:37B**

Authorized By: John Ducoff, Deputy Commissioner, Department of Children and Families.

Authority: N.J.S.A. 30:11B-4.

Calendar Reference: See Summary below for an explanation of the exception to the rulemaking calendar requirements of N.J.A.C. 1:30-3.3.

Proposal Number: PRN 2009-311.

Submit comments in writing by, Decemeber 18, 2009 to:

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The agency proposal follows:

**Summary**

The Department of Children and Families (DCF), pursuant to N.J.S.A. 30:11B-4 is authorized to license and approve psychiatric community residences for youth. The requirements for psychiatric community residences for youth constitute the rules that govern the 17 such residences throughout the State.

This chapter sets minimum standards in the areas of administration, program requirements, health and physical environment, education and staffing. The rules are necessary to implement DCF's statutory mandate to license psychiatric community residences for youth. DCF has reviewed the rules and has determined that they are necessary, adequate, reasonable, efficient, understandable and responsive to the purposes

for which they were promulgated. At this time, DCF is proposing to readopt N.J.A.C. 10:37B without change until new rules are established in the near future.

The Department proposes to readopt the existing regulations in accordance with the “sunset” and other provisions of Executive Order No. 66 (1978) (N.J.S.A. 52:14B-5.1). Unless readopted, the current rules expire September 9, 2009. In accordance with N.J.S.A. 52:14B-5.1c, this date is extended to March 9, 2010. The objective of this proposal is to limit any interval between the expiration date and the adoption of new rules that may be developed. DCF has consulted with representatives of the youth mental health community to develop new rules in a future rulemaking action. Subchapter 1 specifies general provisions, including legal authority, definition of a psychiatric community residence for youth and definitions of other terms.

Subchapter 2 specifies licensing procedures, including application for a license, issuance of a license, process for waiver of standards, monitoring compliance and administrative sanctions.

Subchapter 3 specifies requirements for facility administration, including statement of purpose, rights of youth, information to be provided to family and residents and community participation.

Subchapter 4 specifies program requirements including establishing affiliation agreements with other community agencies serving youth, criteria and process of admission, treatment planning and services, behavior managements practices such as a point system, time out, behavior management room and therapeutic holding techniques as well as specifying the prohibition of mechanical restraints and the standards for house rules.

Subchapter 5 specifies the requirements for health and physical environment including health care and medical treatment for residents, general medical practices and

medication protocol, food and nutrition, and health education and physical care of the residents.

Subchapter 6 specifies educational requirements for residents including timely and appropriate enrollment and coordination of services with the resident's educational program.

Subchapter 7 specifies staff requirements including minimum staffing structure, supervision ratios, the duties and minimum qualifications for the program director-supervisor, clinical social worker-therapist, direct care paraprofessionals, nurse-health educator and the program psychiatrist. Requirements for volunteers/student interns and staff training and development are also specified.

Appendices A and B specify the information required for the admission and discharge of a resident to and from a school program.

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

### **Social Impact**

The rules proposed for reoption will have a positive social impact by ensuring that psychiatric community residences for youth continue to be subject to regulatory oversight pursuant to statute. Psychiatric community residences for youth will continue to be inspected by the Office of Licensing to ensure their compliance with rules designed to promote the health, safety, well-being and proper development of the youth in care. As discussed in the Summary, residences will continue to be required to comply with rules specifying licensing procedures, facility administration, staff requirements, physical facility requirements, program requirements, health and educational requirements.

### **Economic Impact**

The rules proposed for re adoption will affect 17 currently licensed and contracted residences. The rules proposed for re adoption will have a necessary economic impact on psychiatric community residences for youth by continuing to subject them to regulatory oversight, thereby enabling them to continue to operate pursuant to statute. Residences will be obligated to make the necessary expenditures to comply with rules specifying licensing procedures, facility administration, staff requirements, physical facility requirements, program requirements, health and educational requirements.

### **Federal Standards Statement**

The rules proposed for re adoption do not exceed or have any impact on analogous Federal counterparts, since there are no existing statutes or requirements pertaining to psychiatric community residences for youth imposed by Federal law.

### **Jobs Impact**

The rules proposed for re adoption will not generate or cause the loss of any jobs if adopted.

### **Agriculture Industry Impact**

The rules proposed for re adoption will have no impact on the agriculture industry.

### **Regulatory Flexibility Analysis**

The rules proposed for re adoption will affect 17 licensed and contracted psychiatric community residences for youth, all of which fall within the definition of a small business, as defined in the State Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. As discussed in the Summary, all licensed psychiatric community residences for youth are required to comply with the rules. The rules proposed for re adoption impose

administrative, record-keeping and other compliance requirements on licensed residences, namely, maintaining administrative, staff and youth's records, complying with rules specifying licensing procedures, facility administration, staff requirements, physical facility requirements, program requirements, health and educational requirements. These requirements are necessary to ensure the health, safety and well-being of youth in psychiatric community residences and the efficient operation of the treatment program. No capital expenditures are imposed, and no professional services will be needed to comply with the proposed readoption.

The development of the rules proposed for readoption took into account the resources available to small businesses and sought to minimize any adverse economic impact on small businesses.

### **Smart Growth Impact**

The rules proposed for readoption will have no impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

### **Housing Affordability Impact**

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

### **Smart Growth Development Impact**

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

**Full text** of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:37B.