

CHILDREN AND FAMILIES

OFFICE OF LICENSING

Manual of Requirements for Children's Group Homes

Proposed Readoption with Amendments: N.J.A.C. 10:128

Authorized By: Allison Blake, Ph.D., LSW, Commissioner, Department of Children and Families.

Authority: N.J.S.A. 30:1-14 and 15 and 30:4C-4.

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

Proposal Number: PRN 2014-001.

Submit written comments by March 7, 2014, to:

Pamela Wentworth, MSW, LSW
Department of Children and Families
Office of Policy and Regulatory Development
P.O. Box 717
Trenton, New Jersey 08625

The agency proposal follows:

Summary

As the Department of Children and Families (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.

Pursuant to N.J.S.A. 52:14B-5.1.c(2), N.J.A.C. 10:128 will expire on May 16, 2014. The Department has reviewed these rules and has determined that they continue to be necessary, proper, and reasonable for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1.

Pursuant to N.J.S.A. 30:1-14 and 15, as applied to the Department by N.J.S.A. 9:3A-9 and 30:4C-4, the Department is authorized to inspect, evaluate, and approve publicly or privately operated group homes that provide board, lodging, care, and treatment services for children who are placed or financed by the Division of Child Protection and Permanency, the Division of Children's System of Care, or any other State agency. The Department is proposing to readopt these rules with substantive and technical amendments. The types of children's group homes regulated by this chapter include: group homes, treatment homes, teaching family homes, supervised transitional living homes, alternative care homes, and psychiatric community homes.

The Department is amending N.J.A.C. 10:128-1.1(a) to include N.J.S.A. 9:3A-9, the statute enabling the Department to perform functions of the Department of Human Services.

N.J.S.A. 9:3A-9 was amended on June 29, 2013, changing the name of the Division of Youth and Family Services to the Division of Child Protection and Permanency. The Department is amending N.J.A.C. 10:128-1.1(b) and (c)2, and the definition of "Division" at N.J.A.C. 10:128-1.3 to use the new Division title. The Department has also added the Division of Children's System of Care to N.J.A.C. 10:128-1.1(b) and (c)2, as that Division now provides programmatic oversight and contracts for children's group homes.

The name of the Department of Health and Senior Services was changed to the Department of Health pursuant to P.L. 2012 c. 17 § 93. References to the Department of Health

have been amended at N.J.A.C. 10:128-1.1(c)1, 4.4(h), 6.12(a)1, 7.3(c)3, 7.7(b)1, 9.5(c)1, and 9.13(a).

Grammatical, technical, and punctuation errors at N.J.A.C. 10:128-3.3(a)13, 3.8(d), 6.10(a)2, 6.17(a)2, 8.1(d)7ii and (e)5, 9.15(c)2, and 10.22(a)7 have been corrected.

The definition of “children’s group home” at N.J.A.C. 10:128-1.2 has been amended to exclude resource family homes, rather than foster homes. This brings the terminology into alignment with N.J.S.A. 30:4C-27.3, the Resource Family Parent Licensing Act, and N.J.A.C. 10:122C.

The Department has amended the definitions of “quality assurance,” “risk management,” and “utilization review” at N.J.A.C. 10:128-1.3 to include the abbreviations used in the rule text: “QA,” “RM,” and “UR,” respectively.

As the Division of Child Protection and Permanency no longer has a Community Education Office, N.J.A.C. 10:128-3.3(a)11 is amended to direct persons seeking information on child abuse reporting to the Department of Children and Families’ webpage. This change is also proposed at N.J.A.C. 10:128-3.7(a).

The Department has amended N.J.A.C. 10:128-3.6(b)4 to change “case manager” to “worker.” The Division of Child Protection and Permanency no longer refers to its case management staff as case managers and now uses the term “worker.” The amendment has been made throughout the rest of the chapter.

The Department proposes to amend N.J.A.C. 10:128-3.7(b)3 to clarify that the Office of Licensing must be notified of both a temporary closure and a temporary relocation of a group

home due to an emergency. Previously, the rule had only required notification of temporary or permanent closures.

The Department is correcting a reference to N.J.A.C. 8:57, Subchapters 1 and 2 at N.J.A.C. 10:128-3.7(c)1, including both subchapters, as both address communicable diseases.

The name of the Division of Child Behavioral Health Services was changed to the Division of Children's System of Care in 2012 by the amendment to N.J.S.A. 9:3A-9. N.J.A.C. 10:128-3.8(a) is amended to contain the new Division name.

The Department is amending N.J.A.C. 10:128-4.5(c)1 to include two new subparagraphs. The new subparagraphs contain standards for conducting fire drill evacuations, and require that they be conducted on all shifts, including overnight shifts, and that homes regularly complete evacuations in three minutes or less or take corrective action.

The Department is adding new N.J.A.C. 10:128-4.5(e). This is a new requirement to have written procedures for ensuring each child's safety and communication with each child's parent during a disaster or emergency. This is consistent with the standard advocated for by national child safety advocates, and consistent with changes that the Department has made to rules governing all facilities providing short- or long-term care to children, in the wake of lessons learned during Hurricane Sandy in 2012.

The Department is correcting an error at N.J.A.C. 10:128-5.1(b)4vi, citing to N.J.A.C. 10:128-5.1(b)4iv, rather than to "(b)3iv," which does not exist.

The citation at N.J.A.C. 10:128-5.2(c)4v to the New Jersey Board of Nursing rules is amended to update the citation. The Board of Nursing recodified this rule in 2011 from N.J.A.C. 13:37-6.3 to 8.1.

The rules of the Department are summarized as follows:

N.J.A.C. 10:128-1 states the legal authority for the chapter and the definitions for terms used in the chapter.

N.J.A.C. 10:128-2 states the procedures to obtain a certificate of approval from the Office of Licensing (OOL), to have an administrative hearing, and complaints received by OOL.

N.J.A.C. 10:128-3 states the requirements related to the administration of a group home.

N.J.A.C. 10:128-4 states the physical facility requirements for group homes.

N.J.A.C. 10:128-5 states the requirements for the director and staff of a group home.

N.J.A.C. 10:128-6 states the program requirements for children living in group homes.

N.J.A.C. 10:128-7 states the health requirements for children living in group homes and staff who work in group homes.

N.J.A.C. 10:128-8 states the transportation requirements for vehicles used to transport children living in group homes.

N.J.A.C. 10:128-9 states the rules for having children in group homes participate in adventure activities.

N.J.A.C. 10:128-10 states additional requirements for services to pregnant and parenting adolescents and their children while living in group homes.

Social Impact

The Department anticipates a positive social impact on the group homes regulated under this chapter by providing clear requirements that they must meet and on the children who live in the homes, as these rules protect their health, safety, and well-being.

The social impact of the heightened disaster preparedness requirement at N.J.A.C. 10:128-4.5 is anticipated to be positive. In the wake of Super Storm Sandy, there is a need for public reassurance that out of home providers of care for children and youth are fully prepared to

face the consequences of emergency situations, and these new requirements would offer that assurance.

New Jersey currently approves 542 group homes, with two being out-of-State. There are 28 group homes, 28 psychiatric community homes, 23 supervised transitional living homes, 42 agency-operated treatment homes, and 420 private treatment homes owned or leased by the treatment home parent. The 420 private treatment homes are under the auspices of 18 treatment home network agencies. There are no teaching family homes or alternative care homes with a current certificate of approval from the Department.

Economic Impact

The Department anticipates no adverse economic impact as a result of the rules proposed for readoption with amendments. The heightened disaster preparedness requirements at N.J.A.C. 10:128-4.5 will have a nominal impact on regulated providers. These are planning and documentation requirements with only nominal compliance costs. Though implementation of plans in a disaster situation will have costs not directly compelled by the rule, it is thought that the advanced planning required by this change will serve to control the otherwise unpredictable costs of dealing with an emergency situation. The rulemaking will enable the regulated homes to continue to provide the services for which they are funded through contracts with the Department or other State agencies with little or no impact.

Federal Standards Statement

The rules proposed for readoption with amendments do not exceed Federal requirements. The rules assist the Department to comply with 42 U.S.C. §§ 670 et seq., including 42 U.S.C. § 671(a)(10), (11), (12), (20), (22), and (24).

Jobs Impact

The Division anticipates that the rules proposed for re adoption with amendments will not result in the generation or loss of any jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

Group homes are considered small businesses under the terms of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Since the rules proposed for re adoption with amendments impose reporting, recordkeeping, and other compliance requirements on these agencies, a regulatory flexibility analysis is required.

Professional medical, dental, psychological, educational, and social work services for the children are required to comply with the rules proposed for re adoption with amendments. All costs for such professional services and all costs for compliance, reporting, and recordkeeping are borne by the State through funding to the regulated programs or to the professional services providers. These small businesses are not exempt from these requirements because they are necessary to protect the health, safety, and welfare of the children placed in group homes. No capital expenditures are imposed by the rules proposed for re adoption with amendments.

Housing Affordability Impact Analysis

The rules proposed for re adoption with amendments have no impact on affordable housing in New Jersey. There is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments have no 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 pertain to the Department's licensing of group homes.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:128.

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

SUBCHAPTER 1. GENERAL REQUIREMENTS

10:128-1.1 Legal authority

(a) This manual is promulgated pursuant to N.J.S.A. 30:1-14 and 15, 30:4C-4, and 30:11B-4, **as applied by N.J.S.A. 9:3A-9.**

(b) Under N.J.S.A. 30:1-14, 30:4C-4, and 30:11B-4, the Department of Children and Families is authorized to inspect, evaluate, and approve publicly or privately operated homes that provide board, lodging, care, and treatment services for children who are placed and/or financed by the Division of [Youth and Family Services] **Child Protection and Permanency, Division of Children's System of Care**, or any other New Jersey State agency.

(c) Under N.J.S.A. 30:1-14 and 30:11B-4, the following homes shall be subject to inspection, evaluation, and approval by the Department of Children and Families:

1. New Jersey-based children's group homes, as defined in this [manual] **chapter**, except

homes that are licensed, approved, or regulated pursuant to State law by the State Department of Health [and Senior Services], by the State Department of Education, by the State Department of Corrections, by the State Department of Human Services, or by any other New Jersey State agency; and

2. Out-of-State children's group homes, as defined in this [manual] **chapter**, that serve children under the supervision of the Division of [Youth and Family Services] **Child Protection and Permanency or the Division of Children's System of Care**. As a condition of approval by the Department, such group homes shall be licensed, certified, or otherwise approved to operate in the state where the home is located.

(d) – (g) (No change.)

10:128-1.2 Definition and types of children's group homes

(a) "Children's group home" or "home" means any public or private establishment other than a [foster] **resource family** home that provides board, lodging, care, and treatment services on a 24-hour basis to 12 or fewer children in a homelike, community-based setting, except that psychiatric community homes for children may have a capacity of 15 or fewer children.

(b) (No change.)

10:128-1.3 Definitions

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

...

"Division" means the Division of [Youth and Family Services] **Child Protection and**

Permanency, New Jersey Department of Children and Families.

...

"Quality assurance" or **"QA"** means a program or set of activities designed to monitor, evaluate, and improve care or services provided in order to enhance the health of clients and the effective use of resources.

...

"Risk management" or **"RM"** means clinical and administrative activities designed to detect, prevent, or reduce risks that could impair client care or client, staff, or visitor comfort or safety.

...

"Utilization review" or **"UR"** means the process of using predefined criteria to evaluate the appropriateness of admissions and continued stays and whether clients are receiving the services best suited to their needs.

SUBCHAPTER 3. ADMINISTRATION

10:128-3.3 Information to parents and staff members

(a) The home or agency shall provide to every parent within five working days of his or her child's placement, and to every person upon becoming a staff member, a written document indicating that the home or agency is required to:

1. – 10. (No change.)

11. Indicate through this document [how] **that** parents and staff members may secure information about the prevention and reporting of child abuse and neglect [by contacting the Division of Youth and Family Services, Community Education Office, PO Box 717, Trenton, New Jersey 08625-0717] **from the Department of Children and Families online at**

www.nj.gov/dcf/reporting;

12. (No change.)

13. Inform parents that the home will develop a visitation schedule for parents and children, as specified in N.J.A.C. 10:128-6.6, [9.19] **9.20**, and 10.13.

(b) (No change.)

10:128-3.6 Intake and admissions

(a) (No change.)

(b) For all placements, the home or agency shall have the following information on file in the child's record upon the child's admission:

1. – 3. (No change.)

4. The name, address, and telephone number of the [case manager] **worker** of the Department's local office or other placing agency;

5. – 9. (No change.)

(c) - (f) (No change.)

10:128-3.7 Reporting requirements

(a) The director or any staff member shall notify verbally the Department's State Central Registry at 1-877-NJ-ABUSE (1-877-652-2873) immediately whenever there is reasonable cause to believe that a child has been or is being abused or neglected by staff members, children, or any other person, as required by the New Jersey Child Abuse and Neglect Law, N.J.S.A. 9:6-8.9, 8.10, 8.13, and 8.14. Copies of the law and information about it are available **online** from the [Division of Youth and Family Services, Community Education Office, PO Box 717, Trenton,

New Jersey 08625-0717, upon request] **Department of Children and Families at**
www.nj.gov/dcf/reporting.

(b) The home or agency shall notify the Office of Licensing verbally of any of the following changes or events by the next working day after the home or agency learns of their occurrence, to be followed by written notification to the Office within five working days:

1.-2. (No change.)

3. Temporary or permanent closing **or temporary relocation** of a home or agency **due to an emergency**; and

4. (No change.)

(c) The home or agency shall notify the Office of Licensing verbally of any of the following changes or events by the next working day after the home or agency learns of their occurrence:

1. The occurrence of a reportable disease, as specified in [Chapter] **Subchapters 1 and 2** of the State Sanitary Code, N.J.A.C. 8:57;

2.-3. (No change.)

4. Proposed use of space **due to an emergency** involving rooms not approved by the Office of Licensing, as specified in N.J.A.C. 10:128-4.1(a)5.

(d)-(f) (No change.)

10:128-3.8 Records

(a) The home's or agency's records shall be open for inspection by authorized representatives of the Office of Licensing, the Division of [Child Behavioral Health Services] **Children's System of Care**, the Department's Institutional Abuse Investigation Unit (IAIU), the Department's contracting units and, provided that they may only secure information about children under the

Department's supervision, Division [case managers] **workers**.

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

(d) The home shall maintain on file the [following] children's records **set forth in (d)1i through xii below** during the child's placement at the home or agency **and** for at least four years following the discharge of the child[:].

1.-2. (No change.)

SUBCHAPTER 4. PHYSICAL FACILITY REQUIREMENTS

10:128-4.4 Additional maintenance and sanitation requirements for all homes located in New Jersey

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

(h) The home shall not use spray coatings containing asbestos on any interior or exterior surfaces of the home or on any equipment used therein, in accordance with rules of the State Department of Environmental Protection, as specified in N.J.A.C. 7:27-17.2 and with applicable provisions of the Asbestos Hazard Abatement Subcode of the NJUCC, as specified in N.J.A.C. 5:23-8. If the New Jersey Department of Health [and Senior Services] determines the presence of sprayed-on asbestos-containing materials, and concludes that corrective action must be taken to minimize exposure potential, the home shall follow the recommendation of that Department for enclosure, removal or other appropriate action to remove the threat or risk of asbestos contamination.

(i)-(o) (No change.)

10:128-4.5 Emergency evacuation instructions, medical emergencies, fire prevention, first aid, and equipment

(a) – (b) (No change.)

(c) The home shall prepare written fire prevention instructions, which delineate that:

1. The home shall conduct fire drills at least once a month, which shall include all staff members and children, and shall inform all staff members and children of the procedures for leaving the building in an emergency situation[;]. **Fire drill evacuations shall:**

i. Be conducted on all shifts, to include overnight hours; and

ii. Be completed within three minutes. If evacuations are not regularly completed within three minutes, the home or agency shall contact its local fire official for assistance with improving its evacuation time;

2. – 4. (No change.)

(d) (No change.)

(e) The home shall prepare written procedures for ensuring children’s safety and immediate communication with parents, the Division, and the Office of Licensing in the event of an extended power outage, evacuation, lockdown, natural or civil disaster, or other emergency. The procedures shall indicate the plan for informing parents, the Division, and the Office of Licensing of each child’s whereabouts and informing both the Office of Licensing and the local law enforcement agency or emergency management office of the home’s identifying information as specified in (e)4 below.

1. The emergency procedures shall be maintained in the home with its location known and accessible to all staff members.

2. The emergency procedures shall delineate criteria for determining whether to evacuate the home or to shelter in place.

3. The emergency procedures shall identify a prioritized list of three possible locations to evacuate to and how to determine another location should the primary, pre-approved locations be unavailable.

4. The home shall ensure that the Office of Licensing, and when appropriate, the local law enforcement agency or emergency management office is notified of:

- i. The home's name and location;**
- ii. The number, ages, and type(s) of children served;**
- iii. The number of staff;**
- iv. The need for emergency transportation;**
- v. The location to which children and staff will be evacuated;**
- vi. The plan for a lockdown; and**
- vii. The plan for reuniting children with their parents or other approved**

provider or entity, when appropriate.

SUBCHAPTER 5. STAFF REQUIREMENTS

10:128-5.1 General requirements for director and all staff members

(a) (No change.)

(b) Prior to hiring or utilizing a director or a staff member who will be working at the home or agency, the home or agency shall secure and maintain on file:

1. – 2. (No change.)

3. Documentation from the Department showing compliance with a Criminal History Record Information background check, as specified in N.J.A.C. 10:128-5.6, and a Child Abuse Record Information background check, as specified in N.J.A.C.[,]. 10:128-5.7, for the director

and each staff member, treatment home parent, teaching family home parent, alternative care home parent, supervised transitional living home parent, and household member at least 18 years old in a treatment home, teaching family home, alternative care home, or supervised transitional living home; and

4. A copy of a home study for each treatment home, teaching family home serving five or fewer children, supervised transitional living home serving five or fewer children, and alternative care home utilized by the agency for children supervised by the Department. The home study shall include:

i. – v. (No change.)

vi. A written health statement on all persons identified in [(b)3iv] **(b)4iv** above;

and

vii. (No change.)

(c) - (d) (No change.)

(e) Requirements to prevent child abuse or neglect are as follows:

1. The director or any staff member shall verbally notify the Department's State Central Registry at 1-877-NJ-ABUSE (1-877-652-2873) immediately whenever there is reasonable cause to believe that a child has been subjected to abuse or neglect by a staff member, or any other person, pursuant to the Child Abuse and Neglect Law (see N.J.S.A. 9:6-8.9, 8.10, 8.13, and 8.14). This provision shall also apply to homes located outside of New Jersey, notwithstanding the child abuse and neglect provisions of the State in which the home is located.

2. The home shall report any suspected abuse or neglect of the child by his or her parents or other family members to the Division [case manager] **worker** assigned to the family.

3. In addition to the reporting requirements specified in (e)1 above, the home shall notify the Division [case manager] **worker** and parents of any unusual incidents that occurred at the home and that might indicate possible abuse or neglect involving the child. Such notification shall be made on the same day on which the incident occurred. Such incidents may include, but are not limited to: acts of aggression, violent or destructive behavior, suicidal threats or behavior, homicidal threats, inappropriate sexual behavior, running away, withdrawal or passivity, drug or alcohol abuse, or significant changes in the child's behavior or habits. The home shall maintain on file a record of such incidents and documentation that parents and Division [case managers] **workers** have been informed of them.

4. - 7. (No change.)

(f) (No change.)

10:128-5.2 Staff qualifications

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

(c) Psychiatric community homes for children shall have the following staff persons:

1. – 3. (No change.)

4. A psychiatrist who shall possess a valid New Jersey license to practice medicine and five years of clinical practice in psychiatry. The responsibilities of the psychiatrist shall include, but need not be limited to, the following:

i. – iv. (No change.)

v. Providing direct client services, such as diagnosis, evaluation, medication management, crisis intervention, and therapy, when appropriate. However, the child's treatment may be under the supervision of an Advanced Practice Nurse (APN) as specified in N.J.S.A.

45:11-45 et seq., certified in the category of psychiatric/mental health and as supported by a collaborative agreement with the facility psychiatrist and joint protocol document as specified in N.J.A.C. 13:37-[6.3]8.1; and

vi. (No change.)

5. (No change.)

(d) - (k) (No change.)

SUBCHAPTER 6. PROGRAM REQUIREMENTS

10:128-6.10 Rest, bedroom, and sleep

(a) The home shall ensure that:

1. (No change.)

2. Every set of bunk beds is limited to two in height, **which shall:**

i. - ii. (No change.)

3. – 17. (No change.)

10:128-6.12 Pets

(a) The home shall ensure that pets kept by or located in the home, regardless of ownership, meet the appropriate local ordinances that permit the type(s) and quantities of animals, and shall be:

1. Domesticated and non-aggressive, or exotic animals that are permitted to be owned in accordance with the rules set forth by the New Jersey Department of Health [and Services] or other applicable out-of-State agency;

2. – 6. (No change.)

(b) - (e) (No change.)

10:128-6.13 Restrictive behavior management practices

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

(c) Prior to the child's admission, the home shall:

1. Explain to the parents, the child, the Division's [case manager] **worker**, or other placing agency any restrictive behavior management practice that is used, the circumstances under which it will be employed, and the possible risks involved; and

2. (No change.)

(d) (No change.)

(e) Whenever the parents refuse to consent to a restrictive behavior management practice, revoke their consent for the practice, or cannot be located to give consent, the home shall:

1. (No change.)

2. Request that the Division's [case manager] **worker** and the placing agency obtain the necessary consent, either through administrative action pursuant to an agreement between the parent, the Division, and other placing agency or through legal action, if necessary to protect the best interests of the child.

(f) (No change.)

(g) At least 10 working days before each staffing or treatment planning meeting for a child for whom the home uses a restrictive behavior management practice, the home shall send a letter to the child's parents and the Division's [case manager] **worker** and other placing agency, which shall:

1. – 3. (No change.)

(h) - (l) (No change.)

10:128-6.17 Clothing

(a) The home shall take measures to ensure that each child has an adequate personal supply of clean, well-fitting, and attractive clothing and footwear appropriate to his or her age, gender, individual needs, community standards, and season.

1. (No change.)

2. The home shall not require children to wear any article of clothing that would explicitly identify them as [a] residents of the home.

SUBCHAPTER 7. HEALTH REQUIREMENTS

10:128-7.3 General medical practices

(a) (No change.)

(b) When serious accidents or illnesses occur to a child, the home shall take necessary emergency action and notify the parents and the Division's [case manager] **worker** or other placing agency immediately. The home shall document these incidents in the child's record.

(c) When a child or staff member has a communicable disease, as specified in the table [below] **in this subsection**, the home shall:

1. - 2. (No change.)

3. Contact the New Jersey State Department of Health [and Senior Services], the local health department, or other appropriate public health authority when the child or staff member has a reportable disease, as specified in the table [below] **in this subsection**.

TABLE OF COMMUNICABLE DISEASES

(No change.)

10:128-7.5 Psychotropic medication

(a) – (d) (No change.)

(e) Before administering psychotropic medication, the home shall obtain written informed consent from the child's parent(s) or legal guardian, and from all children 14 years of age and older, unless the home documents that the child lacks the capacity for informed consent. In cases where both a parent and legal guardian exist, the home shall seek written informed consent from the legal guardian.

1. – 4. (No change.)

5. If the home cannot obtain written informed consent or verbal informed consent, the home shall use certified mail, return receipt requested, and shall send the request to the parent's or legal guardian's last known address at least 10 calendar days before the proposed date for the commencement of treatment. The written notice shall specify:

i. (No change.)

ii. That a failure to respond by the proposed date for the beginning of treatment shall empower the director, after consultation with the Division's [case manager] **worker** or other placing agency to grant consent for the medication.

6. (No change.)

(f) - (g) (No change.)

(h) The home shall ensure that all children receiving psychotropic medication are monitored in the following manner:

1. – 2. (No change.)

3. The home shall ensure that:

i. - ii. (No change.)

iii. The home informs the child, parents, legal guardian, the Division's [case manager] **worker**, or other placing agency about the outcome of the review.

(i) - (j) (No change.)

10:128-7.7 Health requirements for staff

(a) (No change.)

(b) Within one year prior to or upon beginning work or having contact with the children for the equivalent of at least eight hours a week at the home, each staff member shall take a Mantoux tuberculin skin test with five TU (tuberculin units) of PPD tuberculin, except that the staff shall have a chest x-ray taken if he or she has had a previous Mantoux tuberculin test. The staff member shall submit to the home written documentation of the results of the test or x-ray.

1. If the Mantoux tuberculin test result is insignificant (zero to nine millimeters (mm) of induration), no further testing shall be required. The Office of Licensing, home, or agency may at any time require a staff member to retake the Mantoux tuberculin test, if there is reason to believe or suspect that the staff member may have contracted tuberculosis or if the State Department of Health [and Senior Services] recommends retesting.

2. - 3. (No change.)

(c) - (d) (No change.)

SUBCHAPTER 9. ADVENTURE ACTIVITIES

10:128-9.5 Canoeing, kayaking, and tubing

(a) – (b) (No change.)

(c) The home shall ensure that:

1. At least one staff member is present who has a valid lifesaving or lifeguarding certificate issued from an organization that is recognized by the New Jersey State Department of Health [and Senior Services] or other appropriate authority when there are 15 or fewer children;

2. – 3. (No change.)

(d) – (i) (No change.)

10:128-9.13 Swimming

(a) A home using off-grounds or on-grounds swimming facilities that are not supervised public recreational bathing facilities shall ensure that at least one staff member has a valid lifesaving or lifeguarding certificate issued from an organization that is recognized by the New Jersey State Department of Health [and Senior Services] or out-of-State health department or other appropriate authority when 15 or fewer children are present, and two staff members have a valid lifesaving or lifeguarding certificate when 16 or more children are present.

1. - 2. (No change.)

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

10:128-9.15 Camping

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

(c) The home shall ensure that all tents, teepees, and canvas on covered wagons are:

1. (No change.)

2. Made of waterproof material that [have] **has** seams that are coated to resist water.

(d) - (o) (No change.)

10:128-9.20 Special requirements for communication and visiting

(a) (No change.)

(b) The home shall permit family members, the Division's [case manager] **worker**, or other placing agency to visit the child where he or she is currently living and shall provide comfortable inside space when the weather prohibits outside visitation.

1. The home shall provide privacy for all visits between the child, the Division's [case manager] **worker**, or other placing agency.

2. (No change.)

(c) The home shall develop and maintain on file in the home or home's administrative office plans and procedures to ensure that a child:

1. Can receive an emergency message from his or her family and from the Division's [case manager] **worker** or other placing agency within 24 hours of the family member's or the Division's [case manager] **worker** or other placing agency's contacting the home or home's administrative office;

2. Is given necessary postage to send mail to family members, the Division's [case manager] **worker**, or other placing agency; and

3. Can receive mail from his or her family and the Division's [case manager] **worker** or other placing agency on a weekly basis.

(d) The home shall permit the child to make private telephone calls to the Division's [case manager] **worker** or other placing agency, upon request.

(e) – (g) (No change.)

SUBCHAPTER 10. SERVICES FOR PREGNANT AND PARENTING ADOLESCENTS

10:128-10.4 Case management requirements

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

(c) The home shall document in the adolescent's and infant's record that the Division's [case manager] **worker** or other placing agency representative, the adolescent's therapist, parents, or legal guardian, and the responsible or current school district, if applicable, were invited to participate as members of the case management planning team and in all subsequent revisions of the plan.

(d)-(e) (No changes.)

(f) The home shall send to the Division's [case manager] **worker** or other placing agency a copy of the case management plan and any revisions to it within 30 calendar days after the planning meeting and retain a copy of the correspondence in the adolescent's and infant's record.

(g) - (h) (No change.)

(i) When an adolescent mother expresses interest in surrendering her infant for adoption, the home shall:

1. (No change.)
2. Notify the Division's [case manager] **worker** or other placing agency;
3. – 4. (No change.)

10:128-10.5 Discharge planning requirements

(a) For discharges that can be anticipated at least 30 calendar days ahead of time, the home shall develop a plan with the Division's [case manager] **worker** or other placing agency at least 30 calendar days before the adolescent's or infant's discharge. The plan shall specify the following

information:

1. – 6. (No change.)

(b) For discharges that were not anticipated at least 30 calendar days ahead of time, the home shall send the Division's [case manager] **worker** or other placing agency a written plan at least 10 calendar days prior to the adolescent's or infant's discharge. The plan shall specify the following information:

1. – 6. (No change.)

(c) (No change.)

10:128-10.6 Services regarding paternal involvement

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

(c) Unless it is contraindicated by the Division's [case manager] **worker**, when the infant's father is known and the adolescent mother agrees, the home shall attempt to arrange contact with him to discuss his interest in his child.

(d) (No change.)

10:128-10.7 Services to the adolescent's family

[(a)] Unless it is contraindicated by the Division's [case manager] **worker**, the home shall attempt contact with the adolescent's parents, or other adult relatives who are responsible for the adolescent if the parents are not available, to discuss the case management plan.

10:128-10.9 Infant stimulation

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

(d) The home shall ensure that when adolescent mothers are in school or working, their infants are cared for, either in the home, in a licensed child care center, or in a [licensed or] registered family [day] **child** care or group day care home.

(e) Homes that provide services to adolescent mothers and infants between three and 18 months of age shall ensure that the adolescent mothers engage in at least four of the following activities with their infants for at least a total of 45 minutes each day:

1. - 6. (No change.)

(f)-(g) (No change.)

10:128-10.13 Visiting and communication

(a) (No change.)

(b) The home shall develop a visiting policy and explain the visiting policy to the adolescent and her parent(s) at intake. The visiting policy shall specify:

1. (No change.)

2. That family visits shall not be denied for an adolescent's infraction of rules, but may be denied as part of a case management plan after consultation with the Division's [case manager] **worker** or other placing agency;

3. - 7. (No change.)

10:128-10.19 General medical practices

(a) (No change.)

(b) When serious accidents or illnesses occur to an infant, the home shall take necessary emergency action and notify the adolescent, the adolescent's parents, if applicable, the Division's [case manager] **worker** or other placing agency, and the Office of Licensing immediately.

(c) When serious accidents or illnesses occur to an adolescent, the home shall take necessary action and notify the adolescent's parents if she is under 18 years of age, the Division's [case manager] **worker** or other placing agency, and the Office of Licensing immediately.

10:128-10.22 Personal hygiene requirements

(a) The home shall ensure that adolescents and staff members wash their hands with soap and running water immediately:

1. – 6. (No change.)

7. After coming into contact with blood[;], fecal matter, urine, vomit, saliva, nasal secretions, or other body fluids or secretions.

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