

ASSEMBLY, No. 2628

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1997

By Assemblywoman VANDERVALK  
and Assemblyman ROONEY

1 AN ACT concerning assisted living residences for persons with  
2 Alzheimer's disease and related disorders, amending P.L.1977,  
3 c.448 and P.L.1978, c.159, and supplementing chapter 2M of Title  
4 26 of the Revised Statutes.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to read  
10 as follows:

11 2. "Alzheimer's disease and related disorders" means a form of  
12 dementia characterized by a general loss of intellectual abilities of  
13 sufficient severity to interfere with social or occupational functioning.

14 "Community residence for the developmentally disabled" means any  
15 community residential facility housing up to 16 developmentally  
16 disabled persons which provides food, shelter and personal guidance  
17 for developmentally disabled persons who require assistance,  
18 temporarily or permanently, in order to live independently in the  
19 community. Such residences shall not be considered health care  
20 facilities within the meaning of the "Health Care Facilities Planning  
21 Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall include, but not  
22 be limited to, group homes, halfway houses, supervised apartment  
23 living arrangements and hostels.

24 "Community residence for the mentally ill" means any community  
25 residential facility which provides food, shelter and personal guidance,  
26 under such supervision as required, to not more than 15 mentally ill  
27 persons who require assistance temporarily or permanently, in order  
28 to live independently in the community. These residences shall be  
29 approved for a purchase of service contract or an affiliation agreement  
30 pursuant to procedures established by the Division of Mental Health  
31 Services in the Department of Human Services. These residences shall  
32 not house persons who have been assigned to a State psychiatric  
33 hospital after having been found not guilty of a criminal offense by

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 reason of insanity or unfit to be tried on a criminal charge. These  
2 residences shall not be considered health care facilities within the  
3 meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136  
4 (C.26:2H-1 et seq.) and shall include, but not be limited to, group  
5 homes, halfway houses, supervised apartment living arrangements,  
6 family care homes and hostels.

7 "Community residence for persons with head injuries" means a  
8 community residential facility providing food, shelter and personal  
9 guidance, under such supervision as required, to not more than 15  
10 persons with head injuries, who require assistance, temporarily or  
11 permanently, in order to live in the community, and shall include, but  
12 not be limited to: group homes, halfway houses, supervised apartment  
13 living arrangements, and hostels. Such a residence shall not be  
14 considered a health care facility within the meaning of the "Health  
15 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.).

16 "Dementia" means a chronic or persistent disorder of the mental  
17 processes due to organic brain disease, for which no curative treatment  
18 is available, and marked by memory disorders, changes in personality,  
19 deterioration in personal care, impaired reasoning ability and  
20 disorientation.

21 "Developmental disability" or "developmentally disabled" means a  
22 severe, chronic disability of a person which: a. is attributable to a  
23 mental or physical impairment or combination of mental or physical  
24 impairments; b. is manifest before age 22; c. is likely to continue  
25 indefinitely; d. results in substantial functional limitations in three or  
26 more of the following areas of major life activity, that is, self-care,  
27 receptive and expressive language, learning, mobility, self-direction  
28 and capacity for independent living or economic self-sufficiency; and  
29 e. reflects the need for a combination and sequence of special  
30 interdisciplinary or generic care, treatment or other services which are  
31 of lifelong or extended duration and are individually planned and  
32 coordinated. Developmental disability includes, but is not limited to,  
33 severe disabilities attributable to mental retardation, autism, cerebral  
34 palsy, epilepsy, spina bifida and other neurological impairments where  
35 the above criteria are met.

36 "Mentally ill" means any psychiatric disorder which has required an  
37 individual to receive either inpatient psychiatric care or outpatient  
38 psychiatric care on an extended basis.

39 "Person with head injury" means a person who has sustained an  
40 injury, illness or traumatic changes to the skull, the brain contents or  
41 its coverings which results in a temporary or permanent  
42 physiobiological decrease of cognitive, behavioral, social or physical  
43 functioning which causes partial or total disability, but excluding a  
44 person with Alzheimer's disease and related disorders.

45 (cf: P.L.1995, c.4, s.9)

1       2. Section 2 of P.L.1978, c.159 (c.40:55D-66.2) is amended to  
2 read as follows:

3       2. As used in this act: a. "community residence for the  
4 developmentally disabled" means any community residential facility  
5 licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing  
6 food, shelter and personal guidance, under such supervision as  
7 required, to not more than 15 developmentally disabled or mentally ill  
8 persons, who require assistance, temporarily or permanently, in order  
9 to live in the community, and shall include, but not be limited to:  
10 group homes, halfway houses, intermediate care facilities, supervised  
11 apartment living arrangements, and hostels. Such a residence shall not  
12 be considered a health care facility within the meaning of the "Health  
13 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.). In  
14 the case of such a community residence housing mentally ill persons,  
15 such residence shall have been approved for a purchase of service  
16 contract or an affiliation agreement pursuant to such procedures as  
17 shall be established by regulation of the Division of Mental Health [and  
18 Hospitals] Services of the Department of Human Services. As used in  
19 this act, "developmentally disabled person" means a person who is  
20 developmentally disabled as defined in section 2 of P.L.1977, c.448  
21 (C.30:11B-2), and "mentally ill person" means a person who is  
22 afflicted with a mental illness as defined in R.S.30:4-23, but shall not  
23 include a person who has been committed after having been found not  
24 guilty of a criminal offense by reason of insanity or having been found  
25 unfit to be tried on a criminal charge.

26       b. "Community shelter for victims of domestic violence" means any  
27 shelter approved for a purchase of service contract and certified  
28 pursuant to standards and procedures established by regulation of the  
29 Department of Human Services pursuant to P.L.1979, c.337  
30 (C.30:14-1 et seq.), providing food, shelter, medical care, legal  
31 assistance, personal guidance, and other services to not more than 15  
32 persons who have been victims of domestic violence, including any  
33 children of such victims, who temporarily require shelter and  
34 assistance in order to protect their physical or psychological welfare.

35       c. "Community residence for persons with head injuries" means a  
36 community residential facility licensed pursuant to P.L.1977, c.448  
37 (C.30:11B-1 et seq.) providing food, shelter and personal guidance,  
38 under such supervision as required, to not more than 15 persons with  
39 head injuries, who require assistance, temporarily or permanently, in  
40 order to live in the community, and shall include, but not be limited to:  
41 group homes, halfway houses, supervised apartment living  
42 arrangements, and hostels. Such a residence shall not be considered  
43 a health care facility within the meaning of the "Health Care Facilities  
44 Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.).

45       d. "Person with head injury" means a person who has sustained an  
46 injury, illness or traumatic changes to the skull, the brain contents or

1 its coverings which results in a temporary or permanent  
2 physiobiological decrease of mental, cognitive, behavioral, social or  
3 physical functioning which causes partial or total disability, but  
4 excluding a person with Alzheimer's disease and related disorders.

5 As used in this subsection:

6 "Alzheimer's disease and related disorders" means a form of  
7 dementia characterized by a general loss of intellectual abilities of  
8 sufficient severity to interfere with social or occupational functioning.

9 "Dementia" means a chronic or persistent disorder of the mental  
10 processes due to organic brain disease, for which no curative treatment  
11 is available, and marked by memory disorders, changes in personality,  
12 deterioration in personal care, impaired reasoning ability and  
13 disorientation.

14 (cf: P.L.1993, c.329, s.8)

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16 3. (New section) A community residential facility providing food,  
17 shelter and personal guidance, under such supervision as required, to  
18 not more than 15 persons who require assistance, temporarily or  
19 permanently, in order to live in the community, and who are primarily  
20 persons with Alzheimer's disease and related disorders, shall be  
21 considered an assisted living residence subject to licensure under the  
22 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et  
23 seq.).

24 As used in this section:

25 "Alzheimer's disease and related disorders" means a form of  
26 dementia characterized by a general loss of intellectual abilities of  
27 sufficient severity to interfere with social or occupational functioning.

28 "Dementia" means a chronic or persistent disorder of the mental  
29 processes due to organic brain disease, for which no curative treatment  
30 is available, and marked by memory disorders, changes in personality,  
31 deterioration in personal care, impaired reasoning ability and  
32 disorientation.

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34 4. (New section) The Commissioner of Health and Senior  
35 Services, pursuant to the "Administrative Procedure Act," P.L.1968,  
36 c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to require  
37 the licensure of a community residential facility for persons with  
38 Alzheimer's disease and related disorders as an assisted living  
39 residence pursuant to section 3 of P.L. , c. (C. )(pending  
40 before the Legislature as this bill).

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42 5. This act shall take effect immediately.

## STATEMENT

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3 This bill requires that community residences for persons with  
4 Alzheimer's disease and related disorders be licensed as assisted living  
5 residences by the Department of Health and Senior Services.

6 The bill defines "Alzheimer's disease and related disorders" as a  
7 form of dementia characterized by a general loss of intellectual abilities  
8 of sufficient severity to interfere with social or occupational  
9 functioning.

10 The bill also stipulates that these community residences do not fall  
11 under the regulatory jurisdiction of the Department of Human  
12 Services, unlike community residences for persons with developmental  
13 disabilities, mental illness or head injury.

14 This bill is intended to ensure that persons with Alzheimer's disease  
15 and related disorders receive community-based care in the most  
16 appropriate setting consistent with their needs. The bill is premised on  
17 the assumption that these persons are better suited to a health care  
18 facility environment, rather than a group home setting. Persons with  
19 Alzheimer's disease, which is a terminal organic brain disease that  
20 accounts for an estimated 60 percent of all dementia cases and is the  
21 fourth leading cause of death among adults, are confronted with a  
22 different situation than other kinds of group home residents in that  
23 they face the prospect of continued deterioration of their mental  
24 condition over time and require special care to slow their rate of  
25 deterioration as much as possible, and thereby defer their admission to  
26 a nursing home for as long as possible.

27 Assisted living residences are residential facilities licensed by the  
28 Department of Health and Senior Services to provide a personally  
29 furnished, apartment-style living environment that offers congregate  
30 dining along with a package of assisted living services, including  
31 nursing and personal care provided by a sponsor agency, which are  
32 individualized and designed to promote the resident's sense of  
33 autonomy, privacy and self-esteem.

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38 Requires licensure of community residences for persons with  
39 Alzheimer's disease and related disorders as assisted living residences  
40 by DHSS.