

[First Reprint]  
ASSEMBLY, No. 2628

STATE OF NEW JERSEY

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By Assemblywoman VANDERVALK,  
Assemblymen ROONEY and Felice

1 AN ACT concerning <sup>1</sup>[assisted living residences] health care facilities<sup>1</sup>  
2 for persons with Alzheimer's disease and related disorders <sup>1</sup>and  
3 other forms of progressive dementia<sup>1</sup>, amending P.L.1977, c.448  
4 and P.L.1978, c.159, and supplementing chapter 2M of Title 26 of  
5 the Revised Statutes.

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

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

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

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

25 "Community residence for the mentally ill" means any community  
26 residential facility which provides food, shelter and personal guidance,  
27 under such supervision as required, to not more than 15 mentally ill  
28 persons who require assistance temporarily or permanently, in order  
29 to live independently in the community. These residences shall be  
30 approved for a purchase of service contract or an affiliation agreement

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly floor amendments adopted February 20, 1997.

1 pursuant to procedures established by the Division of Mental Health  
2 Services in the Department of Human Services. These residences shall  
3 not house persons who have been assigned to a State psychiatric  
4 hospital after having been found not guilty of a criminal offense by  
5 reason of insanity or unfit to be tried on a criminal charge. These  
6 residences shall not be considered health care facilities within the  
7 meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136  
8 (C.26:2H-1 et seq.) and shall include, but not be limited to, group  
9 homes, halfway houses, supervised apartment living arrangements,  
10 family care homes and hostels.

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

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

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

40 "Mentally ill" means any psychiatric disorder which has required an  
41 individual to receive either inpatient psychiatric care or outpatient  
42 psychiatric care on an extended basis.

43 "Person with head injury" means a person who has sustained an  
44 injury, illness or traumatic changes to the skull, the brain contents or  
45 its coverings which results in a temporary or permanent  
46 physiobiological decrease of cognitive, behavioral, social or physical

1 functioning which causes partial or total disability, but excluding a  
2 person with Alzheimer's disease and related disorders <sup>1</sup>or other forms  
3 of progressive dementia<sup>1</sup>.

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

5

6 2. Section 2 of P.L.1978, c.159 <sup>1</sup>[(c.40:55D-66.2)] (C.40:55D-  
7 66.2)<sup>1</sup> is amended to read as follows:

8 2. As used in this act: a. "community residence for the  
9 developmentally disabled" means any community residential facility  
10 licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing  
11 food, shelter and personal guidance, under such supervision as  
12 required, to not more than 15 developmentally disabled or mentally ill  
13 persons, who require assistance, temporarily or permanently, in order  
14 to live in the community, and shall include, but not be limited to:  
15 group homes, halfway houses, intermediate care facilities, supervised  
16 apartment living arrangements, and hostels. Such a residence shall not  
17 be considered a health care facility within the meaning of the "Health  
18 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.). In  
19 the case of such a community residence housing mentally ill persons,  
20 such residence shall have been approved for a purchase of service  
21 contract or an affiliation agreement pursuant to such procedures as  
22 shall be established by regulation of the Division of Mental Health [and  
23 Hospitals] Services of the Department of Human Services. As used in  
24 this act, "developmentally disabled person" means a person who is  
25 developmentally disabled as defined in section 2 of P.L.1977, c.448  
26 (C.30:11B-2), and "mentally ill person" means a person who is  
27 afflicted with a mental illness as defined in <sup>1</sup>[R.S.30:4-23] section 2 of  
28 P.L.1987, c.116 (C.30:4-27.2)<sup>1</sup>, but shall not include a person who has  
29 been committed after having been found not guilty of a criminal  
30 offense by reason of insanity or having been found unfit to be tried on  
31 a criminal charge.

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

41 c. "Community residence for persons with head injuries" means a  
42 community residential facility licensed pursuant to P.L.1977, c.448  
43 (C.30:11B-1 et seq.) providing food, shelter and personal guidance,  
44 under such supervision as required, to not more than 15 persons with  
45 head injuries, who require assistance, temporarily or permanently, in  
46 order to live in the community, and shall include, but not be limited to:

1 group homes, halfway houses, supervised apartment living  
2 arrangements, and hostels. Such a residence shall not be considered  
3 a health care facility within the meaning of the "Health Care Facilities  
4 Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.).

5 d. "Person with head injury" means a person who has sustained an  
6 injury, illness or traumatic changes to the skull, the brain contents or  
7 its coverings which results in a temporary or permanent  
8 physiobiological decrease of mental, cognitive, behavioral, social or  
9 physical functioning which causes partial or total disability, but  
10 excluding a person with Alzheimer's disease and related disorders <sup>1</sup>or  
11 other forms of progressive dementia<sup>1</sup>.

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

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

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

21  
22 3. (New section) <sup>1</sup>a.<sup>1</sup> A community residential facility<sup>1</sup>, including,  
23 but not limited to, a rooming or boarding house operating under a  
24 Class C license,<sup>1</sup> providing food, shelter and personal guidance, under  
25 such supervision as required, to <sup>1</sup>[not more than 15]<sup>1</sup> persons who  
26 require assistance, temporarily or permanently, in order to live in the  
27 community, and who are primarily persons with Alzheimer's disease  
28 and related disorders <sup>1</sup>or other forms of progressive dementia as  
29 defined by regulation of the Commissioner of Health and Senior  
30 Services<sup>1</sup>, shall be considered <sup>1</sup>[an assisted living residence] a health  
31 care facility<sup>1</sup> subject to <sup>1</sup>[ licensure under] the provisions of<sup>1</sup> the  
32 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et  
33 seq.) <sup>1</sup>and shall be required to obtain a license to operate as a health  
34 care facility that is appropriate to the needs of its residents, as  
35 determined by the commissioner<sup>1</sup>.

36 <sup>1</sup>b. A community residential facility which commences on or after  
37 the effective date of P.L. , c. (C. )(pending before the  
38 Legislature as this bill) to provide food, shelter and personal guidance,  
39 under such supervision as required, primarily to persons with  
40 Alzheimer's disease and related disorders or other forms of progressive  
41 dementia as defined by regulation of the commissioner, who require  
42 assistance, temporarily or permanently, in order to live in the  
43 community, and which is subject to licensure as a health care facility  
44 pursuant to subsection a. of this section, shall also be required to  
45 obtain a certificate of need pursuant to section 7 of P.L.1971, c.136  
46 (C.26:2H-7).

1 c.<sup>1</sup> As used in this section:

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

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

10 <sup>1</sup>d. A community residential facility covered by the provisions of  
11 subsection a. of this section which is currently providing food, shelter  
12 and personal guidance, under such supervision as required, primarily  
13 to persons with Alzheimer's disease and related disorders or other  
14 forms of progressive dementia, who require assistance, temporarily or  
15 permanently, in order to live in the community, shall be required to  
16 obtain a license to operate as a health care facility no later than one  
17 year after the effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)(pending  
18 before the Legislature as this bill).<sup>1</sup>

19  
20 4. (New section) The Commissioner of Health and Senior  
21 Services, pursuant to the "Administrative Procedure Act," P.L.1968,  
22 c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to require  
23 the licensure of a community residential facility for persons with  
24 Alzheimer's disease and related disorders <sup>1</sup>or other forms of  
25 progressive dementia,<sup>1</sup> as <sup>1</sup>[an assisted living residence] a health care  
26 facility<sup>1</sup> pursuant to section 3 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)(pending  
27 before the Legislature as this bill).

28  
29 5. This act shall take effect immediately.

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33  
34 Requires licensure of community residences for persons with  
35 Alzheimer's disease and related disorders or other forms of progressive  
36 dementia, as health care facilities by DHSS.