

## HEALTH

### HEALTH SYSTEMS BRANCH

#### DIVISION OF CERTIFICATE OF NEED AND LICENSING

#### CERTIFICATE OF NEED AND HEALTHCARE FACILITY LICENSURE PROGRAM

#### Notice of Readoption

#### Licensing Standards for Dementia Care Homes

#### Readoption: N.J.A.C. 8:37

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5, 149, 151, 152, and 157.

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health (with the approval of the Health Care Administration Board).

Effective Date: \_\_\_\_\_, 2024.

New Expiration Date: \_\_\_\_\_, 2031.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:37, Licensing Standards for Dementia Care Homes, were scheduled to expire on November 21, 2024. N.J.A.C. 8:37 establishes the standards by which the Department of Health (Department) licenses, and for the provision of services by, dementia care homes.

Subchapter 1, General Provisions, sets forth the purpose and scope of the chapter and establishes the definitions of terms the chapter uses. Subchapter 2, Licensing, establishes the standards for licensure of dementia care homes. Subchapter 3, Resident Rights, establishes protections for rights of dementia care home residents. Subchapter 4, Admission and Retention of Residents, establishes requirements for the admission of residents to dementia care homes, for the monitoring of the health of dementia care home residents and for referrals of dementia care home residents to

long-term care facilities. Subchapter 5, Personal Care Services, establishes the requirements for services provided to dementia care home residents and for staffing dementia care homes. Subchapter 6, Pharmacy Services, establishes standards for the administration and storage of medication at dementia care homes. Subchapter 7, Physical Plant, establishes standards for the physical structure of dementia care home facilities. Subchapter 9, Dietary, establishes standards for food service and food sanitation at dementia care homes. Subchapter 10, Social Isolation Prevention, establishes standards intended to ensure that dementia care homes take steps to prevent the social isolation of residents.

The Department is working with internal and external stakeholders to develop rulemaking that would revise the chapter to reflect new statutory requirements and updated best practices. The Department anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course; however, this rulemaking would not be concluded before the expiration of existing N.J.A.C. 8:37. The Commissioner has reviewed existing N.J.A.C. 8:37 and determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:37 is readopted and shall continue in effect for seven years.