8:39-4.1 RESIDENT RIGHTS
(a) Each resident shall be entitled to the following rights:

8. To receive a written statement or admission agreement describing the services provided by the nursing home and the related charges. Such statement or admission agreement must be in compliance with all applicable State and Federal laws. This statement or agreement must also include the nursing home's policies for payment of fees, deposits, and refunds. The resident shall receive this statement or agreement prior to or at the time of admission, and afterward whenever there are any changes;

30. To discharge himself or herself from the nursing home by presenting a release signed by the resident. If the resident is an adjudicated mental incompetent, the release must be signed by his or her next of kin or guardian;

31. To be transferred or discharged only for one or more of the following reasons, with the reason for the transfer or discharge recorded in the resident's medical record:

i. In an emergency, with notification of the resident's physician or advanced practice nurse and next of kin or guardian;

ii. For medical reasons or to protect the resident's welfare or the welfare of others;

iii. To comply with clearly expressed and documented resident choice, or in conformance with the New Jersey Advance Directives for Health Care Act, as specified in N.J.A.C. 8:39-9.6(d); or

iv. For nonpayment of fees, in situations not prohibited by law.

32. To receive written notice at least 30 days in advance when the nursing home requests the resident's transfer or discharge, except in an emergency. Written notice shall include the name, address, and telephone number of the New Jersey Office of the Ombudsman for the Institutionalized Elderly, and shall also be provided to the resident's next of kin or guardian 30 days in advance.

8:39-5.1 MANDATORY POLICIES AND PROCEDURES FOR ACCESS TO CARE
...(b) There shall be no discrimination against any resident or group of residents based on method of payment.
8:39-5.2 ADMISSIONS

(a) The facility shall establish a single waiting list in chronological order. The order of names shall be predicated upon the order in which a completed written application is received. Hospitalized individuals ready for readmission to the facility are to be added to the top of the list as soon as the hospital notifies the facility of the contemplated discharge. As soon as a bed becomes available, it shall be filled from this waiting list. Provisions can be made for emergency, life-threatening situations or life-care community admissions.

1. The facility shall meet the following requirements:

i. The facility shall maintain only one waiting list; this list shall reflect a roster updated on a regular basis, of all individuals who have applied for admission to the facility;

ii. The waiting list shall reflect in chronological order the full name and address of the individual applying by the date the written application for admission is made;

iii. Facilities that participate in the Medicaid program shall utilize the waiting list to admit individuals on a first-come, first-serve basis in the order in which they apply until the provider's Medicaid occupancy level equals the Statewide occupancy level, or the Medicaid occupancy level set forth in the provider's Certificate of Need, whichever is higher; and

iv. A file shall be maintained containing full documentation to support any valid reason why the individual whose name appears first on the waiting list is not admitted to the facility.

2. Any Medicaid participating facility whose Medicaid occupancy level is less than the Statewide occupancy level shall not deny admission to a Medicaid eligible individual who has been authorized for nursing facility services by the Long-Term Care Field Office, when a bed becomes available in accord with the waiting list.

i. Under the provisions of N.J.S.A 10:5-12.2, a facility with a residential unit or a life-care community may give its own residents priority when a bed becomes available.

(b) The facility shall not deny admission to any applicant for admission (“applicant for admission” means an individual who has made a formal application) based on diagnosis or health care needs if the applicant’s health care needs can be reasonably accommodated without reducing the quality of care provided to other residents, and are commensurate with the services provided by the facility.
(c) Whenever the facility denies admission to an applicant for admission, the facility, within 14 days of the denial, shall provide written notice of the denial and the reasons therefore, to the applicant or person applying on the applicant’s behalf. A record of each completed application, including the disposition and stated reason if admission is denied, shall be kept for one year.
8:39-5.3 TRANSFERS

(a) Policies for transfer shall include method of transportation, procedures for security of the resident and all personal belongings or other items that accompany or immediately follow a transferred resident, a transfer form that is consistent with “Patient Information Transfer Form” in Appendix C, incorporated herein by reference, copies of relevant medical records, including assessments (MDS; PASRR) and advance directives if applicable.

(b) The facility shall arrange for transfer of residents to other health care facilities, and to health care services provided outside the nursing home, and in accordance with the physician’s or advanced practice nurse’s orders.

(c) All transfers shall be in accordance with N.J.A.C. 8:39-4.1.

8:39-5.4 DISCHARGES

(a) No resident shall be discharged between 5:00 P.M. and 8:00 A.M., except in an emergency or with the consent of the resident and family or responsible person.

(b) Discharge plans, for those residents considered to be likely candidates for discharge into the community or a less intensive care setting, shall be developed by the interdisciplinary team prior to discharge and shall reflect communication with the resident and/or the resident’s family.

(c) All discharges shall be in accordance with N.J.A.C. 8:39-4.1 and 39.