

# RULE ADOPTIONS

## HUMAN SERVICES

### (a)

#### DIVISION OF DEVELOPMENTAL DISABILITIES

##### Notice of Readoption

##### Community Residences for Individuals with Developmental Disabilities

##### Readoption: N.J.A.C. 10:44A

Authority: N.J.S.A. 30:6-32, 30:11B-1 et seq., specifically, 30:11B-4.

Authorized By: Carole Johnson, Commissioner, Department of Human Services.

Effective Date: March 29, 2019.

New Expiration Date: March 29, 2026.

**Take notice** that pursuant to paragraph 6 of Executive Order No. 1 (2010), the chapter expiration date was extended from April 18, 2010, until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The chapter is now being readopted pursuant to the Administrative Procedure Act. This chapter contains the rules to establish minimum requirements for the provision of residential services to individuals with developmental disabilities residing in a variety of program models, to include group homes, supervised apartments, and support living.

The Department of Human Services (Department) recognizes that further rulemaking is necessary to update these rules to be consistent with best practices and to include the provisions of the Fee for Services Initiative; the Centers for Medicare and Medicaid Services guidelines for funding; the Central Registry of Offenders Against Individuals with Developmental Disabilities (N.J.S.A. 30:4D-77); Danielle's Law, P.L. 2003, c. 191; Stephen Komnino's Law, P.L. 2017, c. 238; and updated organizational changes. To that end, the Department is preparing a rulemaking with substantive amendments to this chapter to be published in a future issue of the New Jersey Register.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated, as required by N.J.S.A. 30:6-32 et seq. In accordance with N.J.S.A. 52:14B-5.1.c(1), these rules should be readopted and continue in effect for a seven-year period and until substantive amendments are adopted.

The following is a summary of the subchapters of N.J.A.C. 10:44A:

Subchapter 1 specifies general provisions and licensing procedures, including purpose and scope; severability; definitions; application for licensure; procedure manual; issuance of an initial license; renewal of a license; denial, revocation, non-renewal, or suspension of a license; administrative hearings; waiver or variance; complaints; and voluntary closure.

Subchapter 2 specifies requirements for organization and administration, including general requirements; development and maintenance of procedure manual; implementation of procedure manual; personnel; minimum staff qualifications; orientation; staff training; staff coverage; records for individuals receiving services; and individual financial records for individual funds.

Subchapter 3 specifies requirements for advocacy and rights, including general requirements; rules governing a residence; and self-advocacy.

Subchapter 4 specifies requirements for service delivery/habitation, including pre-admission and admission; changes in supports/services; and individual habilitation plan.

Subchapter 5 specifies requirements for health and safety, including general health care; prescription medication; over-the-counter medications; emergency telephone numbers; food; clothing; vehicle safety; and workplace safety.

Subchapter 6 specifies requirements for fire safety and physical environment, including fire safety; fire evacuation plans; egress protocols; use group classification requirements; fire extinguishers; general home requirements; certificate of occupancy; exits; heat sources; water; railings, stairs, and hallways; windows; bedrooms; bathrooms; kitchens; basement use; and maintenance requirements.

### (b)

#### COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

##### Notice of Readoption

##### Vocational Rehabilitation Services Program

##### Readoption: N.J.A.C. 10:95

Authority: N.J.S.A. 30:6-11; 29 U.S.C. §§ 701 et seq.; and 34 CFR Parts 76, 77, 79, 82, 86, 361, 363, 395, and 397.

Authorized By: Carole Johnson, Commissioner, Department of Human Services.

Effective Date: April 2, 2019.

New Expiration Date: April 2, 2026.

**Take notice** that pursuant to paragraph 6 of Executive Order No. 1 (2010), the chapter expiration date was extended from February 23, 2010, until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The chapter is now being readopted pursuant to the Administrative Procedure Act. N.J.A.C. 10:95 establishes the general policy provisions for vocational rehabilitation (VR) services at the Commission for the Blind and Visually Impaired (CBVI), which derive from a Federally funded program emanating out of the Rehabilitation Act of 1973, as amended, which is Title IV of the Workforce Innovation and Opportunity Act of 2014 (the Act). The services provided under the Act are designed to assess, plan, develop, and provide a full array of vocational rehabilitation services for individuals who are blind, vision-impaired, or deaf-blind, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they may gain competitive integrated employment. The Department of Human Services (Department) recognizes that further rulemaking is necessary to update this chapter to be consistent with best practices; incorporate any relevant updates from the Rehabilitation Services Administration, 29 U.S.C. §§ 702 et seq., Vocational Rehabilitation Services 29 U.S.C. §§ 720 et seq., the Workforce Innovation and Opportunity Act, 29 U.S.C. §§ 3101 et seq., and 34 CFR Parts 76, 77, 79, 82, 86, 361, 363, 395, and 397; and update organizational changes. To that end, the Department is preparing a notice of proposal with substantive amendments to be published in a future issue of the New Jersey Register.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated, as required by N.J.S.A. 30:6-11, with the exceptions noted above. In accordance with N.J.S.A. 52:14B-5.1.c(1), these rules should be readopted and continue until substantive amendments are adopted.

The following is a summary of the subchapters of N.J.A.C. 10:95:

Subchapter 1 provides an overview of the vocational rehabilitation program, the purpose and scope of the program, and the definitions that are utilized throughout the chapter.

Subchapter 2 describes the eligibility standards for vocational rehabilitation, including the purpose of the eligibility determination and how eligibility is determined.

Subchapter 3 describes the diagnostic and evaluation services available. This includes preliminary diagnostic study, comprehensive assessment, extended evaluation, and trial work.