

HUMAN SERVICES

(a)

THE COMMISSIONER

County Human Services Advisory Councils; the State Human Services Advisory Council; and the Commissioner's Executive Advisory Committee

Readoption with Amendments: N.J.A.C. 10:2

Proposed: April 4, 2022, at 54 N.J.R. 518(a).

Adopted: July 20, 2022, by Sarah Adelman, Commissioner, Department of Human Services.

Filed: August 17, 2022, as R.2022 d.114, **without change**.

Authority: N.J.S.A. 30:1-12.

Effective Dates: August 17, 2022, Readoption;
September 19, 2022, Amendment.

Expiration Date: August 17, 2029.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with an amendment are not subject to any Federal standards or requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:2.

Full text of the adopted amendment follows:

SUBCHAPTER 2. STATE HUMAN SERVICES ADVISORY COUNCIL

10:2-2.2 Membership requirements

(a) The State Human Services Advisory Council shall consist of:

1.-2. (No change.)

3. Representatives from other departments of State government (to include, but not be limited to, the Departments of Labor and Workforce Development, Education, Community Affairs, and Health) as ex-officio non-voting members.

(b)-(c) (No change.)

(b)

THE COMMISSIONER

Role of the County Adjuster

Readoption with Amendments: N.J.A.C. 10:7

Proposed: April 4, 2022, at 54 N.J.R. 519(a).

Adopted: July 20, 2022, by Sarah Adelman, Commissioner, Department of Human Services.

Filed: August 17, 2022, as R.2022 d.113, **without change**.

Authority: N.J.S.A. 30:1-12 and 30:4-60 through 78; and Reorganization Plan 001-2018.

Effective Dates: August 17, 2022, Readoption;
September 19, 2022, Amendments.

Expiration Date: August 17, 2029.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The rules readopted with amendments do not exceed Federal standards and address compliance with Federal laws, such as the Health Portability and Accountability Act of 1996 (P.L. 104-191, 1996; 45 CFR Part 160 and Part 164, Subparts A and E), Community Services Block Grant Program (42 U.S.C. §§ 9901 et seq.), and Medicaid (42 U.S.C. §§ 1396 et seq.).

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:7.

Full text of the adopted amendments follows:

SUBCHAPTER 2. DEFINITIONS

10:7-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

...
“County psychiatric facility” means a county operated psychiatric facility which participates in the State Aid Program of the New Jersey Division of Mental Health and Addiction Services (DMHAS).

...
“Division” or “DMHAS” means the Division of Mental Health and Addiction Services within the Department of Human Services which establishes Statewide policy and coordination regarding the delivery of mental health services, operates the State psychiatric hospitals, and contracts with community-based mental health providers for direct services.

...
“Short-term care facility” means an inpatient, community based mental health treatment facility which provides acute care and assessment services to a person with a mental illness whose mental illness causes the person to be dangerous to self or dangerous to others or property. A short-term care facility is so designated by the Commissioner and is authorized by the Commissioner to serve persons from a specified geographic area. A short-term care facility may be a part of a general hospital or other appropriate health care facility and meets certificate of need, licensing, and inspection requirements of the Department of Health pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.), and in accordance with standards developed jointly with the Commissioner of Human Services. (N.J.S.A. 30:4-27.2bb)

“Special psychiatric hospital” means a public or private hospital licensed by the Department of Health to provide voluntary and involuntary mental health services, including assessment, care, supervision, treatment, and rehabilitation services to persons who are mentally ill. (N.J.S.A. 30:4-27.2cc)

SUBCHAPTER 3. COUNTY ADJUSTER RESPONSIBILITIES REGARDING COMMITMENTS, ADMISSIONS, REVIEWS, AND DISCHARGES

10:7-3.1 DMHAS services

(a) The county adjuster shall be responsible for commitment, admission, review, and discharge of persons receiving DMHAS services, including those receiving services from county psychiatric facilities.

(b)-(k) (No change.)

SUBCHAPTER 4. COURT ORDERS OF SETTLEMENT AND SUPPORT

10:7-4.1 County adjuster's responsibilities for preparing court orders of settlement and support for clients/LRRs of DMHAS and/or county psychiatric facilities

(a) (No change.)

(b) The formal investigation of support regarding the county of legal settlement shall, as necessary, take into consideration each of the following listed items. However, it need not be limited to just those items. The county adjuster shall:

1.-4. (No change.)

5. Obtain residency data from Federal, State, and county agencies supplying the client with benefits or assistance (SSA, SSI, SSD, RR, VA Pensions, Medicare, Medicaid, DCF, DFD, General Assistance, etc.);

6.-10. (No change.)

(c) The formal investigation of support to determine financial ability of the client and/or LRR(s) to pay shall, as necessary, take into consideration each of the following listed items. However, it need not be limited to just those items. The county adjuster shall:

1.-5. (No change.)

6. Obtain financial data from Federal, State, and county agencies supplying the client with benefits or assistance (SSA, SSI, SSD, RR, VA Pensions, Medicare, Medicaid, DCF, DFD, General Assistance, etc.);

7.-14. (No change.)

(d)-(h) (No change.)

(i) The county adjuster shall submit a petition for the court to determine the client's legal settlement and provision for payment of expenses of the client's care and maintenance, in accordance with Civil Practice Rules 4:74-7 and 4:74-7A, or as otherwise directed by the AOC. The county adjuster shall attach a report to the petition that includes the investigative findings and/or testimony, the Charity Care Fee Scale and/or Treasury Formula worksheet(s), the results of the investigation, and the recommendations for an order of settlement and support. The county adjuster shall schedule a hearing, with proper notice, for settlement and support, only if there are objections to the proposed court order. The county adjuster shall distribute a copy of the petition and report:

1.-4. (No change.)

5. To the DMHAS for State and no settlement clients in county psychiatric facilities, by regular mail; and

6. (No change.)

(j)-(n) (No change.)

SUBCHAPTER 5. ACCOUNTING

10:7-5.1 County adjuster accounting procedures

(a) The county adjuster is responsible for accounting activities regarding clients/LRRs of DMHAS and the county psychiatric facilities with respect to the State billing for clients with county settlement, the county billing for clients with State or no settlement, and billing and collection of client and/or LRR maintenance contributions and recoveries for clients with county settlement. The county adjuster is also responsible for accounting activities regarding DDD clients/LRRs with respect to the State billing for clients with county settlement, and the reporting of all maintenance collections and all recoveries received by the county from the client and/or LRR or a third party on behalf of the client. Payment from DDD clients and their LRRs shall be made in accordance with N.J.S.A. 30:4-60b and N.J.A.C. 10:46-2.3(f). The State and counties' settlement agreement pursuant to *County of Union v. Gibbs* (Docket No. 38428, New Jersey Supreme Court, stipulation of dismissal, February 17, 1995) case does not preclude the county from reporting all the maintenance collections and all recoveries received by the county. Under terms of the settlement agreements, the counties are required to submit documentation and remit certain recoveries immediately to the State.

(b) (No change.)

(c) The county adjuster shall review the county billing to the State and certify to the State that clients billed by the county psychiatric facility have appropriate State or county settlement and that the clients were resident in the facility for the number of days charged.

1. The DHS, DMHAS shall notify the county adjuster in writing, if necessary, within 25 workdays from the receipt of the county billing of any adjustments required.

2. The county adjuster shall review all credits issued by the county to the State to determine if the clients were properly charged to the State. The DMHAS will review the accuracy of the credit(s) information submitted to the State and notify the county adjuster within 25 workdays of receipt of any adjustments required.

3. The county adjuster shall file a report with the DMHAS on all revenue received by the county psychiatric facility. The report shall be on a cash basis by revenue source for the calendar year. The report is due to DMHAS by June 30 of the year following the end of the calendar year.

(d) The county adjuster shall actively pursue court-ordered and voluntary contributions due from county chargeable clients and/or LRRs of DMHAS and/or the county psychiatric facilities, pursuant to billing by the facility supervisor of patient accounts. A monthly statement shall be issued to contributing clients and/or LRRs of DMHAS and/or the county psychiatric facilities indicating the amount of contribution expected (court ordered or voluntary) for the month as well as any open balances from previous months. Court ordered contribution amounts based on assessments completed prior to September 20, 2005, the effective date of

P.L. 2005, c. 55, for clients in a DMHAS or county psychiatric facility on September 20, 2005, shall be the amount resulting from the original calculation or the amount resulting from utilizing the Charity Care Fee Scale, whichever is less.

(e)-(f) (No change.)

(g) Any payments due the State for State psychiatric facility clients and DDD clients shall be incorporated into the reconciliation of the mental health billings for the State psychiatric facilities. The payments due shall be considered as adjustments.

(h) (No change.)

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF SOCIAL WORK EXAMINERS

Abandonment of Application for Licensure or Certification

Adopted New Rule: N.J.A.C. 13:44G-4.7

Proposed: March 7, 2022, at 54 N.J.R. 407(a).

Adopted: May 11, 2022, by the State Board of Social Work Examiners, Maureen Braun Scalera, MSW, LCSW, Chair.

Filed: August 18, 2022, as R.2022 d.115, **without change**.

Authority: N.J.S.A. 45:15BB-11.

Effective Date: September 19, 2022.

Expiration Date: July 16, 2029.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted new rule.

Full text of the adoption follows:

SUBCHAPTER 4. APPLICANT QUALIFICATIONS; BOARD-APPROVED EXAMINATION; ENDORSEMENT

13:44G-4.7 Abandonment of application for licensure or certification

(a) An application for a license or certification submitted to the Board will be deemed abandoned if:

1. The individual applying for the license or certificate has not submitted, to the Board, all of the information and documentation required to obtain the license or certificate and:

i. One year has elapsed since the last notice to the applicant was sent by the Board informing the applicant that the Board has not received all of the information and documentation required for licensure or certification; and

ii. The last notice to the applicant states that the application will be deemed abandoned if the required information and documentation is not received by the Board within one year; or

2. The individual applying for the license or certificate has not submitted to the Board any documentation in furtherance of the application after January 1, 2018.

(b) If an application for licensure or certification is deemed abandoned pursuant to (a) above, the Board shall administratively close the application without further notice to the applicant and shall dispose of any information or documentation submitted by the applicant pursuant to the Division of Consumer Affairs' record retention plan.

(c) An individual whose application for licensure or certification has been administratively closed by the Board pursuant to (a) above may reapply for licensure or certification pursuant to N.J.A.C. 13:44G-4.1, 4.2, or 4.3, and include payment of the appropriate application fee.