

(a)

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES**Notice of Readoption****Community Mental Health Services Act****Readoption with Technical Changes: N.J.A.C. 10:37**

Authority: N.J.S.A. 30:1-12, 30:9A-10, and 30:9A-21.

Authorized By: Sarah Adelman, Acting Commissioner, Department of Human Services.

Effective Dates: October 4, 2021, Readoption;
November 1, 2021, Technical Changes.

New Expiration Date: October 4, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:37, Community Mental Health Services Act, were scheduled to expire on November 18, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

The Community Mental Health Services Act rules delineate the general requirements applicable to agencies licensed to provide community mental health services pursuant to N.J.S.A. 30:9A-1 et seq. (Community Mental Health Services Act), as well as standards applicable to the State Community Mental Health Citizens Advisory Board (N.J.A.C. 10:37-2) and Community Mental Health Boards and County Mental Health Administrators (N.J.A.C. 10:37-3). The general requirements include consumer requirements for all community mental health program elements, program element requirements, general administrative requirements for all State-funded community mental health program elements, conditions covering State grants for construction assistance for community mental health facilities, and quality assurance. While the Department of Human Services (Department) is readopting this chapter to prevent its expiration, the Department will continue to review the rules and consider making substantive amendments prior to the next scheduled expiration date.

In addition to readopting the existing rules, the Department is making technical changes throughout N.J.A.C. 10:37. The technical changes include changes to update the Division's current table of organization, as well as the current name of the "Division of Mental Health and Addiction Services" and the Division's address. The change to the Division's name reflects the merger of the former Division of Mental Health and the former Division of Addiction Services under the Fiscal Year 2010-2011 State Appropriations Act. Additionally, an outdated reference to N.J.A.C. 10:37-12, Children's Partial Care Programs, is being removed because that subchapter was recodified within N.J.A.C. 10:191, Children's Partial Care Programs, by the Department in 2007; and N.J.A.C. 10:191 was subsequently recodified to N.J.A.C. 3A:58 by the Department of Children and Families in 2017.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 30:1-12, 30:9A-10, and 30:9A-21, and, in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. INTRODUCTION AND PURPOSE

10:37-1.1 Introduction and purpose

(a) (No change.)

(b) Wherever the "Department" is cited, the term shall refer to the New Jersey Department of Human Services; wherever the "Division" is cited,

it shall refer to the New Jersey Division of Mental Health and [Hospitals] **Addiction Services**. Subsequent to a period of public review and comment, this chapter shall become effective on November 3, 1980; it will be incorporated into guidelines for the Division's ongoing site visit, monitoring, program development, and evaluation activities for community mental health grants and contracts. Compliance with this chapter shall be required one year from its effective date, as of July 1, 1981. It is anticipated that total compliance will necessitate, in some instances, a reorganization of service components and priorities by participating agencies. It is for that reason that the Department is extending the implementation and compliance deadline for one year, in order to allow for local phase-ins and for technical assistance to be provided by the county mental health boards and the Division.

(c) (No change.)

(d) Any questions concerning these requirements should be sent to the Division [Director] **Assistant Commissioner**, New Jersey Division of Mental Health and [Hospitals] **Addiction Services**, [222 South Warren Street] **5 Commerce Way, Suite 100, PO Box 362**, Trenton, [N.J.] **NJ 08625**.

10:37-1.2 Scope

The rules within this chapter apply to provider agency programs funded by the Division [of Mental Health Services] governed by the standards at [N.J.A.C. 10:37-12 and] N.J.A.C. 10:37A through 37I.

SUBCHAPTER 3. COUNTY MENTAL HEALTH BOARDS

10:37-3.5 Roles, functions, and responsibilities

(a) Procedural responsibilities: The County Mental Health Board shall: 1.-2. (No change.)

3. Comply with the **Senator Byron M. Baer** Open Public Meetings Act;

4. (No change.)

5. Submit public notices and minutes of said meeting to the Division [of Mental Health and Hospitals].

(b) (No change.)

(c) Implementation responsibilities: Based on the County Mental Health Plan, the County Mental Health Board shall, at a minimum:

1. (No change.)

2. Receive, review, and advise the Division [of Mental Health and Hospitals] on requested Service Area changes/redelineations.

3. -5. (No change.)

(d)-(f) (No change.)

(b)

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES**Notice of Readoption****Outpatient Service Standards****Readoption with Technical Changes: N.J.A.C. 10:37E**

Authority: N.J.S.A. 30:1-12, 30:9A-10, and 30:9A-21.

Authorized By: Sarah Adelman, Acting Commissioner, Department of Human Services.

Effective Dates: September 24, 2021, Readoption;
November 1, 2021, Technical Changes.

New Expiration Date: September 24, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:37E, Outpatient Service Standards, were scheduled to expire on December 5, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has

not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

This chapter applies to agencies funded by the Division of Mental Health and Addiction Services (Division) to provide and/or licensed to provide outpatient services pursuant to N.J.S.A. 30:9A-1 et seq., the Community Mental Health Services Act. N.J.A.C. 10:37E is comprised of two subchapters. Subchapter 1, General Provisions, describes the scope and purpose of the rules and defines words and terms used throughout the chapter. Subchapter 2, Program Operation, specifies requirements regarding written policies and procedures, services to be provided, service planning, termination of services, staffing requirements, and utilization review.

In addition to readopting the existing rules, the Department of Human Services (Department) is making technical changes throughout N.J.A.C. 10:37E. The technical changes include changes to update the current name of the "Division of Mental Health and Addiction Services" and changes to the Diagnostic and Statistical Manual of Mental Disorders (DSM). The change to the Division's name reflects the merger of the former Division of Mental Health and the former Division of Addiction Services pursuant to the Fiscal Year 2010-2011 State Appropriations Act. The changes to DSM references include updates to the current DSM criteria by the American Psychiatric Association (APA), including elimination of the multi-axial system of diagnoses, and correcting a reference to the publishing entity of the DSM to the APA.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 30:1-12, 30:9A-10, and 30:9A-21, and, in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

10:37E-1.2 Definitions

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

...
 "Division" means the Division of Mental Health and [Hospitals] **Addiction Services** in the Department of Human Services.
 ...

SUBCHAPTER 2. PROGRAM OPERATION

10:37E-2.5 Termination of services

(a) The OP program shall establish and implement policies and procedures to address the termination of services to clients.

1.-2. (No change.)

3. A termination summary shall be documented in the client record within 30 days following termination. This shall include, at a minimum, the following:

i.-v. (No change.)

vi. The individual's final [multi-axial] diagnoses, as derived from the most recent edition of the Diagnostic and Statistical Manual of **Mental Disorders**, published by the American [Psychological] **Psychiatric Association**, [750 First St. NE,] **800 Maine Ave., SW, Ste. 900**, Washington, DC, [20002-4242, tel. 202-3336-5500] **20024**.

(a)

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

Notice of Readoption

Partial Care Services Standards

Readoption with Technical Changes: N.J.A.C. 10:37F

Authority: N.J.S.A. 30:1-12, 30:9A-10, and 30:9A-21.

Authorized By: Sarah Adelman, Acting Commissioner, Department of Human Services.

Effective Dates: September 24, 2021, Readoption;
November 1, 2021, Technical Changes.

New Expiration Date: September 24, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:37F, Partial Care Services Standards, were scheduled to expire on March 13, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

This chapter sets forth the requirements applicable to provider agencies licensed to provide partial care services pursuant to N.J.S.A. 30:9A-1 et seq., Community Mental Health Services Act. N.J.A.C. 10:37F is comprised of two subchapters. Subchapter 1, General Provisions, describes the scope and purpose of the rules, the guiding principles underlying partial care services standards, and defines words and terms used throughout the chapter. Subchapter 2, Partial Care Standards, delineates criteria and standards regarding admission; intake procedures; assessment; recovery planning; services to be provided; termination, transfer and referral of consumers; management functions; quality assurance activities; therapeutic environment; and staffing.

In addition to readopting the existing rules, the Department of Human Services (Department) is making technical changes throughout N.J.A.C. 10:37F. The technical changes include changes to update the current name of the "Division of Mental Health and Addiction Services" and changes to the Diagnostic and Statistical Manual of Mental Disorders (DSM). The change to the Division's name reflects the merger of the former Division of Mental Health and the former Division of Addiction Services pursuant to the Fiscal Year 2010-2011 State Appropriations Act. The changes to DSM references include updates to the current DSM edition and criteria by the American Psychiatric Association, including elimination of the multi-axial system of diagnoses.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 30:1-12, 30:9A-10, and 30:9A-21, and, in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

10:37F-1.2 Guiding principles

(a) (No change.)

(b) The Diagnostic and Statistical Manual of Mental Disorders, [Fourth] **Fifth Edition (DSM)[.]** is incorporated by reference, **as amended and supplemented**, into this chapter. Copies of the DSM may be obtained from the American Psychiatric Association, [1400 K Street N.W.] **800 Maine Ave., SW, Ste. 900**, Washington D.C. [20005] **20024**.

10:37F-1.3 Definitions

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