

ASSEMBLY, No. 2728

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Expands membership and responsibilities of State Council of Developmental Disabilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

1 AN ACT concerning the State Council of Developmental Disabilities
2 and amending P.L.2003, c.54.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 3 of P.L.1979, c.105 (C.30:1AA-3) is amended to
8 read as follows:

9 3. The council shall consist of a minimum of 25 members, but
10 shall not exceed 30 members, of whom:

11 a. **[seven]** eight shall be representatives of State agencies,
12 including the Commissioner of Children and Families and the
13 Ombudsmen for Individuals with Intellectual or Developmental
14 Disabilities and their Families, or their representatives, who shall
15 serve ex officio at the pleasure of the Governor in accordance with
16 the qualifications established in section 4 of P.L.1979, c.105
17 (C.30:1AA-4);

18 b. a minimum of 15 shall be public members appointed by the
19 Governor with the advice and consent of the Senate;

20 c. one each shall represent a University Center for Excellence
21 in Developmental Disabilities Education, Research, and Service in
22 the State and the State's designated protection and advocacy system;
23 and

24 d. one shall be a representative of local and non-governmental
25 agencies or private nonprofit groups concerned with services for
26 individuals with developmental disabilities, appointed by the
27 Governor with the advice and consent of the Senate.

28 The appointed members shall serve for a term of three years and
29 until their respective successors have been appointed and have
30 qualified.

31 Vacancies shall be filled in the same manner as the original
32 appointment. Public members shall receive no compensation, but
33 shall be entitled to reimbursement for necessary expenses incurred
34 in the performance of their duties. Members serving on the council
35 at the time of enactment of P.L.2003, c.54 (C.30:1AA-1.1 et al.)
36 shall continue to serve until the expiration of their current terms,
37 and until their respective successors are appointed and have
38 qualified.

39 (cf: P.L.2003, c.54, s.5)

40

41 2. Section 8 of P.L.1979, c.105 (C.30:1AA-8) is amended to
42 read as follows:

43 8. It shall be the duty of the council and its staff to:

44 a. (Deleted by amendment, P.L.2003, c.54).

45 b. (Deleted by amendment, P.L.2003, c.54).

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 c. (Deleted by amendment, P.L.2003, c.54).
- 2 d. (Deleted by amendment, P.L.2003, c.54).
- 3 e. (Deleted by amendment, P.L.2003, c.54).
- 4 f. (Deleted by amendment, P.L.2003, c.54).
- 5 g. (Deleted by amendment, P.L.2003, c.54).
- 6 h. (Deleted by amendment, P.L.2003, c.54).
- 7 i. (Deleted by amendment, P.L.2003, c.54).
- 8 j. (Deleted by amendment, P.L.2003, c.54).
- 9 k. (Deleted by amendment, P.L.2003, c.54).
- 10 l. (Deleted by amendment, P.L.2003, c.54).
- 11 m. Serve as an advocate for individuals with developmental
- 12 disabilities and conduct or support programs, projects and activities
- 13 which carry out the mandate of advocacy, capacity-building and
- 14 systemic change, pursuant to the "Developmental Disabilities
- 15 Assistance and Bill of Rights Act of 2000," Pub.L.106-402, 42
- 16 U.S.C. s.15001 et seq.;
- 17 n. At the end of each year, examine goals to determine the
- 18 extent to which each goal was achieved, the needs that would
- 19 require amendment of the five-year strategic State plan and
- 20 customer satisfaction with council-supported or council-conducted
- 21 activities;
- 22 o. Develop and implement a State plan by conducting and
- 23 supporting advocacy, capacity-building and systemic-change
- 24 activities, which shall contribute to the purpose set forth in section
- 25 1 of P.L.2003, c.54 (C.30:1AA-1.1) and may include:
- 26 (1) outreach activities to identify individuals with
- 27 developmental disabilities and their families who otherwise might
- 28 not come to the attention of the council, and to assist and enable the
- 29 individuals and families to obtain services, individualized supports
- 30 and other forms of assistance, including access to special adaptation
- 31 of generic community services or specialized services;
- 32 (2) training for persons who are professionals,
- 33 paraprofessionals, students, volunteers and other community
- 34 members to enable these persons to obtain access to or to provide
- 35 community services, individualized supports and other forms of
- 36 assistance, including special adaptation of generic community
- 37 services or specialized services for individuals with developmental
- 38 disabilities and their families;
- 39 (3) technical assistance activities to public and private entities;
- 40 (4) assistance to, or support of, activities to assist
- 41 neighborhoods and communities to respond positively to
- 42 individuals with developmental disabilities and their families
- 43 through education, by encouraging local networks to provide
- 44 informal and formal supports and by enabling neighborhoods and
- 45 communities to offer the individuals and their families access to,
- 46 and use of, services, resources and opportunities;

1 (5) activities to promote interagency collaboration, coordination
2 and planning in order to better serve, support, assist or advocate for
3 individuals with developmental disabilities and their families;

4 (6) activities to enhance coordination of services with:

5 (i) other councils, entities or committees authorized by federal
6 or State law concerning individuals with disabilities, such as the
7 State interagency coordinating council established under part C of
8 the "Individuals with Disabilities Education Act" (20 U.S.C. s.1431
9 et seq.), the State Rehabilitation Council and the Statewide
10 Independent Living Council established under the "Rehabilitation
11 Act of 1973" (29 U.S.C. s.701 et seq.), the State mental health
12 planning council established under part B of Title XIX of the Public
13 Health Service Act (42 U.S.C. s.300x-1 et seq.), councils, entities or
14 committees concerning activities authorized under section 101 or
15 102 of the "Assistive Technology Act of 1998" (29 U.S.C. s.3011 or
16 29 U.S.C. s.3012), and any councils, entities or committees carrying
17 out similar functions;

18 (ii) parent training and information centers under part D of the
19 "Individuals with Disabilities Education Act" (20 U.S.C. s.1451 et
20 seq.) and other entities carrying out federally funded projects that
21 assist parents of children with disabilities; and

22 (iii) other groups interested in advocacy, capacity-building and
23 systemic-change activities to benefit individuals with disabilities;

24 (7) activities to eliminate barriers to access and use of
25 community services by individuals with developmental disabilities,
26 and to enhance systems design and redesign as well as citizen
27 participation to address issues identified in the State plan;

28 (8) activities to educate the public about the capabilities,
29 preferences and needs of individuals with developmental disabilities
30 and their families, and activities to develop and support coalitions
31 that support the policy agenda of the council, including training in
32 self-advocacy, education of policymakers and training in citizen
33 leadership skills;

34 (9) activities to provide information to policymakers by
35 supporting and conducting studies and analyses, gathering
36 information, and developing and disseminating model policies and
37 procedures, information, approaches, strategies, findings,
38 conclusions and recommendations. The council may provide the
39 information directly to federal, State and local policymakers,
40 including the United States Congress, the federal executive branch
41 of government, the Governor and the Legislature, the governors and
42 legislatures of other states, and State agencies, in order to increase
43 the ability of these policymakers to offer opportunities and to
44 enhance or adapt generic services to meet the needs of, or provide
45 specialized services to, individuals with developmental disabilities
46 and their families;

47 (10) on a time-limited basis, activities to demonstrate new
48 approaches to serving individuals with developmental disabilities,

1 which are a part of an overall strategy for systemic change. The
2 strategy may involve the education of policymakers and the public
3 about how to effectively deliver services, supports and assistance to
4 individuals with developmental disabilities and their families; [and]

5 (11) other advocacy, capacity-building and systemic-change
6 activities to promote the development of a coordinated, consumer-
7 and family-centered and consumer- and family-directed
8 comprehensive system of community services, individualized
9 supports, and other forms of assistance;

10 (12) activities to assist the Children's System of Care in the
11 Department of Children and Families to identify and analyze gaps
12 in services provided by the Children's System of Care to children
13 and youth, under the age of 21, with disabilities, and how the
14 implementation of the New Jersey Autism State Plan Amendment
15 could help address such gaps in services. The council shall contract
16 with a community-based agency to identify and analyze the gaps in
17 services and prepare a report pursuant to subsection q. of this
18 section with recommendations to address the gaps in services. The
19 agency selected by the department to identify and analyze the gaps
20 in services shall:

21 (i) have experience with, and in-depth knowledge in, providing
22 services to children and youth with developmental disabilities;

23 (ii) have an understanding of the regulations, laws, policies, and
24 procedures governing the Children's System of Care and;

25 (iii) seek input from children and youth with disabilities and their
26 families, advocacy groups, community-based service providers,
27 behavioral health care providers, care management organizations,
28 mobile response services programs, family support organizations,
29 the Division of Child Protection and Permanency in the Department
30 of Children and Families, county inter-agency coordinating
31 councils, and residential treatment and licensed health care
32 facilities; and

33 (13) activities to assist the Division of Medical Assistance and
34 Health Services in the Department of Human Services and the
35 Children's System of Care in making recommendations on the
36 implementation of the New Jersey Autism State Plan Amendment.
37 The council may seek the input of advocacy groups, community-
38 based service providers, behavioral health care providers, care
39 management organizations, mobile response services programs,
40 family support organizations, and other agencies and organizations
41 that provide services to children and families in order to make
42 recommendations on the implementation of the State Plan
43 Amendment;

44 p. Supervise and annually evaluate the executive director of the
45 council;

46 q. Prepare and transmit an annual report to the [Department]
47 Departments of Children and Families, Health, and Human
48 Services, which shall contain information about the progress made

1 by the council in achieving the purpose set forth in section 1 of
2 P.L.2003, c.54 (C.30:1AA-1.1) and contain recommendations
3 pursuant to paragraph (12) of subsection o. of this section on how to
4 address the gaps in services provided by the Children's System of
5 Care to children and youth, under the age of 21, with disabilities.

6 The report shall be available in accessible formats and the council
7 shall provide a description of the method by which it shall widely
8 disseminate the report to affected constituencies and the general
9 public; and

10 r. Prepare, approve and implement a budget using amounts
11 paid to the State to fund and implement all programs, projects and
12 activities carried out pursuant to P.L.2003, c.54 (C.30:1AA-1.1 et
13 al.)

14 (cf: P.L.2003, c.54, s.9)

15
16 3. This act shall take effect immediately.

17 18 19 STATEMENT

20
21 This bill expands the membership and responsibilities of the
22 State Council on Developmental Disabilities. Specifically, the bill
23 amends section 3 of P.L.1979, c.105 (C.30:1AA-3) to increase the
24 number of State agency representatives on the council, to eight, to
25 include the Commissioner of Children and Families and the
26 Ombudsman for Individuals with Intellectual or Developmental
27 Disabilities and their Families. Current law stipulates that the
28 council's membership consist of seven State agency representatives
29 including, but not limited to, representatives from the Departments
30 of Education, Health, Human Services, and Labor and Workforce
31 Development.

32 The bill amends section 8 of P.L.1979, c.105 (C.30:1AA-8) to
33 expand the State council's responsibility to include activities to
34 assist the Children's System of Care (CSOC) in the Department of
35 Children and Families to identify and analyze gaps in services
36 provided by the CSOC to children and youth, under the age of 21,
37 with disabilities, and how the implementation of the New Jersey
38 Autism State Plan Amendment could help address those gaps in
39 services. The council would contract with a community-based
40 agency to identify and analyze the gaps in services and prepare a
41 report with recommendations to address the gaps in services .

42 The agency selected by the council to identify and analyze the
43 gaps in services would: have experience with, and in-depth
44 knowledge in, providing services to children and youth with
45 developmental disabilities; have an understanding of the
46 regulations, laws, policies, and procedures governing the CSOC;
47 and seek input from children and youth with disabilities and their
48 families, advocacy groups, community-based service providers,

1 behavioral health care providers, care management organizations,
2 mobile response services programs, family support organizations,
3 the Division of Child Protection and Permanency in the Department
4 of Children and Families, county inter-agency coordinating
5 councils, and residential treatment and licensed health care
6 facilities.

7 The bill's provisions amend section 8 of P.L.1979, c.105
8 (C.30:1AA-8) to expand the State council's responsibility to include
9 activities to assist the Division of Medical Assistance and Health
10 Services (DMAHS) in the Department of Human Services and the
11 CSOC in making recommendations on the implementation of the
12 New Jersey Autism State Plan Amendment, and to allow the council
13 to seek the input of advocacy groups, community-based service
14 providers, behavioral health care providers, care management
15 organizations, mobile response services programs, family support
16 organizations, and other agencies and organizations that provide
17 services to children and families in order to make recommendations
18 on the implementation of the State Plan Amendment

19 Presently, the State council is required to participate in activities
20 that contribute to a coordinated, consumer- and family-centered and
21 consumer- and family-directed comprehensive system which
22 includes needed community services, individualized supports and
23 other forms of assistance that promote self-determination for
24 individuals with developmental disabilities and their families.

25 The law does not specify that the council's activities include:
26 assisting the CSOC to identify and analyze gaps in services
27 provided to children and youth, under the age of 21, with
28 disabilities and how the implementation of the New Jersey Autism
29 State Plan Amendment could help address those gaps; assisting the
30 DMAHS in making recommendations on the implementation of the
31 New Jersey Autism State Plan Amendment; and seeking the input
32 of advocacy groups, community-based service providers, behavioral
33 health care providers, care management organizations, mobile
34 response services programs, family support organizations, and other
35 agencies and organizations that provide services to children and
36 families in order to make recommendations on the implementation
37 of the State Plan Amendment

38 The bill also amends section 8 of P.L.1979, c.105 (C.30:1AA-8)
39 to require that the annual report prepared by the council be
40 transmitted to the Departments of Children and Families, Health,
41 and Human Services, and that the report contain recommendations
42 on how to address the gaps in services provided by the CSOC to
43 children and youth, under the age of 21, with disabilities. Current
44 law requires that the annual report be transmitted only to the
45 Department of Health, and for the report to contain information
46 about the progress made by the council in achieving the purpose set
47 forth in section 1 of P.L.2003, c.54 (C.30:1AA-1.1).