

ASSEMBLY, No. 3477

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Requires DHS to develop specific criteria for eligibility of individuals with developmental disabilities for services from adult day health services facilities.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning individuals with developmental disabilities and
2 supplementing Title 30 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. For many years, individuals with developmental disabilities
9 have been residing in community settings and relying on the
10 services of adult day health services facilities, which provide
11 preventive, diagnostic, therapeutic, and rehabilitative services under
12 medical and nursing supervision;

13 b. However, the assessment instrument and State regulations
14 which are currently used for determining eligibility for services
15 from adult day health services facilities are geared toward eligibility
16 of geriatric populations;

17 c. Moreover, many more individuals with developmental
18 disabilities will need the services of adult day health services
19 facilities as more individuals reside in community settings as a
20 result of the implementation by the Department of Human Services
21 of the State's Olmstead plan, developed pursuant to P.L.2006, c.61,
22 the closure of North Jersey Developmental Center in 2014, and the
23 closure of Woodbridge Developmental Center in 2015;

24 d. The current eligibility standards established by State
25 regulations and the assessment instrument are not appropriate to
26 measure the needs of individuals with developmental disabilities,
27 many of whom have been or will be denied eligibility based on
28 standards that apply to the needs of the elderly rather than
29 individuals with developmental disabilities; and

30 e. The establishment and use of new criteria, specific to
31 determining eligibility of individuals with developmental
32 disabilities for services from adult day health services facilities, will
33 enable individuals with developmental disabilities to receive the
34 services they need to reside in the community.

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36 2. a. The Commissioner of Human Services, or the
37 commissioner's designee, shall collaborate with representatives
38 from The Arc of New Jersey, the Boggs Center on Developmental
39 Disabilities Rutgers Robert Wood Johnson Medical School, and the
40 New Jersey Council on Developmental Disabilities to establish
41 criteria specific to determining clinical eligibility of individuals
42 with developmental disabilities for services from adult day health
43 services facilities licensed by the Department of Health.

44 b. The criteria shall be established no later than three months
45 after the effective date of this act.

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47 3. Upon the establishment of the criteria pursuant to section 2
48 of this act, the commissioner shall utilize the criteria to develop an

1 assessment instrument and shall adopt regulations based on the
2 criteria, both of which shall be used to determine clinical eligibility
3 of individuals with developmental disabilities for services from
4 adult day health services facilities.

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6 4. An individual with a developmental disability who has been
7 found to be clinically ineligible for services from an adult day
8 health services facility, prior to the development of the assessment
9 instrument and adoption of regulations pursuant to section 3 of this
10 act, shall be eligible to reapply for services from an adult day health
11 services facility based on the assessment instrument developed, and
12 regulations adopted, pursuant to section 3 of this act

13
14 5. The Commissioner of Human Services shall adopt rules and
15 regulations pursuant to the "Administrative Procedure Act,"
16 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
17 this act.

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19 6. This act shall take effect immediately.

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22 STATEMENT

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24 This bill concerns adult day health services and individuals with
25 developmental disabilities, and requires the Commissioner of
26 Human Services to develop an assessment instrument and adopt
27 regulations based on criteria specific to individuals with
28 developmental disabilities for use in determining clinical eligibility
29 of individuals with developmental disabilities for services from
30 adult day health services facilities.

31 Under the bill, the commissioner is to collaborate with
32 representatives from The Arc of New Jersey, the Boggs Center on
33 Developmental Disabilities Rutgers Robert Wood Johnson Medical
34 School, and the New Jersey Council on Developmental Disabilities
35 to establish the criteria specific to determining clinical eligibility of
36 individuals with developmental disabilities for services from adult
37 day health services facilities. The criteria is to be established no
38 later than three months after the effective date of the bill.

39 The bill also provides that an individual with a developmental
40 disability who has been found to be clinically ineligible for services
41 from an adult day health services facility, prior to the development
42 of the assessment instrument and adoption of regulations pursuant
43 to the bill, will be eligible to reapply based on the newly developed
44 assessment instrument and newly adopted regulations.