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STATE OF NEW JERSEY



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REORGANIZATION PLANS

(2553)

**REORGANIZATION PLAN NO. 001-2001
A PLAN FOR THE TRANSFER AND REORGANIZATION
OF THE STATE OFFICE OF DISABILITY SERVICES TO THE
DIVISION OF DISABILITY SERVICES IN THE
DEPARTMENT OF HUMAN SERVICES**

PLEASE TAKE NOTICE that on March 8, 2001, President of the Senate and Acting Governor Donald T. DiFrancesco hereby issues this Reorganization Plan No. 001- 2001 (the Plan), providing for the transfer and reorganization of the Office of Disability Services in the Department of Human Services and all of its functions, powers, duties and personnel as the newly created Division of Disability Services in the Department of Human Services and for the transfer to that Division of certain related functions, powers and duties of the Division of Medical Assistance and Health Services.

The Plan furthers an ongoing effort to streamline and make more effective the operations of the Executive Branch in the interests of efficiency and economy, without quantitative or qualitative diminution of services to the public.

GENERAL STATEMENT OF PURPOSE

The Office of Disability Services (Office) was created by P.L.1999, c.91 and allocated to the Department of Human Services (DHS). Headed by a director, the Office is charged with acting as the single point of entry with State government for persons with disabilities who are seeking assistance but who do not meet the requirements for the disability-specific programs located in DHS or other agencies of State government. The Office is charged with acting as the State-level coordinating body among State agencies providing services to persons with disabilities and is charged with serving as the locus within the State government for the interests of persons with disabilities and their families. Finally, the Office administers the Personal Assistance Services Program under P.L. 1987, c.350 (N.J.S.A. 30:4G-13 et seq.) and coordinates other publicly funded programs that provide personal assistance and other home-based services to persons with disabilities.

The Division of Medical Assistance and Health Services (DMAHS) in DHS also administers certain programs and services similar to those administered by the Office. These programs and services also are designed

to serve persons with disabilities and their families and include certain home and community-based waiver programs, and other long-term personal care assistant services.

This Plan will provide for more effective and efficient coordination and delivery of home and community-based waiver programs, and personal care assistant services by transferring the administration of these programs and services to the newly created Division of Disability Services (Division). The Division will continue the functions of the Office of Disability Services, but will ensure that continued policy and program development for persons with disabilities and their families occurs in a centralized location, with an emphasis on reducing duplication and increasing coordination and efficiency.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.) (Act), I find with respect to the transfer and reorganization provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purposes set forth in Section 2 of the Act and that each aspect will:

1. Promote the more effective management of the Executive Branch by consolidating within one Division within the Department of Human Services certain home and community-based waiver programs, and personal care assistant services targeted to people with disabilities;
2. Reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive Branch;
3. Increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
4. Group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes; and
5. Eliminate overlapping and duplication of effort by having the newly created Division of Disability Services administer the home and community-based waiver programs, and personal care assistant services targeted to people with disabilities.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. (a) The Office of Disability Services in the Department of Human Services, established pursuant to P.L.1999, c.91 (C.30:6E-1 et seq.) and its functions, powers, duties and personnel are continued and are transferred to the newly created Division of Disability Services within the Department of Human Services.

(b) The functions, powers, and duties of the Director of the Office of Disability Services under P.L.1999, c.91 (C.30:6E-1 et seq.) are continued and are transferred to the newly created position of Director of the Division of Disability Services within the Department of Human Services.

(c) The functions, powers and duties of the Office under P.L.1994, c.182 s.26 (C.19:31-6.11), P.L.1995, c.318, s.2, as amended (C.26:2B-37), P.L.1987, c.350, s.3 and s.8, as amended (C.30:4G-15), P.L.1981, c.488, s.3, as amended (C.30:6-25) and P.L.1975, c.224, s.2, as amended (C.52:32-15) are continued and are transferred to the Director of the Division of Disability Services as appropriate, within the Department of Human Services.

(d) I find this plan is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203 (C.52:14C-2). In addition to the reasons set forth above, this Plan will result in increased efficiency due to economies of scale, and also will result in greater coordination and improved functioning of the State's services offered to people with disabilities and their families. Further, this Plan will streamline State government for the benefit of all New Jersey citizens.

2. All records, property, appropriations, and any unexpended balance of funds appropriated or otherwise available to DMAHS for the purposes of administering the aforementioned functions, will be transferred to the Division of Disability Services as constituted in the Department of Human Services.

3. Whenever in P.L.1999, c.91 (C.30:6E-1 et seq.), or any of the laws referred to in paragraph 1(c), or in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise thereunder, reference is made to the Office of Disability Services in the Department of Human Services or to the Office of Disability Services in the Department of Human Services, the same shall mean the Division of Disability Services in the Department of Human Services.

4. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

5. Unless otherwise specified in this Plan, all transfers directed by this Plan shall be effected pursuant to the State Agency Transfer Act, P.L. 1971, c.375 (C.52:14D-1 et seq.).

6. If any provision of this Plan or the application thereof to any person, or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

7. This Plan is intended to protect and promote the public health, safety and welfare, and shall be liberally construed to obtain the objectives and effect the purposes thereof.

A copy of this Reorganization Plan was filed on March 8, 2001 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective on July 1, 2001, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution within 60 days of the issuance of the Plan, stating in substance that the Legislature does not favor this Plan.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of Reorganization Plans.

Filed March 8, 2001.
Effective July 1, 2001.