

CHAPTER 140

PERSONAL ASSISTANCE SERVICES PROGRAM

Authority

N.J.S.A. 30:4G-21.

Source and Effective Date

R.2009 d.71, effective January 30, 2009.
See: 40 N.J.R. 4668(a), 41 N.J.R. 1052(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 140, Personal Assistance Services Program, expires on January 30, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 140, Personal Assistance Services Program, was originally codified in Title 10 as Chapter 123A, Personal Attendant Services Program. Chapter 123A was adopted as R.1992 d.314, effective August 17, 1992. See: 23 N.J.R. 2091(b), 24 N.J.R. 2914(a).

Pursuant to Executive Order No. 66(1978), Chapter 123A, Personal Attendant Services Program, was readopted as R.1997 d.361, effective August 11, 1997, and the chapter was renamed Chapter 123A, Personal Assistance Services Program, Subchapter 5, Personal Attendants, was renamed Subchapter 5, Personal Assistants, and Subchapter 6, Consumer Information and Personal Assistant Training, was adopted as new rules by R.1997 d.361, effective September 2, 1997. See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

Chapter 123A, Personal Assistance Services Program, was recodified as N.J.A.C. 10:140, effective March 1, 1999. See: 31 N.J.R. 687(a).

Chapter 140, Personal Assistance Services Program, expired on August 11, 2002.

Chapter 140, Personal Assistance Services Program, was adopted as new rules by R.2003 d.302, effective August 4, 2003. See: 35 N.J.R. 1253(a), 35 N.J.R. 3583(a).

Chapter 140, Personal Assistance Services Program, was readopted as R.2009 d.71, effective January 30, 2009. See: Source and Effective Date.

Subchapter 4, Contracting and Fees, was renamed Individual Budgets and Fees by R.2012 d.079, effective April 16, 2012. See: 43 N.J.R. 2551(a), 44 N.J.R. 1262(b).

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SUBCHAPTER 1. GENERAL PROVISIONS

10:140-1.1 Purpose

(a) Pursuant to the provisions of N.J.S.A. 30:4G-13 et seq., the Department of Human Services provides support to individuals with permanent physical disabilities in meeting their daily needs for personal care and assistance with activities of daily living in order to live independently within their community. The Personal Assistance Services Program, administered by county designated agencies in each of New Jersey's 21 counties and within the limits of funds appropriated or otherwise made available to it, shall assist self-directed adults with permanent physical disabilities to:

1. Be employed in a paid occupation;
2. Receive training or education related to employment; or

3. Actively participate in community-based independent living (that is, volunteering).

Amended by R.2012 d.079, effective April 16, 2012.

See: 43 N.J.R. 2551(a), 44 N.J.R. 1262(b).

In the introductory paragraph of (a), substituted "permanent" for "chronic" twice; and in (a)3, inserted "(that is, volunteering)".

10:140-1.2 Scope

The rules of this chapter apply to all activities and persons participating in the Personal Assistance Services Program, including, but not limited to, the designated State contracting agency, applicants, consumers, their employees, county agencies administering the program and vendors providing services.

Amended by R.2012 d.079, effective April 16, 2012.

See: 43 N.J.R. 2551(a), 44 N.J.R. 1262(b).

Substituted "The rules of this chapter" for "These rules", "their employees," for "personal assistants, and", and "vendors providing services" for "subcontracted provider agencies", and deleted a comma following "program".

10:140-1.3 Personal Assistance Consumer Bill of Rights

(a) Each consumer, and, as appropriate, each applicant:

1. Shall be treated with courtesy, respect, and full recognition of one's dignity, individuality, and right to control one's own household and lifestyle, including the identification and determination of one's own needs, schedules and the services necessary to meet these needs;

2. Shall be served by personal assistants and/or vendors who are properly trained and competent to perform their duties;

3. Shall receive services in compliance with all State laws and regulations without discrimination based on race, religion, gender, age, creed or disability in the provision or quality of services;

4. Shall be free from mental and physical abuse, neglect and exploitation, and shall be free from chemical and physical restraints;

5. Shall be accorded privacy while receiving services, in communications and in all daily activities;

6. Shall be accorded respect for one's property rights;

7. Shall have one's personal, financial and medical records treated as confidential;

8. Shall be free to fully exercise one's civil and due process rights and to be assisted by a personal assistant and/or vendor as appropriate and necessary;

9. Shall receive in a timely manner all decisions regarding eligibility and amount and kind of services and the reasons therefore in writing and, if appropriate, orally, along with the administrative hearings and appeals procedure;

10. Shall have access to a fair appeals process through which disputes can be resolved;

11. Shall receive written information regarding consumer standards and responsibilities in the Personal Assistance Services Program and shall have them verbally explained as needed;

12. Shall have as few personal assistants entering one's home as possible;

13. Shall have the right to interview, screen and select one's personal assistant; and

14. Shall dismiss those personal assistants who do not respect consumer rights.

Amended by R.2012 d.079, effective April 16, 2012.

See: 43 N.J.R. 2551(a), 44 N.J.R. 1262(b).

In (a)2, inserted "and/or vendors"; and in (a)8, inserted "and/or vendor".

10:140-1.4 Definitions

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

"Administrative hearing" means a hearing held by the Office of Administrative Law (OAL) pursuant to N.J.S.A. 52:14B-9 et seq., N.J.S.A. 52:14F-1 et seq., N.J.A.C. 1:1-1 and N.J.A.C. 10:6.

"Administrative review" means an independent examination of an agency action that is conducted by the State Program Administrator or designee, by convening a meeting of the relevant parties in the action under dispute and/or by examining the relevant records and documents in accordance with N.J.A.C. 10:6-1.4.

"Adverse agency action" means the denial, reduction, suspension or termination of services, or the denial of a request for an exception, or the failure to act upon a request for services within prescribed time frames.

"Advisory Council" means the State Consumer Advisory Council on Personal Assistance Services, created by N.J.S.A. 30:4G-20.

"Applicant" means a person who applies for services under the Personal Assistance Services Program.

"Assessor" means a person who is employed by the program to conduct eligibility assessments and has a master's of social work degree; a bachelor's degree and three years of experience in rehabilitation services; or is a registered nurse with a bachelor of science degree in nursing.

"Available" means, as applied to a caregiver, physically present, able, and appropriate, as determined with full consideration of the consumer's personal situation.