

CHAPTER 164**ADULT DAY HEALTH SERVICES****Authority**

N.J.S.A. 30:4D-7 and 12; Reorganization Plan No. 001-1996 (Governor Whitman, May 2, 1996) (See 28 N.J.R. 2655(a) (June 3, 1996)); and 42 U.S.C. § 1396(a).

Source and Effective Date

R.2008 d.1, effective November 26, 2007.
See: 39 N.J.R. 2424(a), 40 N.J.R. 177(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 164, Adult Day Health Services, expires on November 26, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 86, Medical Day Care Services, originally codified in Title 10 as Chapter 65, Intermediate Care Standards. Chapter 65 was adopted as R.1973 d.132, effective July 1, 1973. See: 5 N.J.R. 10(a), 5 N.J.R. 190(a).

Chapter 65, Intermediate Care Standards, was repealed by R.1979 d.126, effective March 29, 1979. See: 10 N.J.R. 190(b), 11 N.J.R. 248(b).

Chapter 65, Medical Day Care Services Manual, was adopted as new rules by R.1979 d.325, effective August 16, 1979. See: 11 N.J.R. 280(a), 11 N.J.R. 448(e).

Pursuant to Executive Order No. 66(1978), Subchapter 1, General Provision, was readopted as R.1984 d.332, effective July 23, 1984. See: 16 N.J.R. 1443(a), 16 N.J.R. 2131(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, HCPCS Codes, was readopted as R.1984 d.508, effective November 15, 1984. See: 16 N.J.R. 2336(a), 16 N.J.R. 3031(b).

Pursuant to Executive Order No. 66(1978), Chapter 65, Medical Day Care Manual, was readopted as R.1989 d.504, effective August 25, 1989. See: 21 N.J.R. 1794(a), 21 N.J.R. 3005(a).

Chapter 65, Medical Day Care Manual, was repealed and Chapter 65, Medical Day Care Services Manual, was adopted as new rules by R.1991 d.87, effective February 19, 1991, operative March 1, 1991. See: 22 N.J.R. 3327(b), 23 N.J.R. 448(a).

Pursuant to Executive Order No. 66(1978), Chapter 65, Medical Day Care Services Manual, was readopted as R.1996 d.6, effective November 30, 1995. See: 27 N.J.R. 3540(a), 28 N.J.R. 184(b).

Pursuant to Executive Order No. 66(1978), Chapter 65, Medical Day Care Services Manual, was readopted as R.2001 d.5, effective November 30, 2000, and Chapter 65 was recodified as N.J.A.C. 8:86 and renamed Medical Day Care Services by R.2001 d.5, effective January 2, 2001. See: 32 N.J.R. 3053(a), 33 N.J.R. 55(a).

Chapter 86, Medical Day Care Services, was renamed Adult and Pediatric Day Health Services; Subchapter 2, HCPCS Codes, was renamed Billing Codes; Appendices A, B, C, and D were repealed and adopted as new rules; Appendices E, F, and G were repealed; and Appendix H was recodified as Appendix E by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006). See: 36 N.J.R. 5262(a), 37 N.J.R. 385(b), 4968(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 86, Adult and Pediatric Day Health Services, was extended by gubernatorial directive from November 30, 2005 to November 30, 2006. See: 38 N.J.R. 294(c).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 86, Adult and Pediatric Day Health Services, was extended by gubernatorial directive from November 30, 2006 to May 30, 2007. See: 39 N.J.R. 104(a).

Chapter 86, Adult and Pediatric Day Health Services, was readopted as R.2008 d.1, effective November 26, 2007. See: Source and Effective Date. See, also, section annotations.

Chapter 86, Adult and Pediatric Day Health Services, was renamed Adult Day Health Services; and Appendix D, Health Insurance Claim Form, was repealed by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010). See: 40 N.J.R. 6328(a), 41 N.J.R. 4257(a).

Chapter 86 of Title 8, Adult Day Health Services, was recodified as Chapter 164 of Title 10 by administrative change, effective June 16, 2014. As a part of the recodification, administrative changes were made throughout concerning cross-references, agency names and addresses, and the elimination of text rendered redundant or moot by the transfer of authority. See: 46 N.J.R. 1643(a).

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(a) The Adult Day Health Services Program is concerned with the fulfillment of the health needs of eligible individuals who could benefit from a health services alternative to total institutionalization. Adult Day Health Services is a program that provides medically necessary services in an ambulatory care setting to individuals who are nonresidents of the facility, and who, due to their physical and/or cognitive impairment, require such services supportive to their community living.

(b) To be eligible for services through the Adult Day Health Services Program, an individual must satisfy the clinical eligibility and prior authorization requirements at N.J.A.C. 10:164-1.5 and either:

1. Have been determined to be eligible for Medicaid; or
2. Be enrolled in the Community Care Program for the Elderly and Disabled, the Caregiver Assistance Program, the Adult Family Care Program, Community Resources for People with Disabilities, the AIDS Community Care Alternatives Program, the Traumatic Brain Injury Program, the Home Care Expansion Program or the Jersey Assistance for Community Caregiving Program.

Amended by R.1994 d.427, effective August 15, 1994.

See: 26 N.J.R. 1427(a), 26 N.J.R. 3474(a).

Amended by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: 36 N.J.R. 5262(a), 37 N.J.R. 385(b), 4968(a).

Rewrote the section.

Amended by R.2008 d.1, effective January 7, 2008.

See: 39 N.J.R. 2424(a), 40 N.J.R. 177(a).

Section was "Purpose and scope". Rewrote (b).

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: 40 N.J.R. 6328(a), 41 N.J.R. 4257(a).

Deleted "and Pediatric" following "Adult" throughout; in (a), deleted the last sentence; and in (b)2, substituted "Program" for "program" following "Adult Family Care" and deleted "or the ABC Program for medically fragile children," following "Brain Injury Program,".

10:164-1.2 Definitions

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

"ACCAP" means the AIDS Community Care Alternative Program created pursuant to the Omnibus Budget Reconciliation Act of 1981.

"ADHS" means adult day health services.

"ADL" means an activity of daily living, from among the following list of six separate activities of daily living:

1. Bathing/dressing;
2. Toilet use;
3. Transfer;
4. Locomotion;
5. Bed mobility; and
6. Eating.

"Adult day health services beneficiary" or "beneficiary" means an individual who is a Medicaid beneficiary, pursuant to N.J.A.C. 10:49, an HCEP participant, or a JACC participant, who is eligible for adult day health services pursuant to N.J.A.C. 10:164-1.5. An adult beneficiary is at least 18 years of age.

"Adult day health services facility" means an identifiable part of a nursing facility, or a hospital-affiliated facility, or a freestanding ambulatory care facility or such other facility that is licensed by the Department in accordance with its Standards for Licensure of Adult Day Health Services Facilities, N.J.A.C. 8:43F, and that possesses a valid and current provider agreement from the Department.

"Advanced practice nurse" means an individual so certified by the New Jersey State Board of Nursing in accordance with N.J.S.A. 45:11-23 et seq.

"AFC" means the Adult Family Care program created pursuant to the Omnibus Reconciliation Act of 1981.

"CAP" means the Caregiver Assistance Program, a Medicaid Home and Community Based Program under the Enhanced Community Options Waiver, pursuant to N.J.A.C. 10:60-10.2.

"Department" means the State of New Jersey Department of Human Services.

"HCEP" means the Home Care Expansion Program established pursuant to N.J.S.A. 30:4E-5 et seq.

"HIV adult day health services facility" means an adult day health services facility that provides additional services to individuals with HIV infection in an identifiable and separate setting and that is licensed pursuant to N.J.A.C. 8:43A.

"JACC" means the Jersey Assistance for Community Caregiving Program, an ElderCare Initiative pursuant to the State of New Jersey Appropriations Act.

"Legally authorized representative" means a person or entity empowered by law, judicial order, power of attorney, or otherwise to make decisions on behalf of the beneficiary and includes a beneficiary's spouse, domestic partner, civil union partner, or immediate next-of-kin.

"Licensed practical nurse (LPN)" means an individual who is so licensed by the New Jersey State Board of Nursing, pursuant to N.J.S.A. 45:11-27.

"Limited assistance" means physical help in maneuvering of limbs or other non-weight-bearing assistance at least three times during the past three days.

"Medicaid" means medical assistance and health services provided under a State plan approved under Title XIX of the Social Security Act and administered in New Jersey pursuant to N.J.S.A. 30:4D-1 et seq. and N.J.A.C. 10:49.

"Medicaid beneficiary" means an individual who participates in the program for medical assistance, including Medicaid Waiver programs, authorized under Title XIX or Title XXI of the Social Security Act and administered jointly by the New Jersey Department of Health and Senior Services and the New Jersey Department of Human Services.