

CHAPTER 46C
WAITING LIST PROCEDURES

Authority

N.J.S.A. 30:4-25.6.

Source and Effective Date

R.2005 d.117, effective April 18, 2005.
See: 36 N.J.R. 5072(a), 37 N.J.R. 1186(b).

Chapter Expiration Date

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from April 18, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. See: 42 N.J.R. 1129(a).

Chapter Historical Note

Chapter 46C, Waiting List Procedures, was adopted by R.1995 d.197, effective April 17, 1995. See: 26 N.J.R. 1752(a), 26 N.J.R. 2756(a), 27 N.J.R. 1652(a).

Pursuant to Executive Order No. 66(1978), Chapter 46C, Waiting List Procedures, was readopted as R.1996 d.219, effective April 15, 1996. See: 28 N.J.R. 1177(a), 28 N.J.R. 2614(a).

Pursuant to Executive Order No. 66(1978), Chapter 46C, Waiting List Procedures, was readopted as R.2001 d.148, effective April 10, 2001. See: 33 N.J.R. 179(a), 33 N.J.R. 1378(a).

Chapter 46C, Waiting List Procedures, was repealed and Chapter 46C, Waiting List Procedures, was adopted as New Rules by R.2005 d.117, effective April 18, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. WAITING LIST PROCEDURES

10:46C-1.1 Purpose

(a) The purpose of this subchapter is to establish criteria and procedures for allocating limited residential and day program resources based on the relative needs of the individ-

uals waiting for community services. In accordance with the Developmentally Disabled Rights Act, N.J.S.A. 30:6D-1 et seq., such services shall be designed to maximize the developmental potential of the individual in a manner least restrictive of personal liberty.

(b) The availability of such services shall be limited to the Division's funding in a given fiscal year. The basis of this subchapter is to establish a means to prioritize placement needs when there are insufficient funds to provide the most appropriate residential or day program. The rules represent an administrative process for the allocation of scarce resources among many individuals with similar needs and circumstances.

(c) The waiting list assignment shall indicate only the priority need for a day program or residential placement. The assignment shall not reflect the specific type of service needed. The individual's need for placement changes over the course of the individual's life. The intent of the subchapter is not to establish specific services to be provided but to reflect only a general service need. Waiting list categories are general groupings based upon the level of priority. No specific numbered order is contained in any category. However, the date that the individual is assigned to a waiting list category shall be recorded.

Administrative correction.
See: 37 N.J.R. 2542(b).

10:46C-1.2 Scope

This subchapter applies to all adult individuals who are currently waiting for residential and day placement in community-based settings or who may request such services in the future. Specific rules which apply to children are set forth at N.J.A.C. 10:46C-1.9.

10:46C-1.3 Definitions

The words and terms in this subchapter shall have the following meanings unless the context clearly indicates otherwise.

“Behavioral supports” means those strategies contained in a written plan to address a difficult behavior. Behavioral supports include, but are not limited to, behavior modification techniques, out-of-home respite due to a difficult behavior and periodic psychiatric care.

“Caregiver” means an individual who is not a parent, spouse or child of an eligible person including, but not limited to, a sibling, grandparent, step family member, aunt, uncle, cousin, or legal guardian who, without monetary payment, cares for the eligible individual in his or her own home.

“Community based alternate living arrangement” means a community residence as defined in N.J.A.C. 10:44A or a community care home as defined in N.J.A.C. 10:44B.

“Community Services” means that component of the Division which provides intake, referral, and an array of community-based day and residential services. Community Services regional offices service four geographical areas of the State, which are: northern, upper central, lower central, and southern.

“Competitively employed” means paid work on a full-time or part-time basis in an integrated setting for which the individual is compensated in compliance with the Fair Labor Standards Act, 29 U.S.C §§ 201 et seq.

“Day program” means a Division funded service which addresses an individual’s need for daytime activities as described in the individual’s IHP.

“Department” means the Department of Human Services.

“Division” means the Division of Developmental Disabilities.

“Emergency day program placement” means the individual is placed in a day program which provides safety and supervision to the individual while in attendance but is not necessarily designed to meet the goals in the individual’s IHP.

“Emergency placement” means that placement which is made when the individual is homeless, or the Division cannot provide adequate alternate services in the existing situation to care for the individual safely and the Division has determined that there is no long-term placement available.

“Generic geographical location” means a general location, such as urban, suburban, or rural area.

“Guardian” means a person or agency appointed by a court of competent jurisdiction or otherwise legally authorized and responsible to act on behalf of a minor or incapacitated adult to assure provision for the health, safety, and welfare of the individual and to protect his or her rights. For the purpose of this subchapter, the term “guardian” shall also apply to a proposed guardian where a guardianship action is pending.

“Individual habilitation plan (IHP)” means a written plan of intervention and action that is developed by the interdisciplinary team. It specifies both the prioritized goals and objectives being pursued by each individual and the steps being taken to achieve them. It may identify a continuum of skill development that outlines progressive steps and the anticipated outcomes of services. The IHP is a single plan

that encompasses all relevant components, such as an education plan, a program plan, a rehabilitation plan, a treatment plan, and a health care plan. The complexity of the IHP will vary according to the needs, capabilities, and desires of the person. For an individual who has been determined by an Interdisciplinary Team to require active treatment, the IHP shall address all needs identified. For an individual who makes only specific service requests, the IHP shall be a service plan, which addresses only those specific requests.

“Intake team” means at least two staff, one of whom is an intake worker, who are responsible to determine if the eligibility criteria contained in N.J.A.C. 10:46 have been met.

“Interdisciplinary Team (IDT)” means an individually constituted group responsible for the development of a single, integrated IHP. The team shall consist of the individual receiving services, the individual’s parent or family member (if the adult desires that the parent or family member be present), legal guardian, those persons who work most directly with the individual served, and professionals and representatives of service areas relevant to the identification of the individual’s needs and the design and evaluation of programs to meet those needs.

“Long term placement” means placement which is anticipated to be of one year or longer duration.

“Medical needs” means the individual has a documented chronic or acute medical condition, which requires regular care to be provided to him or her.

“Physical support” means the individual requires daily, direct assistance in eating, ambulation, transferring between locations or toileting. Sleep disturbances which require the individual to be directly supervised while awake at night, would also be considered a physical support.

“Placement” means a waiver service as set forth at N.J.A.C. 10:46-1.2 that provides a residence to the individual or day services that are provided out of the residence.

“Placement review team (PRT)” means a group of Division employees, family members, and community volunteers who review requests for assignment to the priority category.

“Psychiatric care” means the person has a chronic need for periodic in-patient care in a psychiatric facility.