

**CHAPTER 46C**

**WAITING LIST PROCEDURES**

**Authority**  
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**SUBCHAPTER 1. GENERAL PROVISIONS**

**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 individuals waiting for community services. In accordance with the Developmentally Disabled Rights Act (N.J.S.A. 30:6B-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 urgency of need for day program or residential placement. The assignment shall not reflect the specific type of service needed. The person's need for placement changes over the course of a person'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 urgency. No specific numbered order is contained in any category. The date that the individual is assigned to a waiting list category shall be recorded.

**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. The rules shall apply to children only if the requirements for Category I or II as set forth in N.J.A.C. 10:48-4.4(b) and (c) are met.

**10:46C-1.3 Definitions**

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

“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.

“Department” means the Department of Human Services.

“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 serve four geographical areas of the State which are: northern, upper central, lower central and southern.

“Division” means the Division of Developmental Disabilities.

“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 outline 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.

“Placement Review Team (PRT)” means a team of professionals working directly with persons served or responsible to develop programs as well as other professional staff, as appropriate, within Community Services, other than the IDT. The PRT is an administrative function of the Division and is responsible to allocate scarce resources among many individuals with similar needs and circumstances. The PRT reviews changes in the waiting list category recommended by the intake team or determines the waiting list category when residential placement is requested by the legal guardian after admission to services. The PRT reviews the request to determine if the basis for the recommended change is appropriate. If the change is deemed to be appropriate, the PRT reviews the availability of an appropriate placement within the region, or in other regions. The PRT will advise the IDT and the individual of his or her legal guardian of the results of their review.

“Waiting list” means a roster of eligible developmentally disabled individuals waiting for community based services who are not currently receiving residential services, awaiting residential or day services while in placement from another funding source, or currently in a community placement and awaiting transfer to another community placement.

#### 10:46C-1.4 Waiting list assignment

(a) An individual eligible for functional services, for whom the most appropriate community residential or day program is not yet available, shall be assigned to one of the categories in (b) through (e) below.

(b) In assessing the criteria in (b)1 through 3 below, the age and health of the caregiver should be considered. Category I, Urgently in Need, shall be assigned if:

1. The individual poses a present risk of physical harm to self or others;
2. The individual is seriously regressing; or
3. The individual is at serious risk because of the imminent loss of the caregiver or because he or she is homeless, abused, or neglected.

(c) Category II, Can Benefit from Placement: Extended Waiting Will be Detrimental, shall be assigned if it appears likely that without services:

1. The individual will deteriorate to the point of becoming a danger to self or others; or
2. The individual will regress significantly.

(d) Category III, Can Benefit from Placement: Waiting is not Detrimental, shall be assigned when the individual can benefit from but none of the factors described in (b) or (c) above are present.

(e) Category IV, Residential Only, shall be assigned if:

1. The individual is an adult; and
2. The individual or his or her legal guardian has requested residential placement but it is not needed at this time.

(f) The individual or his or her legal guardian may request a revision of the category at any time.

#### 10:46C-1.5 Initial notification

(a) The initial waiting list assignment will be made by the person’s Intake Team if the individual is requesting placement at the time of initial application. When an individual is assigned to a category or when a person is reviewed for a change in the category, the results of the review will be forwarded to the individual, if competent, or his or her legal guardian within 14 days of the determination.

(b) The category and type of service requested shall be included in the cover sheet of the person’s IHP.

(c) The IHP may consist of a service plan when it is requested by the individual or his or her legal guardian. Instances where a service plan may be appropriate include, but are not limited to, instances where the individual requests only family support, supported employment, personal care and home adaptations. A comprehensive IHP shall be developed, if requested by the individual or legal guardian.

(d) The category shall be reviewed by the IDT no less than annually at the time of the IHP.

#### 10:46C-1.6 Procedure for adding to or changing the waiting list category

(a) The case manager shall discuss with the individual and his or her legal guardian, any changes in the circumstances of the individual. Any changes shall be recommended by the IDT. The competent individual or the legal guardian of an incompetent individual may request a review of the waiting list assignment by the IDT at any time.

(b) The case manager or his or her supervisor shall schedule a review with the PRT.

(c) At the scheduled time, the case manager or his or her supervisor shall make a presentation, verbal or written, regarding the individual and his or her particular situation. The case manager shall document and present prior interventions implemented to stabilize the individual in his or her current situation.

1. The individual or his or her legal guardian shall be invited, in writing, to present their views.
2. The individual or his or her legal guardian shall leave the meeting once they have presented their views.

(d) All recommendations made by an IDT regarding changes of an individual's waiting list status must be reviewed and approved by the PRT.

(e) A variety of options may be explored, depending upon the urgency of the situation.

1. The PRT may recommend a change in the waiting list status even if no placement is immediately available. Based on the urgency of the situation, immediate placement may be recommended.
2. Should the PRT decide that appropriate services are not available in the community, a recommendation for other services or placement may be made.

(f) Individuals referred from out-of-region are reviewed by the sending PRT and prioritized for placement. The receiving PRT will notify the sending PRT of any available placements.

(g) The chairperson of the PRT is responsible for notifying the IDT and the individual or his or her legal guardian, in writing within 30 days of a decision regarding the Waiting List status.

(h) Alternate means of communication shall be provided as needed.

**10:46C-1.7 Offers of services**

(a) When an individual is found eligible for functional services in accordance with the provisions of N.J.A.C. 10:46, the most appropriate service shall be identified. The IDT shall evaluate the needs and abilities of the individual at the time that a specific service is recommended.

(b) If an eligible individual cannot be admitted to the most appropriate service, he or she shall be offered an alternate service.

(c) The availability of a service shall be subject to the limits of the Division's funding resources for that Fiscal Year.

(d) The proximity of the individual to interested family or friends shall not be limited to the person's assigned region. An effort shall be made to find a placement close to the individual's interested family or friends.

(e) All offers of placement shall be made by telephone and followed up in writing with a request that the Division be notified within 14 calendar days if the placement is accepted. Alternate forms of communication shall be provided as appropriate.

1. The individual served or her or his legal guardian shall be asked to give a written response to the offer.
2. If no response is received, Division staff shall contact the individual or his or her legal guardian in person, where appropriate, or by telephone to elicit a response. That response shall be confirmed by the Division in writing. Two attempts at such contact should be made.
3. If there is no response to the written offer and the individual or legal guardian cannot be reached by telephone, the offer shall be deemed to be declined. The Division staff shall write to the individual or legal guardian, confirming the Division's efforts to obtain a response and shall indicate that the offer is deemed to have been declined.

(f) If the individual is assigned to Category I and an offer of placement is made and refused, Division shall review the reasons for rejecting the offer with the individual or legal guardian to identify what needs were not met by the offered placement and to determine if the individual is assigned to the appropriate category.

**10:46C-1.8 Appeals**

(a) If an individual or legal guardian disagrees with the categorization or the service offered, that decision may be appealed in accordance with N.J.A.C. 10:48-1.

(b) Upon the initial determination and each determination made thereafter, the individual or legal guardian shall be informed in writing that they have the right to appeal the categorization or the appropriateness of the services to be provided. With each notification, the individual or his or her legal guardian shall be provided with a description of the appeals procedure. Alternate forms of communication shall be provided, as appropriate.