

**CHAPTER 92****ADULT DAY SERVICES PROGRAM FOR PERSONS WITH ALZHEIMER'S DISEASE OR RELATED DISORDERS****Authority**

N.J.S.A. 26:2M-1 et seq., specifically, 26:2M-9 and 26:2M-15; and Reorganization Plan No. 001-1996.

**Source and Effective Date**

R.2006 d.380, effective September 29, 2006.  
See: 38 N.J.R. 2365(a), 38 N.J.R. 4694(a).

**Chapter Expiration Date**

Chapter 92, Adult Day Services Program for Persons with Alzheimer's Disease or Related Disorders, expires on September 29, 2011.

**Chapter Historical Note**

Chapter 92, Adult Day Services Program for Persons with Alzheimer's Disease or Related Disorders, was adopted as R.2001 d.130, effective April 16, 2001. See: 32 N.J.R. 3371(a), 33 N.J.R. 1197(a).

Chapter 92, Adult Day Services Program for Persons with Alzheimer's Disease or Related Disorders, was readopted as R.2006 d.380, effective September 29, 2006. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. GENERAL PROVISIONS**

- 8:92-1.1 Purpose
- 8:92-1.2 Scope
- 8:92-1.3 Target population; prioritizing target individuals
- 8:92-1.4 Definitions

**SUBCHAPTER 2. ADMINISTRATIVE ORGANIZATION**

- 8:92-2.1 Department of Health and Senior Services

**SUBCHAPTER 3. APPLICATION PROCESS AND RESPONSIBILITIES OF AGENCIES**

- 8:92-3.1 General provisions
- 8:92-3.2 Funding requirements
- 8:92-3.3 Responsibilities of participating agencies

**SUBCHAPTER 4. SERVICES FOR CLIENTS AND FAMILIES**

- 8:92-4.1 Scope of services or required services

**SUBCHAPTER 5. APPLICATION PROCESS FOR CLIENTS**

- 8:92-5.1 General provisions
- 8:92-5.2 Authorized agent
- 8:92-5.3 Responsibilities in the application process

**SUBCHAPTER 6. ELIGIBILITY**

- 8:92-6.1 Eligibility standards
- 8:92-6.2 Confidentiality and disclosure of information
- 8:92-6.3 Primary and secondary payment

**SUBCHAPTER 7. APPEALS**

- 8:92-7.1 Appeals process

**SUBCHAPTER 1. GENERAL PROVISIONS****8:92-1.1 Purpose**

Pursuant to N.J.S.A. 26:2M-9 et seq., the Department of Health and Senior Services intends the Adult Day Services Program for Persons with Alzheimer's Disease or Related Disorders to provide relief and support to family caregivers of a person with Alzheimer's disease or a related disorder through the provision of subsidized adult day services.

**8:92-1.2 Scope**

The rules in this chapter are applicable to social adult day agencies and adult day health services facilities licensed by the Department that are operating under a Letter of Agreement with this Department. Adult day health services facilities must also abide by standards outlined in N.J.A.C. 8:43F.

Amended by R.2006 d.380, effective November 6, 2006.  
See: 38 N.J.R. 2365(a), 38 N.J.R. 4694(a).

Substituted "adult day health services facilities" for "medical adult day health service agencies" and "Adult day health services facilities" for "Medical adult day health service agencies".

**8:92-1.3 Target population; prioritizing target individuals**

(a) The target population is limited to those individuals who have a diagnosis of Alzheimer's disease or a related dementia.

(b) Priority shall be given to those individuals in moderate to severe ranges of disability.

**8:92-1.4 Definitions**

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

"Administrative costs" means expenses an agency incurs in support of the day-to-day functioning of the agency's participating adult day services sites such as salaries and benefits for administrative positions; office rent and utilities; and fees for legal, accounting, bookkeeping, and auditing services, and excludes expenses the agency incurs for the provision of direct services to clients and advertising.

"Adult day services" means a community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care structured to provide a variety of health, social and related supportive services in a protective setting during any part of a day, but less than 24 hours.

“Advertising costs” means the costs an agency incurs for advertising media such as magazines, newspapers, radio, television, direct mail, exhibits, electronic or computer transmittals, which are dedicated to either:

1. The recruitment of clients; or
2. The recruitment of personnel for the agency’s participating adult day services sites, as required by the agency in order to comply with the rules set forth in this chapter.

“Agency” means an adult day services program, either public or private, nonprofit or proprietary, which contracts with the Department of Health and Senior Services for the provision of services under this program.

“Applicant” means a person for whom an application for services under this program is made.

“Authorized agent” means a person who is initiating an application for services under this program on behalf of a potential client as described in N.J.A.C. 8:92-5.2.

“Caregiver” means a spouse, parent, child, relative, or other person who is 18 years of age or older and who has the primary responsibility of providing daily care for the client and who does not receive financial remuneration for the care.

“Care plan” means an interdisciplinary written plan of services designed to provide the client with appropriate services and treatment in accordance with his or her assessed needs.

“Client” means an individual receiving services under this program.

“Co-payment” means financial participation in service costs by the client according to a sliding fee scale approved by the Department (see N.J.A.C. 8:92-3.2(a)).

“Department” means the New Jersey Department of Health and Senior Services.

“Liquid resources” means assets that can be converted to cash within 20 working days, including savings accounts, stocks, bonds, certificate of deposits (CD) and life insurance policies which have a cash surrender value and annuities which can be liquidated without incurring heavy penalties and tax payments.

“Total program operating budget” means:

1. An itemized listing of an agency’s participating adult day services sites’ funding sources and monetary amounts that the agency received during its most recent complete fiscal year; and
2. An itemized listing of an agency’s participating adult day services sites’ costs and expenses that the agency incurred during its most recent complete fiscal year that were ordinary and necessary for the provision of direct services to clients, excluding administrative and advertising costs.

Amended by R.2006 d.380, effective November 6, 2006.  
See: 38 N.J.R. 2365(a), 38 N.J.R. 4694(a).

Added definitions “Administrative costs”, “Advertising costs” and “Total program operating budget”.

## SUBCHAPTER 2. ADMINISTRATIVE ORGANIZATION

### 8:92-2.1 Department of Health and Senior Services

The Department of Health and Senior Services is the administrative unit of State government which has control over the administration of the Adult Day Services Program for Persons with Alzheimer’s Disease or Related Disorders. Under the terms of N.J.S.A. 26:2M-9 et seq., the Department is responsible for the general policies governing administration of the Adult Day Services Program for Persons with Alzheimer’s Disease or Related Disorders, for effecting the issuance of rules and procedures in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) for implementing the statutory provisions and for Statewide coordination of the program.

## SUBCHAPTER 3. APPLICATION PROCESS AND RESPONSIBILITIES OF AGENCIES

### 8:92-3.1 General provisions

An agency interested in participating in the program shall provide supportive documentation describing its existing program and services to persons with a form of dementia and their families. The application must include the agency’s cost proposal, statement of need, goals and objectives, staffing, programming, revenue projection, census data and operating budget.

### 8:92-3.2 Funding requirements

(a) The agency shall submit a cost proposal, which shall itemize all costs incurred in the operation of the agency, with supportive documentation. No more than 15 percent of the total program operating budget shall be allowed for administrative costs and no more than one percent of the total program operating budget shall be allowed for advertising costs. The Department shall analyze the cost proposal and contrast costs with comparable facilities within their region to determine the agency’s allowable cost per unit of service. The Department shall reimburse from 20 percent to 75 percent of the agency’s allowable costs.

(b) For clients whose income falls below 300 percent of SSI, the Department shall pay 75 percent of the agency’s allowable costs. The agency shall obtain up to the remaining 25 percent of the agency’s allowable costs (not reimbursed by the Department) from other sources such as donations, foundation funds, or from the client’s families or funds in accordance with the sliding fee scale developed in accordance with the table in (c) below. The amount of the center’s per