

CHAPTER 7
ROLE OF THE COUNTY ADJUSTER

Authority

N.J.S.A. 30:1-12.

Source and Effective Date

R.2003 d.96, effective January 31, 2003.
See: 34 N.J.R. 3181(a), 35 N.J.R. 1276(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 7, Role of the County Adjuster, expires on July 29, 2008. See: 39 N.J.R. 5175(a).

Chapter Historical Note

Chapter 7, Role of the County Adjuster, was adopted as R.1992 d.31, effective January 21, 1992. See: 23 N.J.R. 2953(a), 24 N.J.R. 278(a).

Pursuant to Executive Order No. 66(1978), Chapter 7, Role of the County Adjuster, expired on January 21, 1997.

Chapter 7, Role of the County Adjuster, was adopted as new rules by R.1999 d.280, effective August 16, 1999. See: 31 N.J.R. 989(a), 31 N.J.R. 2404(a).

Chapter 7, Role of the County Adjuster, was readopted as R.2003 d.96, effective January 31, 2003. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:7-1.1 Purpose and scope

(a) In accordance with P.L. 1990, c.73, approved July 17, 1990, the Department of Human Services (DHS), Office of Finance, promulgates these rules governing the role of the county adjuster. The promulgation of these rules shall assure that the role of each county adjuster is standardized and carried out in an effective and efficient manner.

(b) These rules on the role of the county adjuster apply to the county adjusters of the 21 counties of the State of New Jersey.

(c) The rules, on the role of the county adjuster, relating to the Administrative Office of the Courts (AOC), have been written utilizing the Civil Practice Rules 4:74-7 and 4:74-7A, Civil Commitment, current during 2006. Should these civil commitment rules be changed in the future, the latest effective Civil Practice Rules 4:74-7 and 4:74-7A, Civil Commitment, shall supercede these rules, where appropriate.

Amended by R.2003 d.96, effective March 3, 2003.
See: 34 N.J.R. 3181(a), 35 N.J.R. 1276(a).

In (c), substituted "2002" for "1999".
Amended by R.2007 d.71, effective March 5, 2007.
See: 38 N.J.R. 1978(a), 39 N.J.R. 772(b).
In (c), substituted "2006" for "2002".

SUBCHAPTER 2. DEFINITIONS

10:7-2.1 Definitions

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

"Agency" means a Division, institution, facility, or organizational unit within the DHS.

"Amended order" means a superior court order changing the terms of a court order.

"Charitable institution" means, for purposes of these rules, a facility which receives public funds to support the individuals it serves, such as a county nursing home. It does not include, for example, privately owned/operated nursing homes, residential healthcare facilities, or boarding homes.

"Charity care fee scale" means the progressive scale, which incorporates specific asset and income eligibility standards, as

described as N.J.A.C. 10:7-4.2, specifically N.J.A.C. 10:7-4.2(c), to determine a client's or a legally responsible relative's percentage of payment responsibility for a specific hospitalization.

"Chief executive officer" means the highest ranking official in a State agency or county psychiatric facility.

"Client" means an individual receiving services from the DHS or the county psychiatric facilities.

"Commissioner" means, unless otherwise specified, the Commissioner of the DHS.

"Compromise" means a decision made by the Office of the Commissioner as authorized by N.J.S.A. 30:4-77, N.J.S.A. 30:4-80.6 and P.L. 2005, c. 55, to: satisfy any debt due to a State agency or county psychiatric facility, as appropriate, by accepting less than the amount owed; or release all or part of the assets subject to a lien claim for the use or benefit of the client or his or her dependents, heirs or assignees. A compromise is not necessary for the release of a lien claim if a partial payment is made that constitutes the final distributive share to a creditor (the Department or county) from the estate of a deceased client. (N.J.S.A. 30:4-80.6)

"Compromise offer" means a written offer by or on behalf of a client or former client to: satisfy any debt due to a State agency or county psychiatric facility by offering less than the amount owed; or release all or part of the assets subject to a lien claim for the use or benefit of the client or his/her dependents, heirs, or assignees. Compromise offers can also be made by or on behalf of legally responsible relatives (LRR) to satisfy any unpaid debts the LRR is obligated to pay, as substantiated by a court order, for the care and maintenance of a client or former client, in accordance with N.J.S.A. 30:4-80.6 and N.J.A.C. 10:7-6.2.

"County adjuster" means the county official charged with the responsibility for determining the psychiatric client's financial ability to pay the DHS psychiatric agency and/or the county psychiatric facility for the cost of care and maintenance. The individual is also responsible for filing a petition with the court to determine the client's legal settlement and provision for payment of the client's expense for care and treatment. This petition shall be accompanied by a report stating the results of the county adjuster's investigation and recommendations on this matter, as required by R. 4:74-7(i). The use of this term in these rules shall mean the county adjuster or county designee.

"County bills" means the monthly State charges to the counties for their share of care and maintenance costs for services provided by the various DHS agencies to county chargeable clients.

"County of admission/commitment" means the county where the client was admitted/committed from to a short-term care facility, psychiatric facility or special psychiatric hospital

or where a voluntary client is admitted to a facility for treatment, including DDD clients.

"County per diem rate" means the daily per capita rate established for each State agency, set annually by the State House Commission, and used to charge counties for their share of the cost of care and maintenance for clients with county settlement in State operated facilities, in accordance with N.J.S.A. 30:4-78.

"County psychiatric facility" means a county operated psychiatric facility which participates in the State Aid Program of the New Jersey Division of Mental Health and Services (DMHS).

"Court order" means a legal document issued by the superior court that authorizes the admission/commitment/discharge of a client and specifies financial liability and/or legal settlement of the client.

"Crime victim" is a person who suffers personal, physical or psychological injury or death or incurs loss or injury to personal or real property as a result of a crime committed against that person. Victim also includes the nearest relative of the victim of a homicide. (N.J.S.A. 52:4B-37)

"Crime victim exemption status" is the status assigned to a crime victim as defined above who qualifies under P.L. 2001, c.208 as eligible for an exemption from the financial assessment process as a legally responsible relative for the client's cost of care and maintenance.

"Department" (DHS) means the Department of Human Services or one of its agencies.

"Discharge of lien" means the legal document through which a lien is removed from county or State Superior Court records.

"Division of Developmental Disabilities" (DDD) means a division of the DHS which administers the State developmental centers, provides special residential facilities, and supplies social services for the developmentally disabled.

"Division of Mental Health Services" (DMHS) means a division within the Department of Human Services which establishes Statewide policy and coordination regarding the delivery of mental health services, operates the State psychiatric hospitals, and contracts with community-based mental health providers for direct services.

"DMAHS" means the Division of Medical Assistance and Health Services, the division within the Department of Human Services which administers the State Medicaid program.

"Incompetent to stand trial" (IST), or pending such status, means a client who has been adjudicated incompetent to stand trial or is being examined for competency to stand trial.