

CHAPTER 37

COMMUNITY MENTAL HEALTH SERVICES ACT

Authority

N.J.S.A. 30:9A-10 and 21.

Source and Effective Date

R.2001 d.212, effective July 2, 2001.
See: 32 N.J.R. 2013(a), 33 N.J.R. 2310(a).

Chapter Expiration Date

Chapter 37, Community Mental Health Services Act, expires on July 2, 2006.

Chapter Historical Note

Chapter 37, Community Mental Health Services Act, was adopted and became effective prior to September 30, 1969.

Subchapter 12, Conditions Governing State Grants for Construction Assistance for Community Mental Health Facilities, was adopted as new rules by R.1977 d.482, effective December 23, 1977. See: 9 N.J.R. 531(a), 10 N.J.R. 63(d).

Chapter 37, Community Mental Health Services Act, was repealed and Chapter 37, Community Mental Health Services Act, was adopted as new rules by R.1980 d.479, effective November 3, 1980. See: 12 N.J.R. 580(a), 12 N.J.R. 704(g).

Pursuant to Executive Order No. 66(1978), Chapter 37, Community Mental Health Services Act, was readopted as R.1985 d.605, effective November 4, 1985. See: 17 N.J.R. 2222(a), 17 N.J.R. 2894(a).

Pursuant to Executive Order No. 66(1978), Chapter 37, Community Mental Health Services Act, was readopted as R.1990 d.591, effective November 2, 1990. See: 22 N.J.R. 2915(a), 22 N.J.R. 3620(a).

Subchapter 12, Children's Partial Care Programs, was adopted as new rules by R.1993 d.355, effective July 19, 1993. See: 25 N.J.R. 669(a), 25 N.J.R. 3209(a).

Subchapter 9, Quality Assurance, and Subchapter 10, Site Review and Certification, were adopted as new rules by R.1993 d.412, effective August 16, 1993. See: 25 N.J.R. 2193(a), 25 N.J.R. 3782(a).

Pursuant to Executive Order No. 66(1978), Chapter 37, Community Mental Health Services Act, was readopted as R.1995 d.596, effective October 26, 1995. See: 27 N.J.R. 2666(a), 27 N.J.R. 4715(a). Pursuant to Executive Order No. 66(1978), Chapter 37, Community Mental Health Services Act, expired on October 26, 2000.

Chapter 37, Community Mental Health Services Act, was adopted as new rules by R.2001 d.212, effective July 2, 2001, with Subchapter 10, Licensure of Mental Health Programs, replacing expired Subchapter 10, Site Review and Certification. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. INTRODUCTION AND PURPOSE

- 10:37-1.1 Introduction and purpose
- 10:37-1.2 Scope

SUBCHAPTER 2. STATE COMMUNITY MENTAL HEALTH CITIZENS ADVISORY BOARD

- 10:37-2.1 Membership
- 10:37-2.2 Functions
- 10:37-2.3 Power to establish committees

- 10:37-2.4 Scope of authority

SUBCHAPTER 3. COUNTY MENTAL HEALTH BOARDS

- 10:37-3.1 Establishment and composition
- 10:37-3.2 Membership
- 10:37-3.3 Attendance
- 10:37-3.4 Conflicts of interest
- 10:37-3.5 Roles, functions, and responsibilities
- 10:37-3.6 Professional Advisory Committee (PAC)
- 10:37-3.7 County Mental Health Administrators
- 10:37-3.8 Reimbursement
- 10:37-3.9 County administration of services

SUBCHAPTER 4. CONSUMER REQUIREMENTS FOR ALL COMMUNITY MENTAL HEALTH PROGRAM ELEMENTS

- 10:37-4.1 Direct involvement
- 10:37-4.2 Designated responsibility of agencies
- 10:37-4.3 Designated responsibilities of County Mental Health Boards
- 10:37-4.4 Designated responsibilities of State Community Mental Health Citizens' Advisory Board
- 10:37-4.5 Client rights
- 10:37-4.6 Client complaint/agency ombuds procedure

SUBCHAPTER 5. PROGRAM ELEMENT REQUIREMENTS

- 10:37-5.1 Funding priorities
- 10:37-5.2 Target populations
- 10:37-5.3 through 10:37-5.53 (Reserved)
- 10:37-5.54 Scope and purpose
- 10:37-5.55 Designation of responsibility
- 10:37-5.56 Funding requirements
- 10:37-5.57 Population priorities
- 10:37-5.58 Services to be provided
- 10:37-5.59 Service approaches
- 10:37-5.60 Staff
- 10:37-5.61 Setting
- 10:37-5.62 Length of stay
- 10:37-5.63 through 10:37-5.64 (Reserved)
- 10:37-5.65 Scope and purpose
- 10:37-5.66 Designation of responsibility
- 10:37-5.67 Funding requirements
- 10:37-5.68 Target agencies and populations
- 10:37-5.69 Services
- 10:37-5.70 Staff
- 10:37-5.71 Setting
- 10:37-5.72 through 10:37-5.73 (Reserved)
- 10:37-5.74 Scope and purpose
- 10:37-5.75 Designation of responsibility
- 10:37-5.76 Funding requirements
- 10:37-5.77 Population priorities
- 10:37-5.78 Services
- 10:37-5.79 Staff
- 10:37-5.80 Setting

SUBCHAPTER 6. GENERAL ADMINISTRATIVE REQUIREMENTS FOR ALL STATE-FUNDED COMMUNITY MENTAL HEALTH PROGRAM ELEMENTS

- 10:37-6.1 through 10:37-6.12 (Reserved)
- 10:37-6.13 Compliance requirements
- 10:37-6.14 Waiver
- 10:37-6.15 Appeals
- 10:37-6.16 through 10:37-6.18 (Reserved)
- 10:37-6.19 Scope and purpose
- 10:37-6.20 Specific requirements

- 10:37-6.21 Necessary community involvement
- 10:37-6.22 through 10:37-6.41 (Reserved)
- 10:37-6.42 Scope and purpose
- 10:37-6.43 Designation of responsibility
- 10:37-6.44 Required content
- 10:37-6.45 Required review and modification
- 10:37-6.46 through 10:37-6.48 (Reserved)
- 10:37-6.49 Least restrictive setting
- 10:37-6.50 through 10:37-6.52 (Reserved)
- 10:37-6.53 Medication education and counseling
- 10:37-6.54 Psychotropic medication
- 10:37-6.55 through 10:37-6.72 (Reserved)
- 10:37-6.73 Scope and purpose
- 10:37-6.74 Required contents for all records
- 10:37-6.75 Inpatients records: supplementary content requirements
- 10:37-6.76 Policies and procedures regarding recordkeeping
- 10:37-6.77 Retention of records
- 10:37-6.78 Record departments
- 10:37-6.79 Confidentiality of records
- 10:37-6.80 through 10:37-6.82 (Reserved)
- 10:37-6.83 Scope and purpose
- 10:37-6.84 Designation of responsibility
- 10:37-6.85 through 10:37-6.87 (Reserved)
- 10:37-6.88 Services requiring prior approval
- 10:37-6.89 through 10:37-6.98 (Reserved)
- 10:37-6.99 Training and staff development
- 10:37-6.100 through 10:37-6.102 (Reserved)
- 10:37-6.103 Scope and purpose
- 10:37-6.104 Designation of responsibility
- 10:37-6.105 through 10:37-6.107 (Reserved)
- 10:37-6.108 Unusual incident reporting system

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 8. CONDITIONS GOVERNING STATE GRANTS FOR CONSTRUCTION ASSISTANCE FOR COMMUNITY MENTAL HEALTH FACILITIES

- 10:37-8.1 Scope and purpose
- 10:37-8.2 Definitions
- 10:37-8.3 Program priorities
- 10:37-8.4 Capital construction priorities and local matching requirements
- 10:37-8.5 Eligible agencies
- 10:37-8.6 Allowable costs
- 10:37-8.7 Applicable procedure
- 10:37-8.8 Condition
- 10:37-8.9 State approval
- 10:37-8.10 Interim inspections
- 10:37-8.11 Payment schedules
- 10:37-8.12 Records and reports
- 10:37-8.13 Contract property

SUBCHAPTER 9. QUALITY ASSURANCE

- 10:37-9.1 Introduction
- 10:37-9.2 Scope and purpose
- 10:37-9.3 Definitions
- 10:37-9.4 Quality assurance (QA) plan
- 10:37-9.5 Quality assurance (QA) implementation
- 10:37-9.6 Administrative support
- 10:37-9.7 Quality assurance (QA) oversight
- 10:37-9.8 Utilization review (UR)
- 10:37-9.9 Risk management (RM)
- 10:37-9.10 Annual appraisal

SUBCHAPTER 10. LICENSURE OF MENTAL HEALTH PROGRAMS

- 10:37-10.1 Scope and purpose

- 10:37-10.2 Definitions
- 10:37-10.3 (Reserved)
- 10:37-10.4 Licensure process
- 10:37-10.5 Licensure fee schedule for ambulatory mental health programs
- 10:37-10.6 Applicable standards
- 10:37-10.7 Site reviews
- 10:37-10.8 Types of licensure
- 10:37-10.9 Waiver
- 10:37-10.10 License renewal or revocation
- 10:37-10.11 Review of administrative determinations
- 10:37-10.12 Administrative hearing of appeal

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. CHILDREN'S PARTIAL CARE PROGRAMS

- 10:37-12.1 Purpose, scope and goals
- 10:37-12.2 Definitions
- 10:37-12.3 Population to be served
- 10:37-12.4 Program services
- 10:37-12.5 Age appropriate services
- 10:37-12.6 Admission
- 10:37-12.7 Intake
- 10:37-12.8 Service plan
- 10:37-12.9 Progress notes
- 10:37-12.10 Termination, discharge, and referral
- 10:37-12.11 Staffing requirements
- 10:37-12.12 Staffing responsibilities

APPENDIX A. CONTINUUM OF MENTAL HEALTH SETTINGS

APPENDIX B. LEVEL I STANDARDS

SUBCHAPTER 1. INTRODUCTION AND PURPOSE

10:37-1.1 Introduction and purpose

(a) Since the enactment of the Community Mental Health Services Act in 1957, there has been a broad expansion of public funding sources administered by the State and utilized to support community mental health services. In addition to grant-in-aid, there are funds from Title XX of the Federal Social Security Act, State Community Care and Screening purchase of service contracts, the State Capital Improvement Program and two State-funded demonstration community mental health centers. This amended chapter represents an integration of these multiple funding sources and the minimal requirements that are applicable to all of them. These requirements are conceptually based upon the Division's four operating principles: Normalization, Level of Functioning, Advocacy and Unified Services, which are described in a companion document titled "Principal Statement." Within the context of these principles, however, the Division encourages innovative implementation and a variety of comprehensive service models, developed in response to local needs and talents.