

CHAPTER 93
ADAPTIVE LIVING SKILLS SERVICES

Authority

N.J.S.A. 30:6-1 et seq.

Source and Effective Date

R.2006 d.53, effective January 5, 2006.
See: 37 N.J.R. 3777(a), 38 N.J.R. 968(a).

Chapter Expiration Date

Chapter 93, Adaptive Living Skills Services, expires on January 5, 2011.

Chapter Historical Note

Chapter 93, Adaptive Living Skills Services, was adopted as new rules by R.1996 d.8, effective January 2, 1996. See: 27 N.J.R. 3670(a), 28 N.J.R. 187(a).

Pursuant to Executive Order 66(1978), Chapter 93, Adaptive Living Skills Services, was readopted as R.2000 d.502, effective November 20, 2000. See: 32 N.J.R. 3209(a), 32 N.J.R. 4465(a).

Chapter 93, Adaptive Living Skills Services, was readopted by R.2006 d.53, effective January 5, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. SCOPE OF ADAPTIVE LIVING SKILLS SERVICES

10:93-1.1 Adaptive living skills services

(a) Social casework, orientation and mobility and home instruction services shall be available to all eligible clients and are based on the availability of staff, community and fiscal resources.

(b) Social casework, orientation and mobility and home instruction services described in this chapter shall be made available to the public and other interested parties and groups by Commission staff for the purpose of educating individuals about blindness and visual impairment, the services of the Commission and the use of specialized equipment. The provision of these services shall be based on the availability of staff and fiscal resources.

10:93-1.2 Social casework services

Assigned caseworkers visit blind and visually impaired individuals in their homes or other mutually agreed upon locations to assess needs, determine eligibility for service and evaluate and address an individual's circumstances including socio-economic factors, medical, housing and emergency needs (see N.J.A.C. 10:93-2).

10:93-1.3 Orientation and mobility services

Orientation and mobility instructors provide evaluation and instruction in independent travel techniques to blind and visually impaired individuals. These services may be rendered in the individual's home, or other mutually agreed upon locations, using appropriate travel aides. The goal is to enable blind and visually impaired individuals to travel safely and independently (see N.J.A.C. 10:93-3).

10:93-1.4 Home instruction services

Home instructors work with blind and visually impaired individuals in their homes or other mutually agreed upon locations to assess needs as related to visual problems and offer adjustment counseling to clients and family members. Home instructors provide instruction in home management skills, activities of daily living, usage of specialized equipment, communication skills, such as braille and keyboarding, and may provide leisure time activities. The goal of these services is to assist clients to function safely and independently (see N.J.A.C. 10:93-4).

Amended by R.2006 d.53, effective February 6, 2006.
See: 37 N.J.R. 3777(a), 38 N.J.R. 968(a).

Deleted "typing", added "keyboarding", and added "may provide" preceding "leisure".

SUBCHAPTER 2. SOCIAL CASEWORK SERVICES

10:93-2.1 General purpose

Social casework services are designed to assess the personal and social service needs of clients, inform clients of available Commission and community resources, and provide and/or coordinate the appropriate services to meet identified needs.

10:93-2.2 Eligibility criteria

Social casework services shall be available to any client who expresses or demonstrates needs related to social services. These services, provided by an assigned caseworker, shall also be available to new referrals in need of comprehensive assessments to determine how the Commission can best serve them. All clients shall meet the eligibility and residency requirements as specified in N.J.A.C. 10:91-2.1 and 2.5.

10:93-2.3 Scope of services

(a) Services offered to individuals are:

1. Assess individual client needs and the availability of community resources that address the needs;
2. Develop an individual service plan, jointly with a client, list the services to be delivered and implement the service plan to meet client needs and goals;
3. Develop a community support network, whenever possible, geared to meet the social service needs of the client by establishing linkages with appropriate and available community service providers; and
4. Oversee the provision of services and outcomes to insure that services are appropriate and client needs are met.

SUBCHAPTER 3. ORIENTATION AND MOBILITY SERVICES

10:93-3.1 General purpose

Orientation and mobility services are designed to teach methods for safe, independent indoor and/or outdoor travel emphasizing environmental awareness, training in the use of other senses and utilization of remaining vision. The purpose of these services shall be to enable clients who are capable of benefiting from these services, based on an evaluation of a client's ability or potential to learn orientation and mobility skills, to be appropriately oriented and to travel on their own to and around their workplaces, schools, places of residence and communities.

10:93-3.2 Eligibility criteria

(a) Instruction by specialists in orientation and mobility skills shall be provided to preschoolers, students and adults who meet the established visual and residency criteria (see N.J.A.C. 10:91-2.1 and 2.5).

(b) Out-of-State residents, resident and non-resident aliens who meet the eligibility standards shall be eligible for orientation and mobility services (see N.J.A.C. 10:91-2.1 and 2.5).

10:93-3.3 Scope of services

(a) Instructional services shall be provided to assist an individual to achieve specific, long and short-term objectives, such as:

1. General instruction in independent travel techniques;
2. Going to school or work and returning home;
3. Becoming oriented to a new school or job; or
4. Crossing streets or using a particular mode of transportation.

(b) Services shall cease when the objective is achieved or when the instructor has determined that the individual cannot currently achieve the skill. This determination will be based on the instructors' observations of client motivation, ability to undertake assigned tasks and to benefit from continued instruction.

(c) When the instructor has determined that the individual cannot currently achieve the skill, the client, parent and/or guardian will be so advised and instruction shall stop.

10:93-3.4 Provision of equipment

(a) The following equipment shall be provided to clients receiving orientation and mobility services, at no cost to clients, on a one time basis:

1. A folding cane;
2. An auto-support/identification cane; and
3. Noir glasses.

(b) Equipment which replaces items previously provided to a client shall be the responsibility of a client to purchase.

(c) If a client is financially unable to purchase a replacement item, he or she is eligible to apply to the Client Assistance Fund (see N.J.A.C. 10:91-4.3(p)).

(d) Electronic aids, devices and equipment such as laser canes and electronic sensors, may be purchased for a client, where such aids offer a demonstrable advantage in terms of safety and performance and when the financial need standard is met (see N.J.A.C. 10:91-3). This determination shall be made by the assigned orientation and mobility instructor.

(e) Non-electronic aids, devices and equipment used by a client to assist with traveling or orientation may be purchased for a client based on an evaluation, by an orientation and mobility instructor, which determines that such items will benefit a client. The financial need standard applies to all but the initial purchase of equipment as specified in (a) above (see N.J.A.C. 10:91-3).

Amended by R.2006 d.53, effective February 6, 2006.
See: 37 N.J.R. 3777(a), 38 N.J.R. 968(a).

In (d), substituted "electronic sensors" for "Mowat sensors."

SUBCHAPTER 4. HOME INSTRUCTION SERVICES

10:93-4.1 General purpose

Home instruction services are designed to provide counseling and instruction in the techniques of daily living. The purpose of these services shall be to help clients accommodate to their visual loss and to acquire the needed skill to function independently.

10:93-4.2 Eligibility criteria

Instruction by home instructors in the techniques of daily living skills shall be provided to those individuals who meet the eligibility criteria as specified in N.J.A.C. 10:91-2.1 and 2.5.

10:93-4.3 Scope of services

(a) Services offered to individuals or groups of individuals include:

1. Instruction in the techniques of home management, such as cleaning activities, laundry, sewing, meal preparation, marketing, and household activities;
2. Instruction in communication skills, such as reading and writing braille, typewriting, operation of adaptive and recording equipment, telephone dialing, and script writing;
3. Instruction in child care activities;
4. Instructions in leisure activities such as arts and crafts, hand and machine sewing, and leather craft;
5. Instruction in personal management such as personal hygiene and grooming; or
6. Training in the use of equipment, appliances and special devices.

(b) In-service training may be given by Commission staff, based on the availability of staff, to community agencies, programs, and organizations to enable their staff to work more effectively with a blind or visually impaired individual or groups of blind and visually impaired individuals.

(c) Home instructors provide services to clients in their homes or other mutually agreed upon places of instruction.

10:93-4.4 Provision of independent living aids equipment

(a) The Commission may purchase for clients appropriate independent living aids and devices following an assessment by a home instructor of clients' needs and potential for safely and effectively performing the required activities of daily living.

(b) Purchases of independent living aids and devices shall be subject to the financial need standard (see N.J.A.C. 10:91-3).

(c) Equipment which replaces independent living aids and devices previously provided to a client shall be the responsibility of a client to purchase.

(d) If a client is financially unable to purchase a replacement independent living aid or device, he or she is eligible to apply to the Client Assistance Fund (see N.J.A.C. 10:91-4.3(p)).

10:93-4.5 Low cost giveaway equipment

(a) The following items shall be considered to be low cost giveaway equipment and may be furnished to eligible clients, based on availability and need for an item, at no cost for use in accomplishing daily living tasks safely and effectively:

1. Signature guides;
2. Slate and stylus, regular and jumbo dot;
3. Self-threading needle;
4. Needle threader; and
5. Spread-eye needle.

(b) The equipment listed in (a) above may be furnished to clients regardless of the number of times these items have been replaced. However, replacement shall be based on the judgment of the assigned caseworker and the circumstances resulting in multiple requests for any of these items.

SUBCHAPTER 5. OTHER SERVICES

10:93-5.1 Otological (hearing) examination

(a) An otological examination and report by an otologist or an ear, nose and throat specialist shall be obtained when any of the following are present:

1. The client is legally or totally blind as defined at N.J.A.C. 10:91-1.2;
2. The client indicates difficulty in hearing; or
3. The caseworker observes that the client has difficulty in hearing.

(b) If such prior reports are not readily available, the Commission shall authorize payment for this examination.

10:93-5.2 Joseph Kohn Rehabilitation Center

(a) The Joseph Kohn Rehabilitation Center (JKRC) is a residential facility which functions as a resource to:

1. Offer evaluation and adjustment services;
2. Clarify the client's fundamental concepts about blindness and visual impairment;
3. Maximize the client's independent functioning;
4. Collect information that can be used in the development of the client's service plan; and
5. Provide the client with the opportunity to have positive interaction with other blind and visually impaired individuals.

(b) The following programs shall be available at the Joseph Kohn Rehabilitation Center:

1. The independent living program helps clients maximize independent functioning in relation to their visual disability. The components of the program are:
 - i. Personal communications skills;
 - ii. Orientation and mobility;
 - iii. Home and personal management; and
 - iv. Arts and crafts.

2. A counseling program is offered to all clients. Individuals who indicate an interest in employment shall be referred for a vocational assessment. The counseling program may include:

- i. A weekly case management review;
- ii. Weekly psychological counseling which focuses on adjustment to vision loss; and
- iii. Group counseling.

(c) The services of the Joseph Kohn Rehabilitation Center shall be provided to all eligible Commission clients free of charge.

(d) Attendance at the Joseph Kohn Rehabilitation Center is based on the following criteria:

1. The client must be registered with the Commission;
2. The client's medical record must indicate that he or she can physically participate in the program without risk to the health or safety to self or others;
3. The caseworker and the client agree that the client can benefit from the intensity of instruction provided at the center; and

4. The client needs assistance in developing independent living skills.

(e) A client who exhibits one or more of the following difficulties may be terminated from a Joseph Kohn Rehabilitation Center program, as determined by the Joseph Kohn Rehabilitation Center manager, if a client demonstrates:

1. Repeated failures to cooperate with established policies and procedures;
2. Deteriorating emotional, physical or intellectual functioning which jeopardizes the health, safety, or well being of the individual;
3. Violent behavior;
4. Inability to benefit from further instruction; or
5. Behavior which has a negative or disruptive effect on others.

(f) Clients terminated from the Joseph Kohn Rehabilitation Center have the right to appeal this termination in accordance with the provisions of N.J.A.C. 10:91-6.

(g) The Joseph Kohn Rehabilitation Center is the only residential program approved by the Commission for use by clients found eligible for adaptive living skills services.

Amended by R.2006 d.53, effective February 6, 2006.

See: 37 N.J.R. 3777(a), 38 N.J.R. 968(a).

In (b)2, added the second sentence.

10:93-5.3 Psycho-social services

(a) Psycho-social services are designed to stabilize, correct or substantially modify, how an individual responds to the trauma of vision loss. The Commission shall exclude from reimbursement those psycho-social services which:

1. Do not directly relate to the client's adjustment to vision loss;
2. Do not directly relate to the client's social, psychological or educational functioning;
3. Are experimental or involve non-traditional therapies;
4. Involve in-patient psycho-social services; or
5. Involve primary treatment for alcohol or drug problems.

(b) Psycho-social services shall be provided to a client who has been accepted for adaptive living skills services and has an individualized written client service plan. The assigned caseworker shall assure, on the individualized written client service plan, that the provision of specific psycho-social services are related to the client's adjustment to vision loss and ability to maximize his or her independent functioning.

(c) A financial needs test shall be applied to the provision of psycho-social services to clients who have been accepted for adaptive living skills services. The Commission's financial need standards for the provision of adaptive living skills services are set forth at N.J.A.C. 10:91-3.

(d) The client may choose his or her psycho-social professionals and psycho-social facilities as long as the professional or facility meets the agency's standards for providing the required services as set forth at N.J.A.C. 10:93-5.3(a) and (e) and is willing to accept the Commission's reimbursement fee schedule (see N.J.A.C. 10:91-7) or the requested fee, whichever is less.

(e) To qualify for Commission reimbursement, the psycho-social services must be provided by:

1. A licensed physician specializing in psychiatry or neuropsychiatry;
2. A licensed psychologist;
3. A social worker eligible for third-party payment; or
4. A clinic or hospital certified by the American Hospital Association to provide psychological, psychiatric or psychotherapeutic services.

Amended by R.2006 d.53, effective February 6, 2006.
See: 37 N.J.R. 3777(a), 38 N.J.R. 968(a).

In (d), deleted last two sentences and deleted (f).

10:93-5.4 Transportation services

(a) Transportation is a supportive service which contributes to the eligible individual's ability to participate in or receive the benefits of adaptive living skills services and consist of necessary travel and related expenses. Transportation includes:

1. Travel costs associated with using public or private transportation;
2. Payment for the services of escorts, other than family members, for severely disabled persons and the escorts' travel costs; and
3. Other transportation-related expenses, such as tolls.

(b) The Commission shall apply its needs test, as set forth at N.J.A.C. 10:91-3, to the provision of all transportation services except when an individual is an applicant for Commission services or during diagnostic evaluation. The Commission and the client shall explore all alternative sources before the Commission will provide any transportation services in accordance with N.J.A.C. 10:91-3.

(c) The type of transportation provided shall be based on the limitations of the client and the obstacles in his or her environment rather than convenience. The factors to be considered in determining the most appropriate mode of transportation include:

1. The circumstances of the individual client;
2. The availability and appropriateness of the transportation system; and
3. Fiscal consideration.

(d) A client shall have documented in their record an orientation and mobility evaluation stating that the client cannot travel by public transportation, or that the commute is too lengthy or difficult, prior to an authorization for private transportation such as a private automobile or a van.

(e) The Commission shall pay for the services of an escort in transit only for a multi-disabled severely impaired client. In order to receive an authorization for a paid escort, the client must be unable to travel without assistance. The Commission shall apply the following standards when an escort must accompany a client during transit:

1. A family member may be paid as an escort only in instances where acting as an unpaid escort causes undue financial hardships to the family member;
2. The Commission shall pay an additional fee for assistance during travel only when a paid attendant is normally unavailable to the client; and
3. The Commission shall furnish the escort's travel costs.

(f) The Commission shall provide transportation, at the client's request, to permit an individual to attend a fair hearing or administrative review.

(g) Other rates shall be set as follows:

1. For transportation by private individuals, reimbursement for mileage, tolls and parking shall be the current rate paid to New Jersey State employees. The Commission will not reimburse family members providing transportation to the client unless lack of such reimbursement would cause undue financial hardship, as demonstrated by the Commission's financial needs standard test (see N.J.A.C. 10:91-3); and
2. Escorts shall be paid the hourly minimum wage plus allowable travel expenses incurred.

(h) All alternatives to Commission transportation services shall be explored before the Commission shall pay travel and related expenses.

10:93-5.5 Client Assistance Fund

(a) The Client Assistance Fund (Fund) is composed of monies which have been donated to the Commission from private sources. The purpose of the Fund is to meet specific extraordinary or critical expense needs of clients of the Commission. A financial needs survey will be completed with the client to determine if any resources are available (see N.J.A.C. 10:91-3). The Commission shall only allocate monies from the Fund when attempts to identify and access

family, private, community and public funds have not yielded adequate funds to meet the identified client need. These funds enable clients to better cope with an immediate or short-term hardship dealing with issues related to basic daily living needs.

(b) Clients in an active case status with the Commission may receive a grant from the Client Assistance Fund. An application for funds shall be completed by the client's caseworker, based on the client's need for assistance. In all cases, written documentation shall be forwarded to the Commission's administration to specify the reasons for the request and to verify that all available resources were researched and, if available resources are identified, that attempts were made to access any such available funds to resolve the crisis situation. The caseworker shall provide an

explanation of the client's extraordinary expenses, a description of how the funds will benefit the client and a plan to prevent the crisis from occurring again.

(c) All Client Assistance Fund requests shall be reviewed by the Regional Office Manager. Grant requests from \$1.00 to \$1,500 shall be approved by the client's caseworker, supervisor, and Regional Office Manager. Requests from \$1,501 to \$3,000 shall be approved by the Executive Director.

(d) There is a lifetime limit of \$3,000 for receipt of funds from the Client Assistance Fund.

New Rule by R.2006 d.53, effective February 6, 2006.
See: 37 N.J.R. 3777(a), 38 N.J.R. 968(a).