

CHAPTER 7

ROLE OF THE COUNTY ADJUSTER

Authority

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

Source and Effective Date

R.1999 d.280, effective August 16, 1999.
See: 31 N.J.R. 989(a), 31 N.J.R. 2404(a).

Executive Order No. 66(1978) Expiration Date

Chapter 7, Role of the County Adjuster, expires on August 16, 2004.

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 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.

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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 1999. 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.

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.

“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, with regard to State agencies and the

county governing body or a proper committee thereof, with regard to a county psychiatric facility, as authorized by N.J.S.A. 30:4-77 and 30:4-80.6, 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/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 determination of the same client’s legal settlement. 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 temporary order of commitment was signed committing a client 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 client.

“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).

“County settlement” means continuous residence of a client, or parents of a child under age 18, in a county for a period of not less than five years immediately proceeding the date of application for admission/commitment, not counting time spent in any charitable or correctional institutions, or public hospital. (Refer to N.J.S.A. 30:4-49 et seq. for additional settlement criteria.)

“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.

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

“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.

“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.

“Involuntary commitment—adult” means a commitment of an adult who is mentally ill, whose mental illness causes the person to be dangerous to self or dangerous to others or property and who is unwilling to be admitted to a facility voluntarily for care, and who needs care at a short term care facility, psychiatric facility or special psychiatric hospital because services are not appropriate or available to meet the person’s mental health care needs. (N.J.S.A. 30:4-27.2m)

“Involuntary commitment—minor” means a commitment of a minor in need of intensive psychiatric therapy which cannot practically or feasibly be rendered in the home or in the community or on an outpatient basis. (Civil Practice Rules 4:74-7A)

“Legal settlement” means the client’s legal residence defined by N.J.S.A. 30:4-49 et seq., which is used to determine whether the State and/or a specific county is responsible for the cost of care and maintenance of the client if he/she is unable to pay the full private rate.

“Legally responsible relative (LRR)” means a spouse, mother, father, or adult child who is statutorily responsible for a client’s cost of care and maintenance. (N.J.S.A. 30:4-66)