

CHAPTER 46C
WAITING LIST PROCEDURES

Authority
N.J.S.A. 30:4-25.6.

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R.1996 d.219, effective April 15, 1996.
See: 28 N.J.R. 1177(a), 28 N.J.R. 2614(a).

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Chapter 46C, Waiting List Procedures, expires on April 15, 2001.

Chapter Historical Note
Chapter 46C, Waiting List Procedures, was adopted by R.1995 d.197, effective April 17, 1995. See: 26 N.J.R. 1752(a), 26 N.J.R. 2756(a), 27 N.J.R. 1652(a).

Pursuant to Executive Order No. 66(1978), Chapter 46C was re-adopted as R.1996 d.219, effective April 15, 1996. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:46C-1.1 Purpose

(a) The purpose of this subchapter is to establish criteria and procedures for allocating limited residential and day program resources based on the relative needs of the individuals waiting for community services. In accordance with the Developmentally Disabled Rights Act (N.J.S.A. 30:6B-1 et seq.), such services shall be designed to maximize the developmental potential of the individual in a manner least restrictive of personal liberty.

(b) The availability of such services shall be limited to the Division's funding in a given fiscal year. The basis of this subchapter is to establish a means to prioritize placement

needs when there are insufficient funds to provide the most appropriate residential or day program. The rules represent an administrative process for the allocation of scarce resources among many individuals with similar needs and circumstances.

(c) The waiting list assignment shall indicate only the urgency of need for day program or residential placement. The assignment shall not reflect the specific type of service needed. The person's need for placement changes over the course of a person's life. The intent of the subchapter is not to establish specific services to be provided but to reflect only a general service need. Waiting list categories are general groupings based upon the level of urgency. No specific numbered order is contained in any category. The date that the individual is assigned to a waiting list category shall be recorded.

10:46C-1.2 Scope

This subchapter applies to all adult individuals who are currently waiting for residential and day placement in community-based settings or who may request such services in the future. Specific rules which apply to children are set forth at N.J.A.C. 10:46C-1.9.

Amended by R.1996 d.219, effective May 20, 1996.
See: 28 N.J.R. 1177(a), 28 N.J.R. 2614(a).
Amended provision relating to children.

10:46C-1.3 Definitions

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

"Caregiver" means an individual who is not a parent but is another family member or a family friend.

"Community based alternate living arrangement" means a community residence as defined in N.J.A.C. 10:44A or a community care home as defined in N.J.A.C. 10:44B.

"Community Services" means that component of the Division which provides intake, referral and an array of community-based day and residential services. Community Services regional offices serve four geographical areas of the State which are: northern, upper central, lower central and southern.

"Competitively employed" means paid work on a full time or part time basis in an integrated setting for which the individual is compensated in compliance with the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq.

"Day program" means a Division funded service which addresses an individual's need for daytime activities as described in the individual's IHP.

“Department” means the Department of Human Services.

“Division” means the Division of Developmental Disabilities.

“Emergency day program placement” means the individual is placed in a day program which provides safety and supervision to the individual while in attendance but is not necessarily designed to meet the goals in the person’s Individual Habilitation Plan.

“Emergency placement” means that placement which is made when the individual is homeless or the Division cannot provide adequate alternate services in the existing situation to care for the individual safely and the Division has determined that there is no long term placement available.

“Generic geographical location” means a general location, such as urban, suburban or rural area.

“Guardian” means a person or agency appointed by a court of competent jurisdiction or otherwise legally authorized and responsible to act on behalf of a minor or incompetent adult to assure provision for the health, safety and welfare of the individual and to protect his or her rights. For the purposes of this subchapter, the term “guardian” shall also apply to a proposed guardian where a guardianship action is pending.

“Individual Habilitation Plan (IHP)” means a written plan of intervention and action that is developed by the interdisciplinary team. It specifies both the prioritized goals and objectives being pursued by each individual and the steps being taken to achieve them. It may identify a continuum of skill development that outline progressive steps and the anticipated outcomes of services. The IHP is a single plan that encompasses all relevant components, such as an education plan, a program plan, a rehabilitation plan, a treatment plan and a health care plan. The complexity of the IHP will vary according to the needs, capabilities and desires of the person. For an individual who has been determined by an Interdisciplinary Team to require active treatment, the IHP shall address all needs identified. For an individual who makes only specific service requests, the IHP shall be a service plan which addresses only those specific requests.

“Intake team” means at least two staff, one of whom is an intake worker, who are responsible to determine if the eligibility criteria contained in N.J.A.C. 10:46 have been met.

“Interdisciplinary Team (IDT)” means an individually constituted group responsible for the development of a single, integrated IHP. The team shall consist of the individual receiving services, the individual’s parent or family member (if the adult desires that the parent or family member be present), legal guardian, those persons who work most directly with the individual served and professionals and representatives of service areas relevant to the identification of the individual’s needs and the design and evaluation of programs to meet those needs.

“Long term placement” means placement which is anticipated to be of one year or longer duration.

“Placement” means any action taken by the Division to address an individual’s need for residential services or day program, which allows the person to be removed from the waiting list for residential services or day program.

“Placement review team (PRT)” means a group of Division employees, family members and community volunteers who review requests for assignment to the urgent category.

“Specific geographic region” means an identified city, suburb, municipality, county or region of the State.

“Supported employment” means employment in an integrated work setting for individuals with the most significant disabilities for whom competitive employment has not been available in the past, and who, due to the nature and severity of their disability(ies), require ongoing support to maintain employment.

“Waiting list” means a roster of eligible developmentally disabled individuals waiting for community based services who are not currently receiving residential services, are awaiting residential or day services while in placement from another funding source, or are currently in a community placement and awaiting transfer to another community placement.

“Waiting list initiative” means new funding provided in the Division’s budget specifically for the purpose of serving persons from the urgent waiting list.

Amended by R.1996 d.219, effective May 20, 1996.
See: 28 N.J.R. 1177(a), 28 N.J.R. 2614(a).

Added “Caregiver”, “Emergency placement”, “Generic geographical location”, “Guardian”, “Long term placement”, “Placement” and “Specific geographic region”; amended “Placement review team” and “Waiting list”.

Amended by R.1998 d.479, effective September 21, 1998.
See: 30 N.J.R. 1012(a), 30 N.J.R. 1255(a), 30 N.J.R. 3518(a).

Added “Waiting list initiative”.
Amended by R.2000 d.110, effective March 20, 2000.
See: 31 N.J.R. 1302(a), 32 N.J.R. 1021(a).

Inserted “Competitively employed”, “Day program”, “Emergency day program placement”, and “Supported employment” definitions.

10:46C-1.4 Waiting list assignments for residential services

(a) The waiting list category shall be specified at the time the individual is found eligible for functional services if the individual or legal guardian requests waiting list assignment at that time.

(b) If the individual does not request waiting list assignment at the time he or she is found eligible, he or she may request an assignment at any time. The waiting list assignment or lack of waiting list assignment and desire to be added to the waiting list shall be reassessed no less than annually, at the time of the IHP. The individual shall receive, in writing, notification of such at the time they receive notice of the IHP meeting.