

TITLE 10

DEPARTMENT OF HUMAN SERVICES

CHAPTER 1

ORGANIZATIONAL RULES; RULES OF PRACTICE;
PETITION FOR RULEMAKING

Authority

N.J.S.A. 30:1-12 and 52:14B-3 and 4

Source and Effective Date

R.2001 d.348, effective October 1, 2001.
See: 33 N.J.R. 2428(a), 33 N.J.R. 3445(a).

Chapter Expiration Date

Chapter 1, Organizational Rules; Rules of Practice; Petition for Rulemaking, expires on October 1, 2006.

Chapter Historical Note

Chapter 1, Department of Human Services Organization and Public Notice, was adopted as R.1983 d.165, effective May 6, 1983, with Subchapter 2, Public Comments and Petitions regarding Department Rules, adopted pursuant to N.J.S.A. 30:1-12 and 52:14B-4(b), 4(f). See: 15 N.J.R. 924(c).

Pursuant to Executive Order No. 66(1978), Chapter 1, Department of Human Services Organization and Public Notice, expired on May 6, 1988.

Chapter 1, Department of Human Services Administration, was adopted as new rules by R.1988 d.504, effective November 7, 1988. See: 20 N.J.R. 1050(a), 20 N.J.R. 2773(a).

Chapter 1, Department of Human Services Administration, containing only Subchapter 2, Public Comments and Petitions regarding Department Rules, was recodified as N.J.A.C. 10:1A by R.1993 d.271, effective June 7, 1993. See: 25 N.J.R. 1042(a), 25 N.J.R. 2557(a).

Chapter 1, Organizational Rules; Rules of Practice; Petition for Rulemaking, was adopted as new rules by R.2001 d.348, effective October 1, 2001. See: Source and Effective Date.

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SUBCHAPTER 1. DEPARTMENT MISSION AND ORGANIZATION

10:1-1.1 Department mission

The Department serves some of New Jersey's most vulnerable citizens (that is, abused children, troubled youth and their families, the poor, and persons who are mentally ill, developmentally disabled, blind, visually impaired, deaf and hard of hearing). It is the mission of the Department to protect children at risk, assist economically disadvantaged individuals and families, and to support persons with disabilities to live fuller, healthier and more self-sufficient lives.

10:1-1.2 Department overview and organization

(a) The Department, in concert with the State's human services non-profit community, serves the citizens of New Jersey as the largest department in State government.

(b) The Department oversees a number of major facilities—psychiatric hospitals operated by the Division of Mental Health Services, and developmental centers operated by the Division of Developmental Disabilities. Additionally, residential centers are operated by the Division of Youth and Family Services, and regional school campuses are operated by the Department's Office of Education. The Kohn Rehabilitation Center is operated by the Commission for the Blind and Visually Impaired.

(c) The Department provides the majority of its community services through purchase of service contracts with private, nonprofit community agencies.

(d) The Department's Central Headquarters includes the Office of Policy and Planning, the Office of Public Affairs, two Deputy Commissioners in charge of operations, the Office of Legal and Regulatory Affairs, and the Chief of Staff. All have direct reporting relationships to the Commissioner. The functions and responsibilities are as follows:

1. The Office of Policy and Planning utilizes relevant research, evaluation and program analysis to make policy recommendations in order to enhance and improve the Department's services. The office deals in crosscutting issues in areas such as health care, welfare reform, child welfare and services for people with disabilities. Major research projects are conducted and staff develop and implement inter-departmental initiatives and demonstration projects in numerous service areas.

2. The Office of Public Affairs serves the Commissioner, the Department, and its wide-spread and varied constituencies, through regular publications and communications efforts, as well as on-demand accessibility to the media, general public and those in need of information about the Department and its activities.

3. The Deputy Commissioner for Institutions and Agencies is responsible for the management of policies, operations, and the budgets for the Department's six major service divisions: Developmental Disabilities (DDD), Mental Health Services (DMHS), Youth and Family Services (DYFS), Commission for the Blind and Visually Impaired (CBVI), Deaf and Hard of Hearing (DDHH), and the Office of Education (OOE). This Deputy Commissioner also oversees the management of the Division of Disability Services, the Office of Prevention of Mental Retardation and Developmental Disabilities, the Children's Trust Fund, and the New Jersey Task Force on Child Abuse and Neglect.

4. The Deputy Commissioner for Family and Health Services oversees the Division of Family Development (DFD), the Division of Medical Assistance and Health Services (DMAHS) and the Office of Catastrophic Illness in Children Relief Fund.

5. The Office of Legal and Regulatory Affairs advises the Commissioner on policy, administrative and regulatory matters and directly supervises the Offices of Legislative Services, Auditing, Legal and Regulatory Liaison, Early Care and Education, and Special Initiatives. The Assistant Commissioner for Legal and Regulatory Affairs is the liaison to the Department of Law and Public Safety and the Department of Education. The office also oversees interdepartmental and special initiatives and innovations, especially those that focus on prevention and primary support services to children, youth and families. The Assistant Commissioner is responsible for ensuring that the Department's Federal and State legislative agenda, auditing, legal and regulatory activities, child care policy, and special initiatives are addressed and supportive of the Department's mission and goals.

6. The Chief of Staff advises the Commissioner on cross-cutting departmental issues and administrative and policy matters, and directly supervises major support areas of the Department, including Human Resources, Budget, Finance and Administration, Operations Support, the Chief Information Officer and the Human Services Police. Given these areas of supervision, the Chief of Staff is responsible for ensuring that personnel, operating budgets, information technology initiatives, and community based activities are supportive of the Department's business goals as enumerated by the Commissioner. These areas focus on supporting quality and accountable service delivery by the Department's operating divisions.

(e) The Divisions of the Department are as follows:

1. The Division of Medical Assistance and Health Services (DMAHS) administers the Medicaid program, a Federal and State-funded health care program that serves low-income people, including people who are aged, blind, and disabled. The Division's New Jersey Care 2000 and NJ Care 2000+ programs provide health care to Medicaid beneficiaries through Health Maintenance Organizations (HMOs) that provide them with a primary care physician to manage their health services. DMAHS also manages the NJ KidCare and NJ FamilyCare health insurance programs for low-income working families who have no insurance.

2. The Division of Mental Health Services (DMHS) helps people with mental illnesses by providing services to help them live, work, socialize and learn to their fullest potential. A comprehensive system of care is provided that includes psychiatric in-patient settings, community-based support services, and residential and day treatment programs. DMHS operates the State psychiatric hospitals throughout the State, and also supports the operation of the county psychiatric hospitals.

3. The Division of Developmental Disabilities (DDD) serves people with developmental disabilities, such as mental retardation, autism, cerebral palsy, epilepsy, spina bifida and traumatic brain injuries. The Division seeks to serve people in the least restrictive environment possible and to foster individual development and independence. DDD helps people with disabilities stay in their own homes with their own families, whenever possible. Support services provided by DDD include respite care, counseling and referral services. DDD operates several State developmental centers, and also provides services in licensed community residences. The community residences are operated by private agencies or individuals under contract with DDD, and they include group homes, supervised apartments, supported living programs, and skill development and family care homes.

4. The Division of Youth and Family Services (DYFS) functions as the State's family and child protection/child welfare agency and provides services to children at risk and their families. The services provided include general social services, foster care, adoption services, child care licensing, domestic violence services, and residential treatment for troubled youths. The Division has district offices, adoption resource centers, institutional abuse investigation offices, and residential treatment centers throughout the State in addition to contracting with numerous community-based providers and individuals. DYFS is mandated by law to investigate all reports of child abuse and neglect.

5. The Division of Family Development (DFD) administers the State's welfare reform program, Work First New Jersey, offering public assistance to people who are poor and homeless. This Division serves numerous needy individuals through several programs which include: Temporary Assistance to Needy Families (TANF); General Assistance (GA); Food Stamps; Emergency Assistance (EA); Child Support and Paternity Programs; Child Care; Home Energy Assistance; Social Services for the Homeless; the Kinship Navigator Program, and the Refugee Resettlement Program. The majority of these services are provided by county welfare agencies and not-for-profit community agencies.

6. The Division of the Deaf and Hard of Hearing (DDHH) serves as an advocacy agency for people who are deaf or hard of hearing, by promoting accessibility to programs, services and information. This Division is the State's primary source of information and referral services regarding topics related to hearing loss. DDHH also serves as New Jersey's primary interpreter-referral service and it distributes free text telephones (TTYs) to qualified deaf and hard of hearing low-income residents.

7. The Commission for the Blind and Visually Impaired (CBVI) provides educational, vocational rehabilitation, independent living and eye health services to individuals who are experiencing a vision impairment that is affecting normal, daily life activities. The Commission also works to prevent and reduce the incidence of blindness by conducting a variety of educational and eye disease detection programs. These services include a mobile eye health screening unit and other support services and educational programs to help New Jerseyans better understand and prevent the further development of eye diseases, such as glaucoma or diabetic retinopathy. CBVI serves numerous persons each year, including those who benefit from both the Commission's blindness prevention services and visual adjustment programs.

8. The Office of Education (OOE) provides educational, related, and support services to students, ages three to 21 years, in DHS operated and contracted facilities and in DHS Regional Schools. Through the provision of individualized, comprehensive 12 month educational programs, the OOE serves students with a variety of disabilities; students who are at risk of school failure; students who have left school before earning a high school diploma; and students who are pregnant and parenting teenagers. In addition, the OOE administers the New Jersey Youth Corps Program which offers youth, ages 16 to 25 years, the opportunity to earn a diploma while developing employability skills through meaningful community service. The OOE also provides educational funding and oversight to students determined by the Department of Education to be State responsible; implements the New Jersey Technical Assistance Project for students with multi-sensory impairments; and operates a Technology for Life and Learning Center which provides assessment, instructional and educational management

services for individuals who are candidates for augmentative and alternative communication systems and other assistive technologies.

9. The Division of Disability Services (DDS) serves as New Jersey's central point of information and referral for individuals of all ages with disabilities and their families. This Division promotes and facilitates maximum independence of people with disabilities through information about and access to services and supports. The Division fosters coordination and cooperation among government agencies that serve people with disabilities. A significant number of callers are served each year. DDS administers the Ticket to Work Medicaid Buy In Program, the Traumatic Brain Injury Demonstration Grant, the Personal Assistance Services Program (PASP) and the Cash & Counseling Demonstration Program. The latter two programs give people with disabilities the freedom to manage and direct their own services.

10. The Office of Child Abuse Prevention includes the NJ Task Force on Child Abuse and Neglect, which aims to improve the child protective system and inform the public about child abuse and neglect. The office also includes the Child Life Protection Commission, which administers the Children's Trust Fund, which issues grants to prevent child abuse. The fund is supported by check-off donations on the New Jersey Income Tax return, by private contributions and by a Federal grant.

11. The mission of the Office for Prevention of Mental Retardation and Developmental Disabilities is to educate the community about the causes of mental retardation and developmental disabilities, and to develop strategies to reduce their occurrence. The Office staffs the Governor's Council on Prevention of Mental Retardation and Developmental Disabilities, and works under the Council's guidance.

12. The Catastrophic Illness in Children Relief Fund Commission, which is in but not of the Department, was established by legislation to provide financial assistance for New Jersey families with unserved medical expenses for a child, age 18 or younger. The fund serves as a financial safety net for families struggling with a child's previously incurred medical expenses. The fund is considered a special, dedicated, non-lapsing trust fund, which collects its revenues from an employer surcharge.

SUBCHAPTER 2. PUBLIC NOTICE AND PUBLIC COMMENTS REGARDING DEPARTMENT RULES; RULEMAKING CALENDARS

10:1-2.1 Public notice regarding proposed rulemaking

(a) The Department shall provide for the following four types of public notice for all rule proposals in accord with the New Jersey Administrative Procedure Act (N.J.S.A.

52:14B-1 et seq.) and the Office of Administrative Law Rules for Agency Rulemaking (N.J.A.C. 1:30):

1. The rule proposal shall be filed with the Office of Administrative Law for publication in the New Jersey Register;

2. The notice of the rule proposal, as filed with the Office of Administrative Law, or a statement of the substance of the proposed rulemaking, shall be posted and made available electronically on the Department's web site;

3. The news media maintaining a press office in the State House Complex shall be provided notice of the rule proposal, as posted and made available electronically on the Department's web site; and

4. The notice of the rule proposal, as filed with the Office of Administrative Law, or a statement of the substance of the proposed rulemaking, shall be made available to the public by an additional manner reasonably calculated to inform those persons most likely to be affected or interested in the proposed rulemaking.

i. The additional method of publicity shall include information on the time, place and manner in which interested persons may present comments and either of the following:

(1) The full text of the proposed rulemaking;

(2) A statement of the substance of the proposed rulemaking; or

(3) A description of the subject and issues involved.

ii. The additional method of publicity with regard to all rule proposals shall be by either:

(1) Mailing to a distribution list, when known, organized entities exist that are the subject of or significantly related to the proposed rulemaking; or

(2) Notice in at least three newspapers of general circulation, when no known, organized entities exist that are the subject of or significantly related to the proposed rulemaking.

10:1-2.2 Public comments regarding existing rules and proposed rulemaking

(a) The Department conducts an ongoing regulatory review and invites public comments regarding all Department rules (N.J.A.C. Title 10). The Department's rulemaking includes all rules adopted after the official public comment period and emergency rules in accord with the New Jersey Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Office of Administrative Law Rules for Agency Rulemaking (N.J.A.C. 1:30), and all rules adopted immediately upon filing with the Office of Administrative Law in accord with specific legislative authority.

(b) Public comments are specifically sought regarding existing Department rules which may be perceived as being not necessary, adequate, reasonable, efficient, understandable, or responsive to the purposes for which they were promulgated.

(c) Public comments regarding existing rules should be submitted in writing and addressed to:

Department of Human Services
Office of Legal and Regulatory Liaison
PO Box 700
Trenton, NJ 08625-0700

(d) The Department invites the public to utilize the opportunity to be heard during the official public comment period following the publication of a notice of pre-proposal or proposal in the New Jersey Register by means of submitting in writing, data, views, or arguments to the name and unit specified in the notice.

10:1-2.3 Department rulemaking calendar

(a) In compliance with the New Jersey Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Office of Administrative Law Rules for Agency Rulemaking (N.J.A.C. 1:30), the Department shall publish a quarterly rulemaking calendar in the New Jersey Register setting forth a schedule of the Department's anticipated rulemaking proposal activities for the next six months. The calendars shall be published in the first New Jersey Register for the months of January, April, July and October.

(b) The rulemaking calendar shall include:

1. The name of the Department;

2. The name of the Commissioner, as agency head;

3. Specific citation to the rules to be affected;

4. Citation to the legal authority authorizing the rule-making action;

5. A synopsis of the rulemaking and its objective or purpose; and

6. The month and year in which publication of the notice of proposal in the New Jersey Register is anticipated.

(c) Calendar amendments and exceptions shall be handled by the Department in accord with the New Jersey Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Office of Administrative Law Rules for Agency Rulemaking (N.J.A.C. 1:30).

(d) The Department rulemaking calendar, as filed with the Office of Administrative Law, as with notices of rule proposals in accord with N.J.A.C. 10:1-2.1(a)3, shall be posted and made available electronically on the Department's web site.