

10:37J. The changes reflect the recodification and readoption of N.J.A.C. 10:190, Licensure of Mental Health Programs, as N.J.A.C. 8:121, and licensing of such programs by the New Jersey Department of Health pursuant to Reorganization Plans Nos. 001-2017 and 001-2018 and update references to the Division of Mental Health and Addiction Services from the Division of Mental Health Services.

While the Department is readopting these rules with technical changes, it recognizes that further rulemaking may be necessary to update these rules to reflect current practices. Thus, the Department will continue to review the rules and may consider making substantive amendments prior to the next scheduled expiration.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 30:1-12 and 30:4-27.8-10, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

10:37J-1.2 Definitions

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

“Division” or “DMHAS” means the Division of Mental Health and Addiction Services within the Department of Human Services.

“Level I standards” means those standards with which mental health programs must be in full compliance in order to be granted or to continue to receive a full Department of Health license. Level I standards include those standards that relate most directly to consumer rights, safety, and staffing. With specific reference to the PACT program, Level I standards are: all standards [in] at N.J.A.C. 10:37J-2.4, Program intensity, except subsection (e); N.J.A.C. 10:37J-2.5(c), (d)1, (e), (h), and (l), services to be provided and service coordination; and N.J.A.C. 10:37J-2.8(a), (b), (c) (except for paragraphs (c)1 through 8), (d), and (i), staff requirements.

SUBCHAPTER 2. PROGRAM OPERATION

10:37J-2.2 Licensing

In accordance with Department of Health licensing rules applicable to community mental health programs (N.J.A.C. [10:190] **8:121**), each PA shall obtain a license before implementing a PACT program.

10:37J-2.8 Staff requirements

(a)-(c) (No change.)

(d) Each PACT team shall, at a minimum, consist of the following staff. All staff shall be full time, unless otherwise noted below:

1.-3. (No change.)

4. At least one dual disorder specialist who shall hold a bachelor’s degree in a behavioral health field and have a minimum of two years of experience providing dual disorder services to individuals with co-occurring serious and persistent mental illness and substance abuse.

i. A dual disorder specialist shall hold the professional credentials required by the Alcohol and Drug **Counselor** Licensing and Certification Act, N.J.S.A. 45:2D-1 et seq.

ii. (No change.)

5.-7. (No change.)

(e)-(j) (No change.)

10:37J-2.12 Continuous quality improvement activities

(a) (No change.)

(b) The PA shall also:

1. (No change.)

2. Submit initial and follow-up community incident reports for unusual incidents involving PACT consumers within required time frames pursuant to N.J.A.C. 10:37-6[,] and [10:37-9.9[,] and the [DMHS]

DMHAS Community Incident Reporting Procedures, pursuant to N.J.A.C. 10:37-6.108;

3.-4. (No change.)

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Readoption

Hospice Services

Readoption: N.J.A.C. 10:53A

Authority: N.J.S.A. 30:4D-1 et seq. and 30:4J-8 et seq.

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Agency Control Number: 22-A-01.

Effective Date: November 17, 2022.

Expiration Date: November 17, 2029.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 10:53A, Hospice Services, were scheduled to expire on December 21, 2022. This chapter describes the requirements of the New Jersey Medicaid/NJ FamilyCare fee-for-service programs pertaining to the provision of, and reimbursement for, medically necessary hospice services to eligible beneficiaries, including providers’ and beneficiaries’ requirements and basis of payments for provider and physician services.

N.J.A.C. 10:53A includes five subchapters and two appendices, as described below.

N.J.A.C. 10:53A-1 includes general provisions regarding hospice services, including introductory general provisions, definitions, and information regarding contracting with physicians.

N.J.A.C. 10:53A-2 includes provider requirements regarding enrollment and billing procedures, changing from one hospice agency to another, physician certification and recertification, staffing standards, the administrative policy for admission and discharge from room and board services in a nursing facility, recordkeeping requirements, monitoring requirements, fair hearings, and advance directives.

N.J.A.C. 10:53A-3 includes beneficiary requirements regarding eligibility, the application procedure for medical and financial eligibility, benefit periods, covered hospice services, services unrelated to terminal illness, the plan of care, and fair hearings.

N.J.A.C. 10:53A-4 includes provisions related to the basis of payment including the post-eligibility treatment of the beneficiary’s income, basis of payment for hospice providers and physicians, limitations on reimbursement for hospice services, and claims submission.

N.J.A.C. 10:53A-5 includes provisions regarding the Common Procedure Coding System, including an introduction to procedure codes for hospice services.

The Department of Human Services has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq., and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

(b)

DIVISION OF FAMILY DEVELOPMENT

Notice of Readoption

New Jersey Supplemental Nutrition Assistance Program (NJ SNAP)

Readoption: N.J.A.C. 10:87

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

Authorized by Sarah Adelman, Commissioner, Department of Human Services.

Effective Date: November 16, 2022.

New Expiration Date: November 16, 2029.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1.c, N.J.A.C. 10:87 was set to expire on December 16, 2022. The Department of Human Services, Division of Family Development (DFD), has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were promulgated. Therefore, pursuant to N.J.S.A. 30:1-12 and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period from the date of filing.

Take notice that, in the November 7, 2022 issue of the New Jersey Register at 54 N.J.R. 2062(a), the Department of Human Services has proposed amendments at N.J.A.C. 10:87. Some of the major highlights of the proposed amendments address: an update of the rules on mailing Families First cards; procedures for the expungement of electronic New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) benefits; the incorporation by reference of the new expungement processes; provisions that address claims against NJ SNAP households; and the deletion of references to reactivated and stale (aged) accounts.

The purpose of N.J.A.C. 10:87 is to outline the policies and procedures applicable to the certification and recertification of those who apply for NJ SNAP. The policies and procedures in this chapter shall be used to determine eligibility criteria and issuance requirements for NJ SNAP benefits for all qualified households.

The following is a description of the subchapters in N.J.A.C. 10:87:

N.J.A.C. 10:87-1, General Provisions, sets forth the purpose of NJ SNAP and provides general rules regarding its administration. The subchapter further provides rules prohibiting discrimination on the basis of age, race, color, sex, disability, religious creed, national origin, or political belief, and describing the complaint procedures for persons who feel they have been subjected to discrimination. The subchapter also provides rules prohibiting the release of confidential information about program applicants and recipients.

N.J.A.C. 10:87-2, The Application Process, provides procedural requirements for the processing of applications for NJ SNAP benefits. The subchapter provides rules regarding household composition, the filing of an application, the provision of expedited service, interview and verification requirements, and application processing standards. In addition, the subchapter provides special procedures for recipients of Work First New Jersey, Supplemental Security Income, General Assistance households, and residents of drug and alcohol treatment centers, group living arrangements, and shelters for victims of domestic violence.

N.J.A.C. 10:87-3, Eligibility Factors Other Than Need, details the nonfinancial requirements for receipt of program benefits, such as residency, citizenship, alien status, and the provision of Social Security numbers. The subchapter also provides special procedures for the eligibility determination for students of institutions of higher education. Additionally, the subchapter addresses the Income and Eligibility Verification System (IEVS). By means of IEVS, DFD requests wage and benefit information and uses that information in verifying eligibility for, and the amount of, NJ SNAP benefits due to eligible households.

N.J.A.C. 10:87-4, Financial Eligibility; Resources, defines resources for program purposes and specifies those resources that are counted and those that are excluded from consideration in the eligibility process. The rules also address transfers of resources and provide for the disqualification of individuals from the NJ SNAP program for knowingly transferring resources for the purpose of qualifying for program benefits.

N.J.A.C. 10:87-5, Financial Eligibility; Income, defines income for program purposes, specifying that which is counted and that which is excluded. The subchapter also defines income deductions, such as allowances for medical expenses for the elderly and people with disabilities, expenses for dependent care, and shelter costs. The subchapter also provides eligibility for the standard and heating utility allowances and the treatment of educational assistance and income.

N.J.A.C. 10:87-6, Certificate Procedures, provides procedures for the certification of eligibility. The subchapter provides the length of program certification and the treatment of resources, income, and income deductions within the certification period. The subchapter provides

guidance for when anticipated medical expenses will be allowed as an excess medical deduction and the procedures for calculating net and gross income and benefit levels of destitute households.

N.J.A.C. 10:87-7, Special Income Circumstances, provides procedures pertinent to the treatment of special situations, such as self-employed households, income from disqualified or other non-household members and residents of substance abuse rehabilitation centers, group living arrangements, shelters for victims of domestic violence, homeless meal providers, and the eligibility of sponsored aliens. The subchapter provides procedures for handling an absent military person's income and any additional payment received by a member of the United States Armed Services deployed to a designated combat zone.

N.J.A.C. 10:87-8, Fair Hearings, includes information on how to request a fair hearing, hearing procedures, household rights, continuation of NJ SNAP benefits pending the outcome of the hearing, hearing decisions, and the county welfare agency (CWA) rights and responsibilities.

N.J.A.C. 10:87-9, Certification-Related Procedures, addresses procedures including: recertification, notices to clients, changes in household circumstances, Families First Program cards, replacement benefits, credit adjustments to NJ SNAP benefit accounts, miscellaneous administrative procedures, and case record information that specifies which cases are considered simplified reporting cases and which cases are considered change reporting cases. For clarification purposes, simplified reporting and change reporting are separate subsections.

N.J.A.C. 10:87-10, Fiscal Operational Problems, details program requirements related to work registration and the NJ SNAP employment and training program requirements. The subchapter addresses special procedures for applicant households containing striking members, as well as applicants and recipients who have voluntarily quit their job, reduced their work effort, or failed to comply with employment and training requirements.

N.J.A.C. 10:87-11, Incorrect Issuance, provides the procedures to be followed when a household has committed an intentional program violation and the disqualification penalties. The subchapter provides the procedures when a household receives an incorrect issuance of NJ SNAP benefits, when benefits can be restored, and how to compute the amount to be restored. Additionally, the subchapter addresses the hearing process for disqualifications and disputed benefits.

N.J.A.C. 10:87-12, Tables, provides the formula, tables, and allowable deductions necessary to determine financial eligibility for NJ SNAP benefits and the level of benefits.

N.J.A.C. 10:87, Appendix A, includes terms and their definitions applicable to fiscal operations, retention rules for fiscal records, and a list of computer-generated documents provided for CWA management of fiscal operations of the NJ SNAP program.

CORRECTIONS

(a)

THE COMMISSIONER

Close Custody

Readoption with Amendments: N.J.A.C. 10A:5

Proposed: September 6, 2022, at 54 N.J.R. 1679(a).

Adopted: November 16, 2022, by Victoria L. Kuhn, Esq.,
Commissioner, Department of Corrections.

Filed: November 21, 2022, as R.2022 d.149, **without change**.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Effective Dates: November 21, 2022, Readoption;
December 19, 2022, Amendments.

Expiration Date: November 21, 2029.

Summary of Public Comment and Agency Response:

No comments were received.