

SENATE, No. 914

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

Sponsored by:
Senator JENNIFER BECK
District 11 (Monmouth)

SYNOPSIS

Establishes New Jersey Advisory Council on Home and Community-Based Settings to implement DHS Statewide Transition Plan.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT establishing a council on home and community-based
2 settings and supplementing Title 30 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. There is established in the Department of Human Services,
8 the New Jersey Advisory Council on Home and Community-Based
9 Settings, which shall:

10 a. assist the department in the implementation of the Statewide
11 Transition Plan, which was developed by the department and
12 submitted to the Centers for Medicare & Medicaid Services on
13 April 17, 2015, to help ensure that New Jersey is able to comply
14 with federal regulations concerning home and community-based
15 settings for Medicaid-eligible enrollees by 2019; and

16 b. one year following full compliance with the plan, and
17 annually thereafter, make any recommendations necessary to help
18 New Jersey continue to provide full access to community living and
19 receipt of services in the most integrated settings appropriate for
20 individuals.

21

22 2. a. The advisory council shall be comprised of 17 members
23 as follows:

24 (1) The Commissioner of Human Services, the Commissioner of
25 Children and Families, the Commissioner of Health, and the
26 Chairperson of the State Council on Developmental Disabilities, or
27 their designees, all of whom shall serve ex officio;

28 (2) two members of the Senate, appointed by the President of
29 the Senate, no more than one of whom is from the same political
30 party;

31 (3) two members of the General Assembly, appointed by the
32 Speaker of the General Assembly, no more than one of whom is
33 from the same political party;

34 (4) two representatives from the Office of the Governor,
35 appointed by the Governor; and

36 (5) seven members of the public appointed by the Governor,
37 who shall include: two representatives of providers of services to
38 individuals with developmental disabilities receiving services from
39 the Division of Developmental Disabilities in the Department of
40 Human Services, one of whom shall be involved with the operation
41 of a day program and one of whom shall be involved in the
42 provision of support services; two persons involved in the
43 development of housing for individuals with developmental
44 disabilities; one representative of an organization which represents
45 assisted living facilities serving individuals receiving services from
46 the Division of Aging Services in the Department of Human
47 Services; one representative of a provider of services to individuals
48 receiving services from the Division of Children's System of Care

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1 in the Department of Children and Families; and one individual
2 with a developmental disability who is receiving services from the
3 Division of Developmental Disabilities.

4 b. The terms of office of each appointed member shall be three
5 years, but of the members first appointed, two shall be appointed
6 for a term of one year, five for terms of two years, and six for terms
7 of three years. Vacancies in the membership of the advisory
8 council shall be filled in the same manner provided for the original
9 appointments.

10 c. The council shall organize as soon as practicable following
11 the appointment of its members and shall select a chairperson and
12 vice-chairperson from among the members. The chairperson shall
13 appoint a secretary who need not be a member of the council.

14 d. The public members shall serve without compensation, but
15 shall be reimbursed for necessary expenses incurred in the
16 performance of their duties and within the limits of funds available
17 to the council.

18 e. The council shall be entitled to call to its assistance and avail
19 itself of the services of the employees of any State, county or
20 municipal department, board, bureau, commission, or agency as it
21 may require and as may be available to it for its purposes.

22 f. The Department of Human Services shall provide staff
23 support to the council.

24

25 3. It shall be the duty of the advisory council to assist the
26 department in the implementation of the provisions of the Statewide
27 Transition Plan related to:

28 a. individuals with developmental disabilities who are
29 participating in day programs, residing in residential settings
30 developed prior to and after the effective date of the plan, moving
31 to integrated community settings, and receiving support services
32 from the Division of Developmental Disabilities in the department;

33 b. participants in the Managed Long Term Services and
34 Supports program obtaining written lease or residency agreements
35 for their licensed home and community-based settings;

36 c. assessment and review of programs for children who are
37 receiving services for emotional and behavioral health care or
38 developmental disabilities from the Division of Children's System
39 of Care in the Department of Children and Families;

40 d. person-centered planning which takes into account
41 individuals' needs and choices in order to maximize independence
42 and ability to engage in the self-direction of services; and

43 e. any other activity that the department and the advisory
44 council shall deem to be appropriate.

45

46 4. a. No later than six months after the advisory council
47 organizes, and annually until full compliance with the Statewide
48 Transition Plan in 2019 or earlier, as appropriate, the council shall

1 report on the progress of the Department of Human Services in
2 implementing the plan.

3 b. One year following full compliance with the plan, and
4 annually thereafter, the advisory council shall submit a report which
5 shall include the council's recommendations to help New Jersey
6 continue to provide full access to community living and receipt of
7 services in the most integrated settings appropriate for individuals.

8 c. The advisory council shall submit a report required pursuant
9 to this section to the Governor, and to the Legislature pursuant to
10 section 2 of P.L.1991, c.164 (C.52:14-19.1).

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12 5. This act shall take effect immediately.

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STATEMENT

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17 This bill establishes a permanent New Jersey Advisory Council
18 on Home and Community-Based Settings which is to assist the
19 Department of Human Services (DHS) in the implementation of the
20 Statewide Transition Plan, which was developed by DHS and
21 submitted to the Centers for Medicare & Medicaid Services to help
22 ensure that New Jersey is able to comply with federal regulations
23 concerning home and community-based settings (HCBS) for
24 Medicaid-eligible enrollees by 2019. As explained in the plan, the
25 federal regulations provide "the assurance that states receiving
26 Medicaid funds meet the needs of individuals who choose to receive
27 their long term services and supports in their homes or community,
28 rather than in institutional settings" and are intended "to enhance
29 the quality of HCBS and to provide protections to participants."

30 Additionally, one year following full compliance with the
31 Statewide Transition Plan, and annually thereafter, the advisory
32 council is to make any recommendations necessary to help New
33 Jersey continue to provide full access to community living and
34 receipt of services in the most integrated settings appropriate for
35 individuals.

36 The advisory council is to assist DHS in implementation of the
37 plan with regard to: 1) individuals with developmental disabilities
38 participating in day programs, residing in settings developed prior
39 to and after the effective date of the plan, moving to integrated
40 community settings, and receiving support services from the
41 Division of Developmental Disabilities (DDD) in DHS; 2)
42 participants in the Managed Long Term Services and Supports
43 program obtaining written lease or residency agreements for their
44 licensed home and community-based settings; 3) assessment and
45 review of programs for children receiving services for emotional
46 and behavioral health care or developmental disabilities from the
47 Division of Children's System of Care in the Department of
48 Children and Families (DCF); 4) person-centered planning which

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1 maximizes independence and ability to engage in the self-direction
2 of services; and 5) any other activity that DHS and the advisory
3 council deem appropriate.

4 The advisory council would be comprised of 17 members, as
5 follows: the Commissioners of Human Services, Health, and
6 Children and Families, and the Chairperson of the State Council on
7 Developmental Disabilities, or their designees; two members of the
8 Senate, appointed by the President of the Senate, no more than one
9 of whom is from the same political party; two members of the
10 General Assembly, appointed by the Speaker of the General
11 Assembly, no more than one of whom is from the same political
12 party; two representatives from the Office of the Governor,
13 appointed by the Governor; and seven public members appointed by
14 the Governor.

15 The public members would include: two representatives of
16 providers of services to individuals with developmental disabilities,
17 one involved with day programs and one with support services; two
18 persons involved in the development of housing for individuals with
19 developmental disabilities; one representative of an organization
20 which represents assisted living facilities serving individuals
21 receiving services from the Division of Aging Services in DHS; one
22 representative of a provider of services to individuals receiving
23 services from the Division of Children's System of Care in DCF;
24 and one individual with a developmental disability who is receiving
25 services from DDD.

26 The bill includes reporting requirements to the Governor and the
27 Legislature on the progress of the plan's implementation, and also
28 provides for the council to make future recommendations to help
29 continue the work of DHS in providing full access to community
30 living and receipt of services in integrated settings.