

DEPARTMENT OF HUMAN SERVICES

DIVISION OF DEVELOPMENTAL DISABILITIES

EFFECTIVE DATE: March 14, 2012

DATE ISSUED: March 14, 2012

(Rescinds Division Circular #1, "Development and Promulgation of Division Circulars," issued February 20, 2007).

- I. **TITLE:** Development and Promulgation of Division Circulars and Quality Enhancement Procedures.
- II. **PURPOSE:** To establish a uniform system for developing and disseminating operational policies used by the Division.
- III. **SCOPE:** This Division Circular applies to all components of the Division of Developmental Disabilities (Division or DDD) as well as providers under contract with the Division or licensed by the Department of Human Services that provide services to Division-eligible individuals.
- IV. **POLICIES:** The Assistant Commissioner shall promulgate all Division Circulars and Quality Enhancement Procedures (QEPs).

The Assistant Commissioner shall ensure the implementation of Division Circulars and QEPs in all applicable operating units of the Division.

V. **GENERAL STANDARDS:**

- A. Definitions - The following terms, when used in this Division Circular, have the indicated meanings, unless the context clearly indicates otherwise:

Component means a Regional Assistant Director's (RAD) Office, Developmental Center, Regional Office, or unit of the Division.

Division Circular means a sequentially numbered document issued by the Assistant Commissioner to promulgate operational policies, standards and key procedures used by the Division. Division Circulars convey policies that have broad applicability to major

components of the Division and may have applicability to providers under contract with the Division. The Assistant Commissioner may, however, limit the scope of a Division Circular to a single component.

Electronic transmittal means an email, electronic posting on the DDD website, any other electronic means of communication, or any combination of electronic means.

New Jersey Administrative Code (NJAC) means a compilation of agency rules made by the New Jersey Office of Administrative Law which have been proposed and adopted in the New Jersey Register. The promulgation of agency rules must adhere to the public comment and other requirements of the rulemaking process as specified by the Office of Administrative Law. Those rules have the force of law.

Provider means any agency or entity under contract with the Division or licensed by the Department to provide services to eligible individuals.

Quality Enhancement Procedure (QEP) means a sequentially numbered document issued by the Assistant Commissioner to ensure immediate action by Division staff to address an issue.

- B. Division Circulars shall remain in effect until officially rescinded at the discretion of the Assistant Commissioner.
- C. The process of development and review of Division Circulars shall incorporate the opportunity for input and comment from Division components, providers, persons with developmental disabilities, families, advocacy agencies, and trade organizations.
- D. The Division shall review each Division Circular as necessary.
- E. Executive staff of Division components and providers shall ensure that their procedures are consistent with applicable Division Circulars.
- F. Executive staff of Division components and providers shall maintain at least one complete and current manual of Division Circulars. The manual can be either printed or electronic but must be easily available and accessible to all staff who may require it.
- G. Executive staff of Division components and providers shall disseminate applicable Division Circulars to key staff.

- H. Some Division Circulars may have been adopted in the NJAC. The Division Circular shall contain a reference to the appropriate code citation. If no citation in the code exists, the Division Circular shall indicate that this section is not applicable (N/A).
- I. Some Division Circulars may require an impact statement, found in Appendix B of this Division Circular. The necessity for an impact statement shall be made on a case by case basis, when requested by the workgroup assigned to the Division Circular and approved by the Assistant Commissioner or designee.

VI. PROCEDURE:

- A. Division Circulars
 - 1. When the Assistant Commissioner, Legal and Administrative Practice Office or other Division component determines that a Division Circular needs to be developed or substantially revised, an internal workgroup shall be created to conduct the development or revision of the Division Circular. The Assistant Commissioner, or the Assistant Commissioner's designee, shall appoint members of the workgroup. The internal workgroup shall be chaired by the Division's Legal and Administrative Practice Officer (LAPO) or designee.
 - 2. The internal workgroup shall consist of Division staff from within applicable Division components. In addition, at the discretion of the Assistant Commissioner, subject matter experts to aid the internal workgroup may be appointed from outside of the Division.
 - 3. Once a working draft has been developed, the internal workgroup, with the approval of the Assistant Commissioner, shall distribute the working draft to a minimum of six community stakeholders chosen according to the type of input they can provide for development of the policy in question. At least one representative from each of the following areas shall be chosen: persons with developmental disabilities, families of persons with developmental disabilities, and provider agencies.
 - 4. The initial comment period for the working draft Division Circulars shall be 15 business days. The Division will identify a staff person who will be available to the group of six stakeholders to answer questions about the working draft during the 15 day comment period.

5. After the comment period has lapsed, the LAPO or designee shall compile the comments for the workgroup to review.
6. If, after review of the initial comments, the workgroup does not recommend changes or recommends changes that are not substantial, and the Division Circular will be codified in the NJAC, the LAPO or designee shall present the Division Circular to the Assistant Commissioner for approval to begin the process of publication in the New Jersey Register.
7. If, after review of the initial comments, the workgroup does not recommend changes, or recommends changes that are not substantial, and the Division Circular will not be codified in the NJAC, the LAPO or designee, with the approval of the Assistant Commissioner, shall distribute the proposed Division Circular for comment to community stakeholders, including providers, persons with developmental disabilities, families of persons with developmental disabilities, advocacy agencies, and trade organizations. Distribution may be completed through electronic transmittal.
 - a. The comment period for Division Circulars shall be 20 business days. Comments may be submitted via US Mail or electronically to the LAPO email address: ddd-co.lapo@dhs.state.nj.us.
 - b. After the comment period has lapsed, the LAPO or designee shall compile the comments for the workgroup to review. If the workgroup does not recommend changes, or recommends changes that are not substantial, the LAPO or designee shall present the Division Circular to the Assistant Commissioner for review and signature.
 - c. If the workgroup recommends changes that are substantial, an additional comment period of 10 business days shall be provided. After that comment period has lapsed, the LAPO or designee shall compile the comments for the workgroup to review. The workgroup shall make any additional revisions it deems appropriate. The LAPO shall then present the Division Circular to the Assistant Commissioner for review and signature.

8. If, after review of the initial comments, the workgroup recommends changes that are substantial, an additional comment period of 10 business days shall be provided to the group of six stakeholders. After that comment period has lapsed, the LAPO or designee shall compile the comments for the workgroup to review. The workgroup shall make any additional revisions it deems appropriate. If the Division Circular will be codified in the NJAC, it will then be presented to the Assistant Commissioner for approval to begin the process for publication in the New Jersey Register. If the Division Circular will not be codified in the NJAC, the procedure outlined above in “A. 7” shall be followed.
9. At any time during the development, revision, or comment process, the LAPO or designee may convene a meeting of interested parties and community stakeholders to facilitate discussion and field questions about the development or revision of the Division Circular.
10. Division Circular Format:
 - a. Division Circulars shall be prepared in conformance with the prescribed format (See Appendix A).
 - b. Drafts of Division Circulars shall be clearly marked “Draft” to avoid confusing a draft with implemented Division policy and procedure.
 - c. A Division Circular that revises or replaces a current Division Circular shall specify, in the heading, the Division Circular which has been rescinded.
 - d. Revision of Division Circulars may involve a single page, a section, or the entire document.
11. Responsibilities of the LAPO shall include:
 - a. Maintaining a distribution list of, and distributing Division Circulars and drafts to: Division components, providers, individual advocates, families, advocacy agencies, and trade organizations. The preference for this will be electronic; the LAPO will consider sending hard copies on a case by case basis.

- b. Maintaining a complete and current set of approved Division Circulars.
 - c. Providing an electronic updated copy of the Table of Contents of Division Circulars to: Division components, providers, individual advocates, families, advocacy agencies, and trade organizations, whenever a change to the Table of Contents occurs.
 - d. Providing a copy of newly promulgated Division Circulars to the Division's webmaster for placement on the Division website.
12. A proposal for a topic for a new Division Circular or revisions to a Division Circular that have not been solicited during a comment period may be made by a Division component, providers, individual advocates, families, advocacy agencies, or trade organizations. Such a recommendation shall be made in writing to the LAPO. The LAPO shall present the recommendation(s) to the Assistant Commissioner for review and action, if necessary. The LAPO shall respond in a timely manner to the person who made the recommendation, in regards to the action taken by the Division or give an explanation as to why action is not necessary by the Division.

B. Quality Enhancement Procedures

1. The Assistant Commissioner may issue a QEP in those instances where immediate action by Division staff is required to address an issue.
2. The QEP shall follow the format outlined in Appendix A.
3. Each QEP shall be numbered and shall have an issue date.
4. QEPs shall be signed by the Assistant Commissioner.
5. A component preparing a QEP shall submit the document to the LAPO to be issued.
6. The LAPO shall advise the component of any changes needed. The component may finalize the QEP and prepare a cover memorandum for the Assistant Commissioner's signature.

7. Once the Assistant Commissioner has signed the cover memorandum and the QEP has been signed by the Assistant Commissioner, an electronic copy of both shall be provided to the Division's LAPO for distribution to Division staff who routinely receive copies of Division Circulars.
8. If there are concerns about the QEP after it has been issued, those concerns may be sent in writing to the LAPO.
9. The Division LAPO shall maintain a complete and current set of QEPs.
10. Each component shall keep a manual of QEPs.

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Acting Assistant Commissioner

APPENDIX A**FORMAT FOR DEVELOPING DIVISION CIRCULARS**

DIVISION CIRCULAR #
(N.J.A.C. citation, if applicable)

DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES

EFFECTIVE DATE:

DATE ISSUED:

- I. TITLE: (A descriptive title).
- II. PURPOSE: (A statement of purpose).
- III. SCOPE: (To whom does the Division Circular apply).
- IV. POLICIES: (Statements that reflect the Division's philosophy and expectations with regard to major problems and courses of action).
- V. GENERAL STANDARDS: (Uniform expectation of performance criteria including, as necessary, definitions of essential terms).
- VI. PROCEDURES: (Content shall include major steps to implement the policy).
 - A. Sequential steps required, including frequency or scheduling requirements at each step.
 - B. Assignment of staff responsibilities for each element of the policy/procedure.
 - C. Reporting and recording requirements.
 - D. Other particulars for staff guidance including but not limited to required procedure development by the operating unit, differential guidelines for components and appendices.

Signature

**APPENDIX B
Division of Developmental Disabilities
Policy Impact Checklist**

All sections must be completed

Date:	Responsible APO:	
Topic:		
Division Circular:	Routine:	Amendment:
Regulation:	Priority:	New:

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IMPACT STATEMENTS

Fiscal Impact:	Yes	No	(Fiscal review required)
If Yes, describe the impact:			
Fiscal Reviewer:		Date:	
IT Impact:	Yes	No	(IT review required)
If Yes, describe the need and timeline for completion:			
IT Reviewer:		Date:	
Does this policy impact on individuals?	Yes	No	
If Yes, describe the impact:			
Reviewer:		Date:	
Does this policy place an unfunded mandate on service providers?	Yes	No	
If Yes, describe impact:			
Reviewer:		Date:	
Does this policy impact on self-direction for individuals?	Yes	No	
If Yes, describe the impact:			
Reviewer:		Date:	
Does this policy impact on DDD employees covered under union contracts:	Yes	No	
If Yes, describe the impact:			
HR Reviewer:		Date:	