

HUMAN SERVICES

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

Programs of Assertive Community Treatment

Readoption with Amendments: N.J.A.C. 10:37J

Proposed: August 17, 2015, at 47 N.J.R. 2037(a).

Adopted: November 23, 2015, by Elizabeth Connolly, Acting Commissioner,
Department of Human Services.

Filed: January 25, 2016, as R.2016 d.019, **with non-substantial changes** not
requiring additional public notice and comment (see N.J.A.C. 1:30-2.7).

Authority: N.J.S.A. 30:1-12, 30:9A-1, and 30:9-10.

Effective Date: January 25, 2016, Readoption;

March 7, 2016, Amendments.

Expiration Date: January 25, 2023.

Summary of Public Comment and Agency Response:

No comments were received from the public.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with
amendments comply with, but do not exceed, applicable Federal requirements or
standards in the Health Information Portability and Accessibility Act, 45 CFR
160.103.

Summary of Agency-Initiated Changes:

1. In the amended definition of “Level I standards,” the Department of Human Services (DHS) intended to correct the cross-reference in N.J.A.C. 10:37-2.5 to N.J.A.C. 10:37J-2.5. Due to a publication error, this correction did not get into the proposal and it is being corrected upon adoption.
2. At N.J.A.C. 10:37J-2.3(b)3, DHS is updating the reference from DSM IV to DSM 5 as that is the most current edition. Reference to Axis 1 is deleted as DSM 5 no longer references Axis 1.
3. As a result of the amended definition of “Level I standards,” N.J.A.C. 10:37J-2.4(c) is no longer identified as a Level I Standard. Therefore, the cross-reference in N.J.A.C. 10:37J-2.4(a) must state that all standards except subsection (c) relating to program intensity are considered Level I standards. Program intensity is not considered a Level I standard; Level I standards pertain to staff qualifications, consumer safety and rights.
4. DHS is amending N.J.A.C. 10:37J-2.7(e) for clarity. A Programs of Assertive Community Treatment program may discharge or terminate a consumer according to standards stated at N.J.A.C. 10:37J-2.7(c) or (d). Referencing N.J.A.C. 10:37J-2.7(d)4 is redundant as paragraph (d)4 is included in subsection (d). The language is misleading as a consumer cannot be discharged and terminated at the same time.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:37J.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets ***[thus]***):

10:37J-1.2 Definitions

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

...

“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 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 N.J.A.C. 10:37J-2.4, Program intensity except subsection (c); N.J.A.C. ~~*[10:37]~~**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.

...

10:37J-2.3 Eligibility

(a) (No change.)

(b) The PA shall consider as eligible any consumer who meets all of the following criteria:

1. – 2. (No change.)

3. Has at least one of the following primary DSM ^[IV] ⁵ diagnoses

^[on Axis I]:

i.-v. (No change.)

4. – 5. (No change)

(c)-(d) (No change from proposal.)

10:37J-2.4 Program intensity

(a) All of the standards delineated in this section*, **except that in (c) below,*** relate to program intensity and shall be considered Level I standards.

(b)-(e) (No change.)

10:37J-2.7 Termination and discharges

(a) – (d) (No change.)

(e) Along with a request to terminate PACT services or to discharge a consumer under (c)^[,] ^{or} (d) ^[and (d)4] above, the PA shall submit to the Division Regional office and shall include in the consumer's case record a transition plan for that consumer. The transition plan shall include:

1. – 4. (No change.)