

HUMAN SERVICES

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

Short-Term Care Facility Standards

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

Adopted New Rules: N.J.A.C. 10:37G-3

Proposed: January 20, 2015, at 47 N.J.R. 252(a).

Adopted: April 16, 2015, by Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Filed: May 21, 2015, as R.2015 d.101, **without change**.

Authority: N.J.S.A. 30:4-27.8, 27.9, and 27.10

Effective Dates: May 21, 2015, Readoption;
June 15, 2015, Amendments and New Rules.

Expiration Date: May 21, 2022.

Summary of Public Comments and Agency Responses:

Comments were received from Paula Unsal, MT-BC; Terry Glusko, MS, MT-BC; Sheila Riley-Massa, MPA, LCAT, MT-BC; Roia Rafieyan, MA, MT-BC; Elizabeth Balzano, Riley, MA, MT-BC-LCAT; Barbara Giaquinto, MT-BC; Eveleen Solomon, MT-BC; Marlea Gruver, MT-BC; Ellen de Havilland, MT-BC; Joanne M. Carey, MT-BC; and Brian Abrams, Ph.D., MT-BC.

COMMENT: All of the commenters expressed support to the proposed amendment regarding the clarification of the rehabilitation therapists to include music therapists.

The commenters "further support the proposed language definition of STCF

professional staff ... or a staff member appropriately licensed or certified. The Certification Board for Music Therapy has been fully accredited by the National Commission for Certifying Agencies (NCAA) since 1986 and this code language recognition allows music therapists to serve as equal members of the treatment team.”

RESPONSE: The Department of Human Services (Department) thanks the commenters for the support of the clarification of the role of music therapists as a rehabilitation specialist; however, the Department believes that the commenters may have misinterpreted the definition of short-term care facility (STCF) professional staff. The Department has included the definition of STCF professional staff to refer to those individuals who have received a master's degree from an accredited institution in a recognized mental health discipline or one who is licensed, certified or qualified in accordance with the highest professional standards to provide clinical services. Although certain rehabilitation therapists may be licensed, certified, or qualified, they do not provide clinical services. Therefore, rehabilitation therapists are not included in the definition of STCF professional staff.

Federal Standards Statement

A Federal standards analysis is not required because the rules readopted with amendments are not subject to any Federal requirements or standards. A Federal standards analysis is not required for the adopted new rules at N.J.A.C. 10:37G-3 because they do not exceed the Federal requirements set forth in the Federal privacy rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR Parts 160 and 164, as they apply to the release of and access to PHI; and 42 CFR Part

2, Confidentiality of Alcohol and Drug Abuse Patient Records, 34 CFR 361.38
Vocational Rehabilitation Protection, Use and Release of Patient Information; and the
Federal Fair Housing Amendments of 1988, 42 U.S.C. §§ 3601 et seq.

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

Full text of the adopted amendments and new rules follows:

TEXT