

HUMAN SERVICES

DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

Pre-Placement Program

Proposed Readoption with Amendments: N.J.A.C. 10:38A

Authorized By: Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12, 30:4-27.19, and 30:4-63.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-014.

Submit written comments by March 19, 2016, to:

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The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 10:38A, Pre-Placement Program, is scheduled to expire on December 9, 2015. As this notice of proposal was submitted to the Office of Administrative Law on the expiration date, pursuant to N.J.S.A. 52:14B-5.1c(2), the expiration date is extended 180 days to June 6, 2016. This notice of proposal is excepted from the

rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5, because a 60-day public comment period is provided.

The Department of Human Services (the Department), in conjunction with the Division of Mental Health and Addiction Services (the “Division”), reviewed these rules and determined that their continued implementation benefits staff and patients at State psychiatric hospitals by delineating eligibility and program standards for patient participation in the Pre-Placement Program.

The purpose of these rules is to provide uniform policies and procedures for interdisciplinary treatment teams and other hospital staff responsible for determining eligibility for and facilitating Pre-Placement Program visits.

The rules are organized into three subchapters. N.J.A.C. 10:38A-1 describes the scope and purpose of the Pre-Placement Program and provides definitions of terms used throughout the chapter. N.J.A.C. 10:38A-2 delineates the Pre-Placement Program eligibility requirements for patients. N.J.A.C. 10:38A-3 explains the standards and requirements for a Pre-Placement Program visit, including financial requirements and procedures related to facilitating the visit. N.J.A.C. 10:38A Appendix provides a Sample Pre-Placement Program visit fact sheet and agreement to be used by the State psychiatric hospitals in accordance with N.J.A.C. 10:38A-3.1(g), which requires that a fact sheet be provided to the patient and community provider and that an agreement be signed by the patient and community provider. The Pre-Placement Program fact sheet provides information to the patient and applicable community provider about the purpose and requirements of the Pre-Placement Program visit. The Agreement is a document that is signed by both the community provider and patient, which defines the length of the visit and acknowledges understanding of the Pre-Placement Program requirements.

The Department reviewed these rules and finds that these rules continue to be necessary, reasonable, and proper for the purposes they were originally promulgated to serve, with the exception of the following amendments.

An amendment is proposed at N.J.A.C. 10:38A-1.2 to reflect the current name of the Division of Mental Health and Addiction Services. In the Fiscal Year 2010-2011 State Appropriations Act, the former Division of Mental Health and the former Division of Addiction Services merged to create the combined Division of Mental Health and Addiction Services. The proposed amendment reflects the merger.

An amendment at N.J.A.C. 10:38A-3.1(j) and at N.J.A.C. 10:38A Appendix paragraph 11, is proposed in order to be consistent with prior language in N.J.A.C. 10:38A-3.1(j), indicating that when a patient has completed the Pre-Placement Program, this completion also signifies that the patient was discharged from the State psychiatric hospital. An additional amendment at N.J.A.C. 10:38A-3.1(j) is proposed to delete an unnecessary comma.

Social Impact

The rules proposed for readoption with amendments will have a positive impact on State psychiatric hospital patients. The rules provide consistency in Pre-Placement Program requirements and procedures across the State psychiatric hospital system. In addition, through their participation in the Pre-Placement Program, patients have an opportunity to try out a community setting before their discharge from the State psychiatric hospital. In turn, the Pre-Placement Program provides providers with an opportunity to evaluate whether the patient's placement is mutually satisfactory. Moreover, the Pre-Placement Program promotes the State and Department's goal in providing mental health services in the least restrictive setting.

Economic Impact

The rules proposed for readoption with amendments will have a positive economic impact on eligible patients and community providers by funding pre-placement visit opportunities, which will facilitate final placement and discharge from a State psychiatric hospital. The Department does not anticipate that the rules proposed for readoption will require any additional administrative costs or funding sources, nor any direct economic effect on any specific individuals.

Federal Standards Statement

A Federal standards analysis is not required because these rules proposed for readoption with amendments are not subject to any Federal requirements or standards.

Jobs Impact

The rules proposed for readoption with amendments are not expected to have any effect on jobs in the State.

Agricultural Industry Impact

The rules proposed for readoption with amendments would have no impact on agriculture in the State.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments do not impose any reporting, recordkeeping, or compliance requirements on small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules provide eligibility requirements and program standards for the placement of State psychiatric hospital patients in certain community settings.

Housing Affordability Impact Analysis

The rules proposed for re-adoption with amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules will evoke a change in the average costs associated with housing because the rules relate to the Pre-Placement Program operated by the Department.

Smart Growth Development Impact Analysis

The rules proposed for re-adoption with amendments will have an insignificant impact on smart growth. There is an extreme unlikelihood that these rules will evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because these rules related to the Pre-Placement Program operated by the Department and do not involve land use policies or infrastructure development. Therefore, the rules proposed for re-adoption with amendments do not impact smart growth.

Full text of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:38A.

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

SUBCHAPTER 1. GENERAL PROVISIONS

10:38A-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” shall mean the New Jersey Division of Mental Health **and Addiction** Services.

...

SUBCHAPTER 3. PROGRAM STANDARDS

10:38A-3.1 Program standards and requirements

(a) - (i) (No change.)

(j) Whenever a patient successfully completes a Pre-Placement with a provider, he or she shall be removed from that program status and, upon the treatment team’s approval, shall be discharged from the hospital and no longer subject to return to the hospital according to the standard contained in these rules (see (e) above). Patients who have completed the Pre-Placement Program **and have been discharged from the hospital** and whose subsequent behavior indicates that they require psychiatric hospitalization[,] must be screened in accordance with the procedures and standards contained in the Mental Health Screening Law (N.J.S.A. 30:4-27.1 et seq.).

(k) (No change.)

(Agency Note: The text of N.J.A.C. 10:38A Appendix follows with proposed new text appearing in italicized boldface ***thus***; those portions of the appendix appearing solely in boldface are proposed to be so permanently.)

APPENDIX

SAMPLE PPV AGREEMENT

_____ **PSYCHIATRIC HOSPITAL**

PRE-PLACEMENT VISIT (PPV) PROGRAM

FACTS SHEET & PPV AGREEMENT

IMPORTANT INFORMATION ABOUT PPV's:

1.-10. (No change.)

11. If it appears that the client may be in need of immediate mental health intervention after s/he has been discharged from PPV status *and the hospital*, the home provider shall contact the local Screening Center for assistance.

PRE-PLACEMENT VISIT PROGRAM AGREEMENT

I, _____, agree to accept _____ into _____
(Provider Name) (Patient Name) (Name and Address of Facility)

_____ facility on a * ____-day

PPV. I have been informed about the PPV program and agree to abide by its rules.

* The length of the PPV may be adjusted during the PPV considering input from the client and agreement between the Treatment Team and the housing provider.

(Signature of Provider) (Date) (Signature of Client) (Date)

(Signature of Witness/Social Worker) (Date)