

**DIVISION CIRCULAR #46  
(N/A)**

**DEPARTMENT OF HUMAN SERVICES**

**DIVISION OF DEVELOPMENTAL DISABILITIES**

**EFFECTIVE DATE:** August 11, 2006

**DATE ISSUED:** August 11, 2006

(Rescinds Division Circular #46, "Payments to Operators of Community Care Homes Following Investigations," issued June 18, 2004)

- I. TITLE:** Payments to Operators of Community Care Residences (CCRs) Following Investigations
- II. PURPOSE:** To establish guidelines for payments to operators of CCRs following investigations of abuse and neglect.
- III. SCOPE:** This circular applies to Community Services, the Developmental Disabilities Licensing (DDL), the Special Response Unit (SRU), agencies contracted to develop and oversee CCRs and operators of CCRs.
- IV. POLICIES:**  
Allegations of abuse or neglect shall be reported in accordance with Division Circular #14.

It is the responsibility of the operator of a CCR to cooperate in the investigation of allegations of abuse or neglect. Failure to cooperate shall result in the loss of reimbursement.

**V. GENERAL STANDARDS:**

- A. **Definitions** – For the purpose of this circular, the following terms shall have the meaning defined herein:

“Abuse” means any act or omission of an act that willfully deprives an individual of his or her rights or which may cause or causes actual physical injury or emotional harm, and is not limited to physical injury. Examples of abuse are acts that cause pain, cuts, bruises, temporary loss of a body function, temporary or permanent disfigurement, death; striking with a closed or open hand; pushing to the ground or

shoving aggressively; twisting a limb; pulling hair; dousing with water; intentionally ignoring a resident; withholding food; forcing an individual with developmental disabilities to eat obnoxious substances; or use of verbal or other communication to curse, vilify, degrade an individual or threaten an individual with physical injury. Planned use of behavioral intervention techniques, which are part of an approved behavior modification plan or IHP, shall not be considered to be abuse or neglect.

“Community Care Residence” (CCR) means a private home or apartment in which an adult person or family contracts to provide individuals with developmental disabilities with care and/or training which is licensed under N.J.A.C. 10:44B. These homes include Family Care Homes, Skill Development Homes and Family Based Respite Homes.

“Community Care Residence (CCR) Provider” means the person licensed to operate a CCR.

“Developmental Disabilities Licensing” (DDL) means the component of the Department that licenses community residences for individuals with developmental disabilities.

“Neglect” means the failure of an individual to provide for or maintain the care and safety of individuals under his or her supervision, including but not limited to: failure to provide and maintain proper and sufficient food, clothing, health care, shelter, and/or adult supervision.

“Special Response Unit” (SRU) means the component of the Department responsible for investigating and monitoring unusual incidents, involving allegations of abuse, neglect or exploitation in community programs licensed, contracted or regulated by the Division.

- B. Once an individual is removed from the CCR due to an allegation of abuse or neglect, the Division is not obligated to return him or her if the allegation is unfounded or unsubstantiated.
- C. An individual may be returned to the home if an allegation is unfounded or unsubstantiated, depending upon a case by case review of the individual’s current living arrangement, adjustment, needs and wishes.
- D. Payment to the CCR provider shall cease when the individual(s) is removed from the home.
- E. Reimbursement may be made only for room and board for individuals who had been receiving services from the Division if an allegation is unfounded or unsubstantiated. No payment shall be made for training.

**VI. PROCEDURES:**

- A. Payments to the CCR provider shall cease as of the day the individual(s) is removed. No reimbursement may be requested while the matter is pending investigation or the license is suspended or revoked.
- B. The CCR provider may request retroactive reimbursement, within 30 days, when:
  - 1. The CCR provider is exonerated of the charge by the Department's investigation and/or any pending criminal charges are dropped, or
  - 2. The revocation or suspension is rescinded upon appeal.
- C. Reimbursement to the CCR provider may be made only for room and board for individuals who had been receiving services from the Division, if an allegation is unfounded or unsubstantiated. No payment shall be made for training.
- D. Requests for reimbursement shall be made, in writing, within 30 days to the Regional Administrator.
- E. The amount of the reimbursement shall be negotiated between the CCR provider and the Division. In the case of a suspension or revocation, the reimbursement shall be limited to the period of the suspension or revocation.
- F. Once a license has been reinstated, the CCR provider shall be able to receive payment for an individual placed in the CCR.

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