

REQUEST FOR DISCHARGE FROM SUPERVISED RESIDENCE

Directions: The following form should be completed by a supervisory-level staff person of the residential provider agency (PA) and submitted to DMHAS anytime a PA plans to discharge a resident from a group home setting. Discharge must be in accordance with NJAC 10:37A. A copy of this form must be sent to the PA's CEO or COO and a copy must be placed in the resident's file.

The purpose of this form is to assist the PA in adhering to NJAC 10:37A. Supporting documentation noted below should be provided within 1 business day upon DMHAS request only, unless noted in bold font below.

Please indicate whether this submission includes a request for a hearing: YES NO

Resident Name _____

Provider Agency _____

PARTS I AND II MUST BE COMPLETED

PART I. SUBSTANTIVE COMPLIANCE (NJAC 10:37A-11.1(a)) - Choose at least one of the following six grounds:

- 1. **NJAC 10:37a-11.2(A)(1): Substantial Threat** - Violation of a Rule creates a substantial, continuing and immediate threat to physical safety of residents and/or staff, or to the emotional or psychological health of other resident consumers.

PA attests that consumer creates the requisite threat by violating the following rule:
_____ ; and

PA attests that the consumer has not been civilly committed to an inpatient treatment facility pursuant to NJSA 30:4-27.1, et seq.; and

PA's discharge policy and consumer service agreement are attached if requested by DMHAS.

- 2. **NJAC 10:37A-11.2(a)(2): Violation of Lease, Law or Rule** - Consumer's behavior renders the residence or the PA out of compliance with a lease agreement signed by the PA, or with any applicable rule or law.

PA attests that it is out of compliance because consumer violated the following lease, law or rule:
_____ ; and

If applicable, copy of lease is attached to this request; and

PA's discharge policy is attached if requested by DMHAS.

3. **NJAC 10:37A-11.2(a)(3): Repeated Violation of a Rule governing Consumer Conduct**

Dates of repeated violation are: _____; and

PA provided consumer with notice(s) to cease on: _____ and **documentation/notice(s) to cease are attached to this request;** and

PA's discharge policy and consumer service agreement are attached if requested by DMHAS.

4. **NJAC 10:37A-11.2(a)(4): Maximum Clinical Benefit**

PA attests that consumer attained maximum clinical benefit and clinical documentation is attached if requested by DMHAS; and

PA attests that appropriate, alternate living arrangement (other than shelter, motel or hospital) is available to the consumer/fits within the consumer's financial resources and documentation of such is attached if requested by DMHAS; and

PA's discharge policy is attached if requested by DMHAS.

5. **NJAC 10:37A-11.2(a)(5): Consumer Absence for 30 Continuous Days**

Consumer was absent for a continuous period from _____ to _____; and

PA attests that:

consumer has not provided notice of intent to return; or

continued absence beyond 30 days is not in the consumer's clinical best interest and clinical documentation is attached if requested by DMHAS; and

PA's discharge policy is attached if requested by DMHAS.

6. **NJAC 10:37A-11.2(a)(6): Refusal of Necessary and Appropriate Services**

PA attests that consumer refuses necessary and appropriate services offered/included in consumer's properly developed IRP and the IRP is attached if requested by DMHAS; and

PA attests that consumer's refusal of such services is contrary to consumer's clinical best interest and clinical documentation is attached if requested by DMHAS; and

PA attests that consumer failed to offer an alternative plan consistent with the consumer's clinical best interest; and

PA attests that appropriate, alternate living arrangement (other than shelter, motel or hospital) is available to the consumer/fits within the consumer's financial resources and documentation of such is attached if requested by DMHAS; and

PA's discharge policy is attached if requested by DMHAS.

PART II. PROCEDURAL COMPLIANCE (NJAC 10:37A-11.3 (c)- (i)) (Choose 1, 2 or 3. Proceed as directed in 3d.)

1. PA attests that its attempts to locate consumer were unsuccessful and documentation of such attempts are attached if requested by DMHAS;

or

2. PA attests that its attempts at consumer participation failed and documentation of consumer's refusal to participate are attached if requested by DMHAS;

or

3. PA attests that *prior* to consumer discharge:

(Each of the following criteria must be satisfied. Proceed as directed in d.)

- a. PA's assigned clinical staff fully informed the consumer of and discussed with the consumer the factual and clinical basis for discharge; and
- b. PA's assigned clinical staff formulated a written discharge plan with appropriate alternate living arrangement and links for treatment services; and
- c. PA attached to this request **documentation of: all efforts to inform the consumer of the factual/clinical basis for discharge; all efforts to obtain appropriate alternate living arrangements and links to appropriate alternate treatment modalities; and consumer's discharge plan;** and
- d. PA attached if requested by DMHAS documentation that the consumer:
agrees with discharge to an appropriate form of living arrangement. (PA may proceed with discharge if DMHAS approves this request.)

or

does **not** agree with discharge. (If the consumer does not agree, the PA may not proceed with discharge and must proceed with Part III below. PA must notify DMHAS and comply with all procedures mandated by NJAC 10:37A-11.1(b).)

IMPORTANT NOTES:

- ALL discharges must be to an appropriate form of living arrangement.
- The DMHAS review officer's decision in a hearing is final.

PART III. HEARING COMPLIANCE (Complete 1 through 6 only if this is a request for a hearing.)

1. PA offered Ombuds Procedure to attempt to resolve any problems, consumer accepted Ombuds procedure and Ombudsman failed to settle all issues;

or

PA offered Ombuds Procedure to attempt to resolve any problems, and consumer declined Ombuds procedure; and
2. PA submitted discharge to CEO for review and CEO affirmed PA decision; and
3. PA delivered to consumer written notice of intent to discharge; PA read and explained such notice in language used at time of admission; and
4. PA requests a meeting with DMHAS for review that is:
 - a. at least 10 days after delivery, reading and explanation of notice of intent to discharge because an alternate residence is available, or
 - b. at least 20 days after delivery, reading and explanation of notice of intent to discharge because an alternate residence is not available; and
5. Post hearing and decision, PA shall verify that staff read and explained the DMHAS letter of findings and decision to the consumer in the same language utilized at admission; and
6. Post hearing, in the event of a decision affirming discharge, PA shall verify that it discharges and peaceably removes the consumer from the residence (as directed by the reviewing officer's final decision), no sooner than seven (7) days after the consumer's receipt of the reviewing officer's written decision.

IMPORTANT NOTE:

- > The DMHAS review officer's decision is final.

Please provide a summary including any pertinent details:

Submitted by: _____

Title: _____

Date: _____