

## [N.J.A.C. 10:164](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 4, February 20, 2024

***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES***

### **Title 10, Chapter 164 -- Chapter Notes**

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#### **Statutory Authority**

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##### **CHAPTER AUTHORITY:**

[N.J.S.A. 30:4D-7](#) and 12; P.L. 2012, c. 17 ([N.J.S.A. 26:1A-107](#) et seq.); and [42 U.S.C. § 1396\(a\)](#).

#### **History**

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##### **CHAPTER SOURCE AND EFFECTIVE DATE:**

Effective: September 22, 2021.

See: [53 N.J.R. 1791\(b\)](#).

##### **CHAPTER HISTORICAL NOTE:**

Chapter 86, Medical Day Care Services, originally codified in Title 10 as Chapter 65, Intermediate Care Standards. Chapter 65 was adopted as R.1973 d.132, effective July 1, 1973. See: 5 N.J.R. 10(a), 5 N.J.R. 190(a).

Chapter 65, Intermediate Care Standards, was repealed by R.1979 d.126, effective March 29, 1979. See: 10 N.J.R. 190(b), 11 N.J.R. 248(b).

Chapter 65, Medical Day Care Services Manual, was adopted as new rules by R.1979 d.325, effective August 16, 1979. See: 11 N.J.R. 280(a), 11 N.J.R. 448(e).

Pursuant to Executive Order No. 66(1978), Subchapter 1, General Provision, was readopted as R.1984 d.332, effective July 23, 1984. See: 16 N.J.R. 1443(a), 16 N.J.R. 2131(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, HCPCS Codes, was readopted as R.1984 d.508, effective November 15, 1984. See: 16 N.J.R. 2336(a), 16 N.J.R. 3031(b).

Pursuant to Executive Order No. 66(1978), Chapter 65, Medical Day Care Manual, was readopted as R.1989 d.504, effective August 25, 1989. See: 21 N.J.R. 1794(a), 21 N.J.R. 3005(a).

Chapter 65, Medical Day Care Manual, was repealed and Chapter 65, Medical Day Care Services Manual, was adopted as new rules by R.1991 d.87, effective February 19, 1991, operative March 1, 1991. See: 22 N.J.R. 3327(b), 23 N.J.R. 448(a).

Pursuant to Executive Order No. 66(1978), Chapter 65, Medical Day Care Services Manual, was readopted as R.1996 d.6, effective November 30, 1995. See: [27 N.J.R. 3540\(a\)](#), [28 N.J.R. 184\(b\)](#).

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Pursuant to Executive Order No. 66(1978), Chapter 65, Medical Day Care Services Manual, was readopted as R.2001 d.5, effective November 30, 2000, and Chapter 65 was recodified as [N.J.A.C. 8:86](#) and renamed Medical Day Care Services by R.2001 d.5, effective January 2, 2001. See: [32 N.J.R. 3053\(a\)](#), [33 N.J.R. 55\(a\)](#).

Chapter 86, Medical Day Care Services, was renamed Adult and Pediatric Day Health Services; Subchapter 2, HCPCS Codes, was renamed Billing Codes; Appendices A, B, C, and D were repealed and adopted as new rules; Appendices E, F, and G were repealed; and Appendix H was recodified as Appendix E by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006). See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 86, Adult and Pediatric Day Health Services, was extended by gubernatorial directive from November 30, 2005 to November 30, 2006. See: [38 N.J.R. 294\(c\)](#).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 86, Adult and Pediatric Day Health Services, was extended by gubernatorial directive from November 30, 2006 to May 30, 2007. See: [39 N.J.R. 104\(a\)](#).

Chapter 86, Adult and Pediatric Day Health Services, was readopted as R.2008 d.1, effective November 26, 2007. See: [39 N.J.R. 2424\(a\)](#), [40 N.J.R. 177\(a\)](#).

Chapter 86 of Title 8, Adult Day Health Services, was recodified as Chapter 164 of Title 10 by administrative change, effective June 16, 2014. As a part of the recodification, administrative changes were made throughout concerning cross-references, agency names and addresses, and the elimination of text rendered redundant or moot by the transfer of authority. See: [46 N.J.R. 1643\(a\)](#).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 164, Adult Day Health Services, was scheduled to expire on November 26, 2014. See: [43 N.J.R. 1203\(a\)](#).

Chapter 164, Adult Day Health Services, was readopted, effective September 4, 2014. See: [46 N.J.R. 2042\(a\)](#).

In accordance with [N.J.S.A. 52:14B-5.1](#), Chapter 164, Adult Day Health Services, was scheduled to expire on September 4, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Chapter 164, Adult Day Health Services, was readopted, effective September 22, 2021. See: Source and Effective Date.

Annotations

## Notes

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### [Chapter Notes](#)

## Research References & Practice Aids

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### CHAPTER EXPIRATION DATE:

Chapter 164, Adult Day Health Services, expires on September 22, 2028.

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End of Document

## [N.J.A.C. 10:164-1.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 4, February 20, 2024

### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 1. GENERAL PROVISIONS***

#### **§ 10:164-1.1 Purpose and scope; participant eligibility**

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(a) The Adult Day Health Services Program is concerned with the fulfillment of the health needs of eligible individuals who could benefit from a health services alternative to total institutionalization. Adult Day Health Services is a program that provides medically necessary services in an ambulatory care setting to individuals who are nonresidents of the facility, and who, due to their physical and/or cognitive impairment, require such services supportive to their community living.

(b) To be eligible for services through the Adult Day Health Services Program, an individual must satisfy the clinical eligibility and prior authorization requirements at [N.J.A.C. 10:164-1.5](#) and either:

1. Have been determined to be eligible for Medicaid; or
2. Be enrolled in the Community Care Program for the Elderly and Disabled, the Caregiver Assistance Program, the Adult Family Care Program, Community Resources for People with Disabilities, the AIDS Community Care Alternatives Program, the Traumatic Brain Injury Program, the Home Care Expansion Program or the Jersey Assistance for Community Caregiving Program.

#### **History**

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##### **HISTORY:**

Amended by R.1994 d.427, effective August 15, 1994.

See: 26 N.J.R. 1427(a), 26 N.J.R. 3474(a).

Amended by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

Rewrote the section.

Amended by R.2008 d.1, effective January 7, 2008.

See: [39 N.J.R. 2424\(a\)](#), [40 N.J.R. 177\(a\)](#).

Section was "Purpose and scope". Rewrote (b).

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: [40 N.J.R. 6328\(a\)](#), [41 N.J.R. 4257\(a\)](#).

Deleted "and Pediatric" following "Adult" throughout; in (a), deleted the last sentence; and in (b)2, substituted "Program" for "program" following "Adult Family Care" and deleted "or the ABC Program for medically fragile children," following "Brain Injury Program,".

Annotations

## Notes

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### [Chapter Notes](#)

## Case Notes

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DMAHS agreed with an ALJ that a Medicaid provider that had operated pediatric medical daycare program was properly required to repay benefits it had received on account of the enrollment of five of 16 children whose eligibility was challenged by Medicaid and also concluded that a sixth child was also ineligible for enrollment so the provider was also required to reimburse Medicaid for benefits paid on her behalf. [Mercer Cnty. Children's Daycare, LLC v. DMAHS et al., OAL DKT. NO. HMA 05779-12, 2017 N.J. AGEN LEXIS 992](#), Final Agency Determination (March 10, 2017).

Insurer acted properly in determining that a 53-year old insured was not eligible for Medical Day Care (MDC) services. The insured neither met the eligibility criteria nor showed that she either needed or received skilled services or a rehabilitation-related services at the MDC. That the insured wanted to continue to attend MDC because it lessened her anxiety and meant that she did not have to stay home alone was not a sufficient basis for continuing her eligibility. [L.W. v. United Healthcare, OAL DKT. NO. HMA 11062-16, 2017 N.J. AGEN LEXIS 76](#), Initial Decision (February 3, 2017).

Medicaid provider that operated pediatric medical daycare program (PMDC) was properly required to repay benefits received on account of care rendered to five of 16 children whose eligibility was challenged by DMAHS. Though all 16 children had prescriptions from physicians on which their attendance at the program was based, only 11 of them were receiving ongoing care for asthma, the existence of which established baseline eligibility under the regulations at issue, which allowed such children to be admitted to PMDC facilities based solely on the existence of the diagnosis. [Mercer Cnty. Children's Daycare, LLC v. DMAHS, Office of the State Comptroller Medicaid Fraud Div., OAL DKT. NO. HMA 05779-12, 2017 N.J. AGEN LEXIS 14](#), Initial Decision (January 5, 2017).

Elderly woman who suffered from diabetes mellitus, depression, hypertension and osteoarthritis was properly denied access to Adult Medical Day Care Services because she did not carry her burden to show that there was a medical necessity for such services. The lack of medical necessity was shown, inter alia, by the fact that the applicant rarely attended the adult medical day care center to which she presently had access. When she did attend, moreover, she did not receive any skilled nursing services or any assistance with [Activities of Daily Living](#). [B.R. v. Horizon New Jersey Health, OAL DKT. NO. HMA 05088-16, 2016 N.J. AGEN LEXIS 249](#), Initial Decision (May 10, 2016).

Health plan acted properly when it terminated Adult Daycare Health Services that were being provided to an elderly man because he did not meet the criteria for such services. That is, he was independent on all ADLs associated with ambulation, transfer, feeding, and toileting and his current blood pressure status did not support a finding that skilled services needed to be provided daily in the facility. [R.W. v. United Healthcare, OAL DKT. NOS. HMA 09848-15 and HMA 09954-15, 2015 N.J. AGEN LEXIS 607](#), Initial Decision (September 3, 2015).

Elderly woman who was residing at home where she received some support in the Personal Care Assistance Services (PCA) program and also participated in Adult Day Health Services (DHS) Program failed to establish, upon annual review, that there was a medical necessity for daily Adult DHS. Her participation in the DHS program was spotty and she did not regularly provide an explanation for her absences. Since the activities provided by Adult DHS duplicated many of the coverages/services that the woman received from her physicians, her family members and her PCA, it was proper to deny her request for renewal of her Adult DHS certification. [L.M. v. DMAHS, OAL DKT. NO. HMA 14597-14, 2015 N.J. AGEN LEXIS 236](#), Initial Decision (May 11, 2015).

§ 10:164-1.1 Purpose and scope; participant eligibility

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## [N.J.A.C. 10:164-1.2](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 1. GENERAL PROVISIONS***

## **§ 10:164-1.2 Definitions**

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

"ACCAP" means the AIDS Community Care Alternative Program created pursuant to the Omnibus Budget Reconciliation Act of 1981.

"ADHS" means adult day health services.

"ADL" means an activity of daily living, from among the following list of six separate activities of daily living:

1. Bathing/dressing;
2. Toilet use;
3. Transfer;
4. Locomotion;
5. Bed mobility; and
6. Eating.

"Adult day health services beneficiary" or "beneficiary" means an individual who is a Medicaid beneficiary, pursuant to [N.J.A.C. 10:49](#), an HCEP participant, or a JACC participant, who is eligible for adult day health services pursuant to [N.J.A.C. 10:164-1.5](#). An adult beneficiary is at least 18 years of age.

"Adult day health services facility" means an identifiable part of a nursing facility, or a hospital-affiliated facility, or a freestanding ambulatory care facility or such other facility that is licensed by the Department in accordance with its Standards for Licensure of Adult Day Health Services Facilities, [N.J.A.C. 8:43F](#), and that possesses a valid and current provider agreement from the Department.

"Advanced practice nurse" means an individual so certified by the New Jersey State Board of Nursing in accordance with [N.J.S.A. 45:11-23](#) et seq.

"AFC" means the Adult Family Care program created pursuant to the Omnibus Reconciliation Act of 1981.

"CAP" means the Caregiver Assistance Program, a Medicaid Home and Community Based Program under the Enhanced Community Options Waiver, pursuant to N.J.A.C. 10:60-10.2.

"Department" means the State of New Jersey Department of Human Services.

"HCEP" means the Home Care Expansion Program established pursuant to [N.J.S.A. 30:4E-5](#) et seq.

"HIV adult day health services facility" means an adult day health services facility that provides additional services to individuals with HIV infection in an identifiable and separate setting and that is licensed pursuant to [N.J.A.C. 8:43A](#).

"JACC" means the Jersey Assistance for Community Caregiving Program, an ElderCare Initiative pursuant to the State of New Jersey Appropriations Act.

## § 10:164-1.2 Definitions

"Legally authorized representative" means a person or entity empowered by law, judicial order, power of attorney, or otherwise to make decisions on behalf of the beneficiary and includes a beneficiary's spouse, domestic partner, civil union partner, or immediate next-of-kin.

"Licensed practical nurse (LPN)" means an individual who is so licensed by the New Jersey State Board of Nursing, pursuant to [N.J.S.A. 45:11-27](#).

"Limited assistance" means physical help in maneuvering of limbs or other non-weight-bearing assistance at least three times during the past three days.

"Medicaid" means medical assistance and health services provided under a State plan approved under Title XIX of the Social Security Act and administered in New Jersey pursuant to [N.J.S.A. 30:4D-1](#) et seq. and [N.J.A.C. 10:49](#).

"Medicaid beneficiary" means an individual who participates in the program for medical assistance, including Medicaid Waiver programs, authorized under Title XIX or Title XXI of the Social Security Act and administered jointly by the New Jersey Department of Health and Senior Services and the New Jersey Department of Human Services.

"Medical appointment" means a scheduled day and time for an individual to be evaluated or treated by a physician or other licensed health care professional.

"Medical nutrition therapy" means the assessment of nutritional status and treatment, use of diet therapy, counseling and specialized nutritional supplements.

"Medication administration" means a procedure in which a prescribed medication is given to a beneficiary by an authorized person in accordance with all laws and rules governing such procedures. The complete procedure of administration includes removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), verifying it with the prescriber's orders, giving the individual dose to the beneficiary, seeing that the beneficiary takes it, and recording the required information, including the method of administration. After the prescribed medication has been given the RN shall: assess the beneficiary for the development of side effects or interactions and/or for a change in the beneficiary's ability to maintain the medication regimen (which may include an assessment of the beneficiary's compliance with the medication regimen, the beneficiary's knowledge about the dose and medication taken and the side effects and interactions, and swallowing difficulties or short-term memory deficits).

"Physician assistant" means an individual so licensed by the New Jersey State Board of Medical Examiners pursuant to [N.J.S.A. 45:9-27.10](#) et seq.

"Registered professional nurse" or "RN" means an individual who is so licensed by the New Jersey State Board of Nursing, pursuant to [N.J.S.A. 45:11-26](#).

"Rehabilitation service" means physical therapy, occupational therapy, and/or speech-language pathology.

"Skilled service" means a needed skilled service provided by an RN or a licensed practical nurse, including, but not limited to:

1. Oxygen need;
2. Ostomy care;
3. Nurse monitoring (for example, medication administration, pacemaker checks, or the monitoring of urinary output, unstable blood glucose or unstable blood pressure that requires physician and/or advanced practice nurse intervention);
4. Wound treatment;
5. Stasis ulcer treatment;
6. Intravenous or intramuscular injection;
7. Nasogastric or gastrostomy tube feeding; and
8. Medical nutrition therapy.



## § 10:164-1.2 Definitions

"Supervision/cueing" means oversight, encouragement, or cueing provided at least three times during the past three days, or supervision provided one or more times plus physical assistance provided no more than two times for a total of at least three episodes of assistance or supervision.

"Wound" means an ulcer, a burn, a Stage II, III or IV pressure sore, an open surgical sites, a fistula, a tube site, or a tumor erosion site.

## History

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### HISTORY:

Amended by R.1994 d.427, effective August 15, 1994.

See: 26 N.J.R. 1427(a), 26 N.J.R. 3474(a).

Amended by R.2001 d.5, effective January 2, 2001.

See: [32 N.J.R. 3053\(a\)](#), [33 N.J.R. 55\(a\)](#).

In "Medical day care center" and "Prior authorization", amended N.J.A.C. reference.

Amended by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

Deleted definitions "Administration--medical day care center," "Division," "Medicaid District Office," "Medical day care center," "Pediatric medical day care center," "Prior authorization" and "Volunteer"; added definitions "ACCAP," "ADL," "Adult or pediatric day health services beneficiary," "Adult or pediatric day health services facility," "Advanced practice nurse," "AFC," "CAP," "Department," "HCEP," "HIV adult day health services facility," "JACC," "Legally authorized representative," "Licensed practical nurse (LPN)," "Limited assistance," "Medicaid beneficiary," "Medical nutrition therapy," "Medication administration," "Pediatric day health services facility," "Physician assistant," "Registered professional nurse," "Skilled services," "Supervision/cueing" and "Wounds."

Amended by R.2008 d.1, effective January 7, 2008.

See: [39 N.J.R. 2424\(a\)](#), [40 N.J.R. 177\(a\)](#).

Added definitions "ADHS", "Medicaid", "Medical appointment", "PDHS" and "Rehabilitation service"; in definition "Legally authorized representative", deleted "that is legally" following "entity" and inserted ", domestic partner, civil union partner, "; substituted definition "Skilled service" for definition "Skilled services" and definition "Wound" for definition "Wounds"; and rewrote definition "ADL".

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: [40 N.J.R. 6328\(a\)](#), [41 N.J.R. 4257\(a\)](#).

Substituted definition "Adult day health services beneficiary" for definition "Adult or pediatric day health services beneficiary"; in definition "Adult day health services beneficiary", substituted "an" for "a" preceding and deleted "pursuant to [N.J.A.C. 8:81](#)" following "HCEP participant", substituted "JACC participant" for "participant in the JACC", deleted "or pediatric" preceding "day health" and deleted the last sentence; substituted definition "Adult day health services facility" for definition "Adult or pediatric day health services facility"; in definition "Adult day health services facility", substituted "hospital-affiliated" for "hospital affiliated", deleted a comma following "care facility" and deleted "and Pediatric" preceding "Day"; in definition "HCEP", updated the N.J.A.C. reference; in definition "HIV adult day health services facility", substituted "that" for "which" twice; and deleted definitions "PDHS" and "Pediatric day health services facility".

Annotations

## Notes

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### [Chapter Notes](#)

## Case Notes

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Because the record of the hearing before the ALJ did not address whether an insured needed medication management of the type contemplated by the regulations governing eligibility for adult day care services (ADHC), the agency rejected the ALJ's determination that the insured had acted appropriately in denying the insured's application for such services. On remand, resources such as nursing notes were properly consulted to determine whether the insured actually required the type of daily assistance with medications provided at an ADHC facility. [A.B. v. Horizon NJ Health, OAL DKT. NOs. HMA 08219-16, 2016 N.J. AGEN LEXIS 1378](#), Remand Order (November 16, 2016).

An insurer properly denied an insured's application for adult day care services (ADHC) on findings that an assessment by a registered nurse that he did not meet the criteria therefor. The results of a different assessment using a tool known as Functional Independence Measure (FIM) were rejected as inadmissible because a FIM was not the state mandated assessment tool so the results were not properly consulted in considering whether the insured met the criteria for [ADHC. A.B. v. Horizon NJ Health, OAL DKT.NO HMA 08219-16, 2016 N.J. AGEN LEXIS 746](#), Initial Decision (September 1, 2016).

Elderly man did not meet the criteria for eligibility for Adult Day Health Services per governing rules. Though he suffered from hypertension, diabetes, hypothyroidism, general arthritis, and dementia, had diminished kidney function, was somewhat unsteady on his feet and sometimes aspirated his food, an assessment of his needs did not establish that he required at least limited assistance in a minimum of two defined "activities of daily living" or that any of the other baseline criteria for eligibility existed. [H.G. v. United Healthcare, OAL DKT. NO. HMA 04142-16, 2016 N.J. AGEN LEXIS 248](#), Initial Decision (May 10, 2016).

Health insurer's determination that an applicant was ineligible for Adult Day Health Services (ADHS) was affirmed. An assessment of the applicant, a 66 year old female diagnosed with hypoglycemia, osteoporosis, insomnia, glaucoma, arthritis, and depression, revealed that the applicant did not need assistance, cueing or skilled supervision in areas of daily living (ADLs), and the applicant in essence admitted that her applicant for ADHS was motivated by her desire to "have some place to go." [M.G. v. United Healthcare, OAL DKT. NO. HMA 01287-16, 2016 N.J. AGEN LEXIS 154](#), Initial Decision (March 24, 2016).

Applicant did not meet the criteria for Medicaid-paid adult medical day care services per N.J.A.C. 8:86-1.2 and N.J.A.C. 8:86-1.5. According to his discussions with a nurse assessing the case, the reports and notes on his chart at the Adult Medical Day Care Facility, and the information provided by the registered nurse at the time of the assessment, he did not need medical day care but should be a participant at a nutritional site or senior center that offered social, cultural and recreational opportunities with similar persons in physical condition and age range. [Y.K. v. Horizon New Jersey Health, OAL Dkt. No. HMA 05609-14, 2014 N.J. AGEN LEXIS 431](#), Initial Decision (July 22, 2014).

## [N.J.A.C. 10:164-1.3](#)

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### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 1. GENERAL PROVISIONS**

#### **§ 10:164-1.3 Program participation and evaluation**

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(a) An adult day health services facility shall meet the following requirements in order to participate in the New Jersey Medicaid, HCEP or JACC programs:

1. Licensure and approval by the Department in accordance with the Standards for Licensure of Adult Day Health Services Facilities at [N.J.A.C. 8:43F](#);
2. Completion of the New Jersey Medicaid Provider Application PE-1 (chapter Appendix A, incorporated herein by reference), the Participation Agreement PE-5 (chapter Appendix B, incorporated herein by reference) and a written narrative Statement on the Proposed Adult Day Health Services Facility (chapter Appendix C, incorporated herein by reference) and approval as a Medicaid adult day health services provider by the Department. The New Jersey Medicaid Provider Application (PE-1) and the Participation Agreement (PE-5) are also available by contacting Unisys for Medicaid participation at (800) 776-6334 and on the Worldwide Web at [www.njmmis.com](http://www.njmmis.com). Ongoing participation as a provider is contingent upon continued licensure and approval by the Department;
  - i. Adult day health services facilities providing services to JACC participants shall also be approved as a JACC provider/vendor by the Department.
3. For ADHS facilities, completion of a pre-numbered prior authorization request form for every individual or beneficiary to whom an ADHS facility intends to provide ADHS under the ADHS program prior to the initial provision of ADHS or the continuation of such services after an existing prior authorization term ends.
  - i. Pre-numbered prior authorization request forms are available upon request from UNISYS at (800) 776-6334 or on the Worldwide Web at [www.njmmis.com](http://www.njmmis.com).
  - ii. A facility shall contact the case or care manager for an adult individual or beneficiary who is a participant of any program listed at [N.J.A.C. 10:164-1.1\(b\)](#) that requires case or care management to obtain the date that the individual or adult beneficiary may begin receiving ADHS and the number of days per week he or she may receive such services as identified by his or her case or care manager pursuant to (a)3ii(1) below.
    - (1) The case or care manager for an individual or adult beneficiary who is a participant of any program listed at [N.J.A.C. 10:164-1.1\(b\)](#) that requires case or care management shall identify for an ADHS facility the number of days per week, not to exceed five days per week pursuant to [N.J.A.C. 10:164-1.4\(a\)3](#), and the date the individual or adult beneficiary may begin receiving ADHS if professional staff designated by the Department determine the individual or adult beneficiary is clinically eligible and the individual or adult beneficiary is determined to have obtained prior authorization for ADHS pursuant to [N.J.A.C. 10:164-1.5\(f\)](#).
  - iii. An ADHS facility shall submit a completed pre-numbered prior authorization request form to the Department via telefacsimile at (609) 984-3897 or electronically, as specified by the Department, to the attention of the Office of Community Choice Options, Adult Day Health Services Program.

## § 10:164-1.3 Program participation and evaluation

iv. An ADHS facility shall provide the following information on the pre-numbered prior authorization request form:

- (1) An individual's or beneficiary's biographical and contact information, such as first and last name, address, telephone number, and social security number;
- (2) The type of assistance an individual or beneficiary requires with regard to the ADLs, skilled services, or rehabilitation services, as provided at [N.J.A.C. 10:164-1.5\(f\)](#);
- (3) The contact information for the ADHS facility completing the pre-numbered prior authorization form, including the name and telephone and telefacsimile numbers of the facility, and title of the individual completing the form; and
- (4) The scope and type of ADHS the facility intends to provide to that individual or beneficiary pursuant to [N.J.A.C. 10:164-1.5\(f\)](#).

v. Submission of a pre-numbered prior authorization request form is the only mechanism for notifying the Department that:

- (1) An ADHS facility is seeking prior authorization to provide ADHS to an individual or beneficiary who requires a clinical eligibility assessment for prior authorization pursuant to [N.J.A.C. 10:164-1.5](#); or
- (2) An ADHS facility is seeking prior authorization to provide ADHS to a beneficiary who wishes to transfer from another adult ADHS facility pursuant to [N.J.A.C. 10:164-1.7](#).

4. Maintenance of a daily attendance record that includes the printed name and the arrival and departure times of each beneficiary attending on that day, signed by each adult beneficiary in acknowledgement of the beneficiary having been present for the time indicated and submission to the Department upon request of the Department of a completed Day Health Services Monthly Attendance Roster form CSS-11 posted at [www.nj.gov/health/forms](http://www.nj.gov/health/forms), with respect to all beneficiaries who attended at least one day that month.

- i. The Day Health Services Monthly Attendance Roster form requires ADHS facilities to provide the following information: the name of the facility, the applicable month, the name of and Medicaid number for each beneficiary and each day the beneficiary attended the facility during the month of the roster.
- ii. If an adult beneficiary is unable to sign the daily attendance record, the administrator of the facility or his or her designee shall attest in writing to the accuracy of the indicated arrival and departure times of the beneficiary, and the signed attestation shall be included as part of the daily attendance record maintained by the facility; and

5. Preparation of a complete financial statement and a cost report, annually detailing expenditures of the adult day health services facility. Adult day health services facility costs shall be segregated from other operational costs. (Department reimbursement rates may be based on cost report information or on a percentage of nursing facility per diem rates.) Cost reports shall be signed by the administrator or an officer of the facility. Cost reports shall include a statement that adult day health services costs have been verified as to type and amount. Financial statements shall be signed by a certified public accountant(s) licensed in accordance with [N.J.A.C. 13:29](#). Financial statements shall include a statement that the financial statement has been prepared in accordance with generally accepted accounting principles and that all adult day health services costs have been verified as to type and amount.

- i. Cost reports and financial statements shall be maintained at the facility and shall be available for review by, or submission to, the Department upon request.

(b) The Department shall conduct an ongoing evaluation of the facility's day care program by on-site visits to the adult day health services facility. The Department shall inform the adult day health services facility, in writing, of the results of the on-site evaluation.

## § 10:164-1.3 Program participation and evaluation

- (c) Department staff may request a plan of correction if the facility is evaluated as providing substandard services and/or inadequate documentation of these services or otherwise violates any applicable regulations. The plan of correction shall address deficiencies noted by Department staff, and shall be submitted to the Department by the facility by the requested date.
1. If a follow-up on-site visit reveals that the plan of correction is not being implemented, the Department shall take enforcement actions in accordance with [N.J.A.C. 8:43E](#), General Licensure Procedures and Enforcement of Licensure Regulations.
- (d) Non-compliance with the Department's rules at [N.J.A.C. 8:43F](#) or 10:164 may result in sanctions and remedies being imposed as provided in the Medicaid Administration Manual found at [N.J.A.C. 10:49](#), General Licensure Procedures and Enforcement of Licensure Regulations found at [N.J.A.C. 8:43E](#) or any other applicable law or regulation.
- (e) Providers wishing to contest decisions made by the Department pursuant to this section may request a fair hearing pursuant to the procedures set forth below:
1. If sanctions and remedies have been imposed under the Medicaid Administration Manual, then the adult day health services facility must submit a request for a hearing pursuant to N.J.A.C. 10:49-10 and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.
  2. If sanctions and remedies have been imposed pursuant to [N.J.A.C. 8:43F-2.8](#), then the adult day health services facility must submit a request for a hearing pursuant to [N.J.A.C. 8:43F-2.9](#), 8:43E and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.
  3. The provider may request that the matter be settled in lieu of conducting an administrative hearing concerning the contested action. If the Department and the facility agree on the terms of a settlement, a written agreement specifying the terms thereof shall be executed.
- (f) Caregivers of beneficiaries or the beneficiaries themselves may be contacted by Department staff to determine appropriateness of care and satisfaction with services provided.

## History

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### HISTORY:

Amended by R.2001 d.5, effective January 2, 2001.

See: [32 N.J.R. 3053\(a\)](#), [33 N.J.R. 55\(a\)](#).

In (c)1, amended N.J.A.C. reference.

Amended by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

Section was "Program participation"; rewrote the section.

Amended by R.2008 d.1, effective January 7, 2008.

See: [39 N.J.R. 2424\(a\)](#), [40 N.J.R. 177\(a\)](#).

In the introductory paragraph of (a), deleted "in order" following "requirements" and substituted "Medicaid," for "Medicaid, "; added new (a)3; recodified former (a)3 and (a)4 as (a)4 and (a)5; rewrote (a)4; and in (g), substituted "PDHS facility" for "pediatric medical day care center".

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: [40 N.J.R. 6328\(a\)](#), [41 N.J.R. 4257\(a\)](#).

## § 10:164-1.3 Program participation and evaluation

Deleted "or pediatric" preceding "day health services" throughout; in the introductory paragraph of (a), deleted a comma following "HCEP"; in (a)1, deleted "and Pediatric" preceding and "of the Department as set forth" following "Day Health Services Facilities"; in the introductory paragraph of (a)2, inserted "chapter" preceding "Appendix" throughout and deleted "or Pediatric" preceding "Day Health Services Facility"; in the introductory paragraph of (a)4, deleted a comma following "indicated", deleted "monthly" preceding "submission" and inserted "upon request of the Department"; in (a)4i, deleted "and PDHS" preceding "facilities" and a semicolon following the first occurrence of "beneficiary"; in (e)1, deleted "the provisions of" preceding the first occurrence of "N.J.A.C."; in (e)2, deleted "the provisions of" preceding the second occurrence of "N.J.A.C."; and deleted (g).

Annotations

## Notes

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### [Chapter Notes](#)

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## [N.J.A.C. 10:164-1.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 4, February 20, 2024

### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 1. GENERAL PROVISIONS***

#### **§ 10:164-1.4 Required services**

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(a) As a condition of per diem reimbursement in accordance with [N.J.A.C. 10:164-1.6](#), ADHS facilities shall provide the following to adult beneficiaries:

1. The services required as a condition of licensure at [N.J.A.C. 8:43F](#);
2. The service(s) each adult beneficiary requires to be clinically eligible pursuant to [N.J.A.C. 10:164-1.5\(f\)](#); and
3. A minimum of five hours of services per day, excluding transportation time between the ADHS facility and the adult beneficiary's home, not to exceed five days per week.

(b) ADHS facilities shall provide beneficiaries' transportation to and from the facility and beneficiaries' homes.

1. The total daily transportation time for transportation of a beneficiary between the facility and the beneficiary's home shall not exceed the time limit provided at [N.J.A.C. 8:43F-17.1\(a\)](#).

(c) ADHS facilities shall provide beneficiaries' transportation to and from the facility and rehabilitation services appointments as needed if the rehabilitation service is not provided at the facility.

1. Rehabilitation services may be provided on-site at an ADHS facility or off-site.

(d) An ADHS facility may provide transportation to an adult beneficiary's medical appointment(s) as a service that can be applied toward meeting the minimum service hour requirement identified at (a)3 above.

1. If a facility provides this service, the facility shall provide transportation to and from the facility and the location of the adult beneficiary's medical appointment.
2. The time that may be applied toward meeting the minimum hours of service per day that each beneficiary must receive pursuant to (a)3 above includes transportation between the facility and the adult beneficiary's medical appointment and return trip to the facility, and the time spent at that beneficiary's medical appointment.

(e) The facility shall accommodate the special transportation needs of the beneficiary and medical equipment used by the beneficiary.

#### **History**

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##### **HISTORY:**

Amended by R.1994 d.427, effective August 15, 1994.

See: 26 N.J.R. 1427(a), 26 N.J.R. 3474(a).

Amended by R.2001 d.5, effective January 2, 2001.

## § 10:164-1.4 Required services

See: [32 N.J.R. 3053\(a\)](#), [33 N.J.R. 55\(a\)](#).

In (a)3ii(1)(A), (a)4i and (a)4ii(3), amended N.J.A.C. reference.

New Rule by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

Former N.J.A.C. 8:86-1.4, Required services, repealed.

Amended by R.2008 d.1, effective January 7, 2008.

See: [39 N.J.R. 2424\(a\)](#), [40 N.J.R. 177\(a\)](#).

Rewrote (a) and (c); added (d) and (e); and recodified former (c)1 as (f).

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: [40 N.J.R. 6328\(a\)](#), [41 N.J.R. 4257\(a\)](#).

Deleted former (b); recodified former (c) through (f) as (b) through (e); and in the introductory paragraph of (b) and (c), deleted "and PDHS" following "ADHS".

Annotations

## Notes

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### [Chapter Notes](#)

## Case Notes

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DMAHS agreed with an ALJ that a Medicaid provider that had operated pediatric medical daycare program was properly required to repay benefits it had received on account of the enrollment of five of 16 children whose eligibility was challenged by Medicaid and also concluded that a sixth child was also ineligible for enrollment so the provider was also required to reimburse Medicaid for benefits paid on her behalf. [Mercer Cnty. Children's Daycare, LLC v. DMAHS et al., OAL DKT. NO. HMA 05779-12, 2017 N.J. AGEN LEXIS 992](#), Final Agency Determination (March 10, 2017).

Medicaid provider that operated pediatric medical daycare program (PMDC) was properly required to repay benefits received on account of care rendered to five of 16 children whose eligibility was challenged by DMAHS. Though all 16 children had prescriptions from physicians on which their attendance at the program was based, only 11 of them were receiving ongoing care for asthma, the existence of which established baseline eligibility under the regulations at issue, which allowed such children to be admitted to PMDC facilities based solely on the existence of the diagnosis. [Mercer Cnty. Children's Daycare, LLC v. DMAHS, Office of the State Comptroller Medicaid Fraud Div., OAL DKT. NO. HMA 05779-12, 2017 N.J. AGEN LEXIS 14](#), Initial Decision (January 5, 2017).



## [N.J.A.C. 10:164-1.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 4, February 20, 2024

### **NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 1. GENERAL PROVISIONS**

## **§ 10:164-1.5 Clinical eligibility and prior authorization for adult day health services**

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**(a)** Clinical eligibility for adult day health services shall be contingent upon receipt of prior authorization from the Department on the basis of:

1. The results of an assessment of the individual using an instrument prescribed by the Department and the eligibility criteria specified at (f) below. The prescribed assessment instrument is designed to collect standardized information on a broad range of domains critical to caring for individuals in the community, including items related to cognition; communication/hearing; vision; mood and behavior; social functioning; informal support services; physical functioning; continence; disease diagnoses; health conditions; preventive health measures; nutrition/hydration; dental status; skin condition; environment/home safety; service utilization; medications; and socio-demographic/background information; and
2. The Department's evaluation and consideration of information received from either the facility RN, the individual and/or the individual's legally authorized representative, personal physician or other healthcare professional who has current and relevant knowledge of the individual, the individual's medical or psychosocial needs and the individual's ADL or cognitive deficits. Such information may be considered by the Department along with the results of the assessment performed in (a)1 above and the eligibility criteria in (f) below as the basis for determining clinical eligibility for adult day health services.

**(b)** Clinical eligibility assessments shall be performed by professional staff designated by the Department prior to the initial provision of ADHS to an individual, at least annually after the initial authorization of services and, in accordance with (b)2 below, when a beneficiary presents a change in status that may alter the beneficiary's eligibility to receive ADHS.

1. ADHS facilities shall retain, as part of each beneficiary's permanent record, a signed acknowledgement of the beneficiary or the beneficiary's legally authorized representative, as appropriate, that a determination of eligibility to receive ADHS is not permanent and that redeterminations will be made on the basis of subsequent assessments.
2. When an adult beneficiary presents a change in status that facility staff document in the plan of care pursuant to [N.J.A.C. 8:43F-5.4](#) and that may alter the beneficiary's eligibility to receive ADHS, the facility shall:
  - i. Discharge the beneficiary pursuant to [N.J.A.C. 8:43F](#); or
  - ii. Contact the Department to request a clinical eligibility assessment for that beneficiary by submitting a pre-numbered prior authorization request form in accordance with [N.J.A.C. 10:164-1.3\(a\)](#)3 and providing the reason for the request.

**(c)** Professional staff designated by the Department may include staff of an ADHS facility authorized by the Department to perform clinical eligibility assessments on behalf of the Department in accordance with (d) below.

## § 10:164-1.5 Clinical eligibility and prior authorization for adult day health services

**(d)** The Department, for reasons of administrative convenience, may authorize staff of an ADHS facility to perform the clinical eligibility assessment for prior authorization on the Department's behalf.

1. If the Department expressly authorizes an ADHS facility to perform, and if the facility agrees to perform, such clinical eligibility assessments, the facility shall satisfy each of the conditions at (d)2 through 9 below.
2. An RN employed by the facility shall perform the clinical eligibility assessment using the assessment instrument prescribed by the Department.
3. The RN shall perform the clinical eligibility assessment prior to initial provision of ADHS to the individual, at least annually thereafter, and when an adult beneficiary presents a change in status that facility staff document in the plan of care pursuant to [N.J.A.C. 8:43F-5.4](#) that may alter the beneficiary's eligibility to receive ADHS.
4. The RN shall include documentation from the assessment and evaluation required by this section in the individual's medical record.
5. An initial assessment performed by ADHS facility staff shall include a visit to the individual's home.
6. The RN performing the clinical eligibility assessment may delegate the home visit component of the assessment, provided an RN who elects to delegate the home visit component of the assessment shall make the delegation in accordance with [N.J.S.A. 45:11-26](#), which provides the licensure requirements of the New Jersey State Board of Nursing, and [N.J.A.C. 13:37-6.2](#), and only to a person holding New Jersey licensure or certification, as applicable, in good standing, as an advanced practice nurse, a licensed practical nurse, a licensed social worker, a licensed clinical social worker, or a certified social worker.
7. The home visit shall include assessment of at least the following:
  - i. Living arrangements;
  - ii. The individual's relationship with his or her family;
  - iii. The individual's home environment;
  - iv. The existence of environmental barriers, such as stairs, not negotiable by the individual;
  - v. Access to transportation, shopping, religious, social, or other resources to meet the needs of the individual; and
  - vi. Other home care services received, including documentation of the frequency and amount of each service received;
8. The RN who performs the clinical eligibility assessment and the ADHS facility administrator shall sign the assessment instrument prescribed by the Department used for an individual or beneficiary's clinical eligibility assessment and shall submit the assessment to the following address:

Adult Day Health Services Program  
Office of Community Choice Options  
NJ Department of Human Services  
PO Box 807  
Trenton, NJ 08625-0807.
9. The facility administrator shall certify whether or not the individual has been determined eligible to receive ADHS.
  - i. The Department shall presume the determination of the facility to be accurate, with the understanding that the Department retains ultimate authority with respect to determinations of

§ 10:164-1.5 Clinical eligibility and prior authorization for adult day health services

eligibility and shall conduct audits of facility determinations of eligibility through on-site visits, which may include review of facility records and interviews with beneficiaries; and

ii. Any facility found to be in default of this section, including, but not limited to, certifications that are intentionally misleading or false, shall be subject to remedies that may be imposed pursuant to [N.J.A.C. 8:43F-2.8](#), [N.J.A.C. 10:49](#) or any other applicable provision of law.

10. Departmental authorization for facility staff to perform eligibility assessments shall not preclude the Department from withdrawing such authorization if the facility is found in default as provided in (d)9 above or at such time as the Department, with due notice to the affected facility, decides that the Department will resume performing prior authorization by Department staff.

11. When an ADHS facility determines after its performance of a clinical assessment that an individual is ineligible to receive ADHS, the individual may advise the facility that he or she believes that the facility's performance of the eligibility assessment prescribed by the Department has resulted in an inequity or erroneous determination.

i. Upon the facility's receipt of this advice, the facility shall submit to the completed assessment, any documents that the individual wants the Department to consider, and documentation identifying the individual's issues, signed by the individual, to the Department for review;

ii. The facility shall request Department review of the clinical eligibility assessment the facility performed on behalf of the individual within five business days of notification of ineligibility by the facility to the Regional Office of Community Choice Options, Department of Human Services, Division of Aging Services, serving the beneficiary's county of residence;

iii. Appropriate professional staff of the Department shall conduct a review of the assessment and the supporting documentation;

iv. Both the individual and the facility should be prepared to provide such substantiating information as may be required for an informal discussion of the issues; and

v. Department staff shall make a determination to uphold or overturn the facility's assessment and shall notify both the individual and the facility within 15 business days of receipt of the requested documentation.

(e) An individual shall have an opportunity for a fair hearing if he or she is not satisfied with the determination made by professional staff designated by the Department, in accordance with (b) and (d)11 above; or if the services provided to the individual in an adult day health services facility have been terminated, reduced or suspended.

1. Subject to (e)2 below, an individual must submit a request for an administrative hearing pursuant to N.J.A.C. 10:49-10 and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.

2. Individuals enrolled in HCEP or JACC must submit a request for an administrative hearing pursuant to the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.

3. A request for an administrative hearing shall be considered timely filed if it is submitted within 20 days:

i. From the date of notification of the Departmental determination based on a review of the facility's assessment;

ii. From the date of notification of the direct determination of ineligibility by professional staff designated by the Department; or

iii. From the date that the individual receives notice that his or her services in an adult day health services facility have been terminated, reduced or suspended.

4. At the administrative hearing, the burden is upon the individual to demonstrate eligibility for ADHS under the eligibility criteria at (f) below.

## § 10:164-1.5 Clinical eligibility and prior authorization for adult day health services

5. The individual may request that the matter be settled in lieu of conducting an administrative hearing concerning the contested action. If the Department and the individual agree on the terms of a settlement, a written agreement specifying the terms thereof shall be executed.

(f) An adult shall be eligible for ADHS and the Department shall approve the request for prior authorization referenced in [N.J.A.C. 10:164-1.3\(a\)3](#) if the adult shall have been determined eligible for or enrolled in one of the programs specified at [N.J.A.C. 10:164-1.1\(b\)](#), shall not have been determined ineligible to receive ADHS pursuant to [N.J.A.C. 10:164-1.5\(g\)](#), and shall have been determined clinically eligible for ADHS by professional staff designated by the Department, on the basis of having been assessed as requiring at least one of the following:

1. At least limited assistance in a minimum of two ADLs and the facility will provide all of the assistance for the claimed ADLs on-site in the facility;
2. At least one skilled service provided daily on-site in the facility;
3. Rehabilitation services to attain a particular treatment goal(s) for a specified time-limited period as ordered by the individual's attending physician, physician assistant, or advanced practice nurse; or
4. Supervision/cueing in at least three ADLs and the facility will provide all of the supervision/cueing for the claimed ADLs on-site in the facility; and, as identified by the assessment instrument prescribed by the Department, the individual:
  - i. Exhibits problems with short-term memory following multitask sequences, and in daily decision-making in new situations.

(g) An individual shall be ineligible for ADHS if (g)1, 2, or 3 below applies to the individual:

1. Admission of the individual to an ADHS facility would result in the individual receiving a service(s) that is duplicative or redundant of any other Medicaid-funded service(s) that the individual has chosen;
  - i. Examples of services, programs and ambulatory care settings that may constitute duplicative or redundant services include, but are not limited to, services provided in an individual's home, by a personal care attendant, in the office of a physician, in a hospital outpatient department, at a partial care/partial hospitalization program, and/or in an adult day training program;
2. The individual resides at a residential health care facility; or
3. The individual requires and is receiving care 24 hours per day on an inpatient basis in a hospital or nursing home.

(h) In order to be eligible for services in an HIV adult day health services facility, an individual shall be at least 18 years of age with HIV infection, eligible for adult day health services in accordance with [N.J.A.C. 10:164-1.1\(b\)](#), and require outpatient drug abuse treatment.

## History

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### HISTORY:

Amended by R.1994 d.427, effective August 15, 1994.

See: 26 N.J.R. 1427(a), 26 N.J.R. 3474(a).

Amended by R.2001 d.5, effective January 2, 2001.

See: [32 N.J.R. 3053\(a\)](#), [33 N.J.R. 55\(a\)](#).

New Rule by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

## § 10:164-1.5 Clinical eligibility and prior authorization for adult day health services

Former N.J.A.C. 8:86-1.5, Staff, repealed.

Amended by R.2008 d.1, effective January 7, 2008.

See: [39 N.J.R. 2424\(a\)](#), [40 N.J.R. 177\(a\)](#).

Rewrote (b) through (g).

Public Notice: Moratorium Affecting Licensure of Adult Day Health Care Facilities and Services.

See: [40 N.J.R. 6487\(d\)](#).

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: [40 N.J.R. 6328\(a\)](#), [41 N.J.R. 4257\(a\)](#).

Section was "Clinical eligibility and prior authorization for adult or pediatric day health services". In the introductory paragraph of (e) and in (e)3iii, deleted "or pediatric" preceding "day health services"; and deleted (i) and (j).

Public Notice: Moratorium Affecting Licensure of Adult Day Health Care Facilities and Services.

See: [41 N.J.R. 4328\(b\)](#).

Public Notice: Moratorium Affecting Licensure of Adult Day Health Care Facilities and Services.

See: [42 N.J.R. 2644\(b\)](#).

Public Notice: Extending Moratorium Affecting Licensure of Adult Day Health Services Facilities.

See: [43 N.J.R. 3044\(a\)](#).

Annotations

## Notes

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### [Chapter Notes](#)

## Case Notes

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Insurer acted properly in determining that a 53-year old insured was not eligible for Medical Day Care (MDC) services. The insured neither met the eligibility criteria nor showed that she either needed or received skilled services or a rehabilitation-related services at the MDC. That the insured wanted to continue to attend MDC because it lessened her anxiety and meant that she did not have to stay home alone was not a sufficient basis for continuing her eligibility. [L.W. v. United Healthcare, OAL DKT. NO. HMA 11062-16, 2017 N.J. AGEN LEXIS 76](#), Initial Decision (February 3, 2017).

Assessment that a 31 year old Medicaid recipient who was diagnosed with schizoaffective disorder, bipolar disorder, diabetes, anxiety and depression, who experienced breakthrough paranoia and auditory hallucinations, and who suffered with frequent bowel and bladder incontinence was not eligible for Adult Medical Day Care Services (AMDCS) was rejected as wholly inadequate. Though the assessment tool itself required the reviewing nurse to consult with others who had direct knowledge of the recipient's condition due to his known unreliability as a reporter, the nurse spoke to no one else, did not conduct a home visit and took no other steps to confirm anything that the recipient allegedly told her. The resulting assessment was neither fair nor accurate, and the provider could not rely on the results to deny the requested services. [P.L. v. Horizon NJ Health, OAL DKT. NO. HMA12431-16, 2016 N.J. AGEN LEXIS 960](#), Initial Decision (November 3, 2016).

## § 10:164-1.5 Clinical eligibility and prior authorization for adult day health services

An insurer properly denied an insured's application for adult day care services (ADHC) on findings that an assessment by a registered nurse that he did not meet the criteria therefor. The results of a different assessment using a tool known as Functional Independence Measure (FIM) were rejected as inadmissible because a FIM was not the state mandated assessment tool so the results were not properly consulted in considering whether the insured met the criteria for [ADHC. A.B. v. Horizon NJ Health, OAL DKT.NO HMA 08219-16, 2016 N.J. AGEN LEXIS 746](#), Initial Decision (September 1, 2016).

Elderly woman who suffered from diabetes mellitus, depression, hypertension and osteoarthritis was properly denied access to Adult Medical Day Care Services because she did not carry her burden to show that there was a medical necessity for such services. The lack of medical necessity was shown, inter alia, by the fact that the applicant rarely attended the adult medical day care center to which she presently had access. When she did attend, moreover, she did not receive any skilled nursing services or any assistance with [Activities of Daily Living. B.R. v. Horizon New Jersey Health, OAL DKT. NO. HMA 05088-16, 2016 N.J. AGEN LEXIS 249](#), Initial Decision (May 10, 2016).

Elderly man did not meet the criteria for eligibility for Adult Day Health Services per governing rules. Though he suffered from hypertension, diabetes, hypothyroidism, general arthritis, and dementia, had diminished kidney function, was somewhat unsteady on his feet and sometimes aspirated his food, an assessment of his needs did not establish that he required at least limited assistance in a minimum of two defined "activities of daily living" or that any of the other baseline criteria for eligibility existed. [H.G. v. United Healthcare, OAL DKT. NO. HMA 04142-16, 2016 N.J. AGEN LEXIS 248](#), Initial Decision (May 10, 2016).

Agency did not err in discontinuing Adult Daycare Health Services (ADHS) that had been provided during the prior five-year period to an elderly woman who contended that her need for blood pressure monitoring was such that she qualified for such care. However, there was no indication that she had unstable blood pressure that required continuous or advanced practice nurse intervention, and she therefore did not meet the criteria for ADHS eligibility. [A.P. v. United Health Care, OAL DKT. NO. HMA 09802-15, 2016 N.J. AGEN LEXIS 493](#), Final Decision (April 20, 2016).

Health insurer's determination that an applicant was ineligible for Adult Day Health Services (ADHS) was affirmed. An assessment of the applicant, a 66 year old female diagnosed with hypoglycemia, osteoporosis, insomnia, glaucoma, arthritis, and depression, revealed that the applicant did not need assistance, cueing or skilled supervision in areas of daily living (ADLs), and the applicant in essence admitted that her applicant for ADHS was motivated by her desire to "have some place to go." [M.G. v. United Healthcare, OAL DKT. NO. HMA 01287-16, 2016 N.J. AGEN LEXIS 154](#), Initial Decision (March 24, 2016).

Agency erred in discontinuing Adult Daycare Health Services (ADHS) that had been provided during the prior five-year period to an individual whose medical diagnoses included "liver transplant," fibromyalgia, hypertension (controlled), liver cirrhosis, asthma, anxiety, dizziness, depression, hypothyroidism, skin cancer of the right thumb (had surgical removal), bowel incontinence, and Irritable Bowel Syndrome (IBS). The agency's position, which was that the individual was motivated to retain those services because of the substantial socialization component that was involved, was inconsistent with the regulations, which were explicitly concerned with the individual's "access to transportation, shopping, religious, social, or other resources to meet the needs of the individual." [A.P. v. United Health Care, OAL DKT. NO. HMA 09802-15, 2016 N.J. AGEN LEXIS 64](#), Initial Decision (February 17, 2016).

Health plan acted properly when it terminated Adult Daycare Health Services that were being provided to an elderly man because he did not meet the criteria for such services. That is, he was independent on all ADLs associated with ambulation, transfer, feeding, and toileting and his current blood pressure status did not support a finding that skilled services needed to be provided daily in the facility. [R.W. v. United Healthcare, OAL DKT. NOS. HMA 09848-15 and HMA 09954-15, 2015 N.J. AGEN LEXIS 607](#), Initial Decision (September 3, 2015).

Elderly woman who was residing at home where she received some support in the Personal Care Assistance Services (PCA) program and also participated in Adult Day Health Services (DHS) Program failed to establish,

## § 10:164-1.5 Clinical eligibility and prior authorization for adult day health services

upon annual review, that there was a medical necessity for daily Adult DHS. Her participation in the DHS program was spotty and she did not regularly provide an explanation for her absences. Since the activities provided by Adult DHS duplicated many of the coverages/services that the woman received from her physicians, her family members and her PCA, it was proper to deny her request for renewal of her Adult DHS certification. [L.M. v. DMAHS, OAL DKT. NO. HMA 14597-14, 2015 N.J. AGEN LEXIS 236](#), Initial Decision (May 11, 2015).

Administrative law judge ordered that the action of the Division of Aging Services denying an applicant's Medicaid eligibility under [N.J.A.C. 10:164-1.5](#) be affirmed. The applicant could perform her activities of daily living independently, except for bathing. This finding was validated by Medicaid assessment and by the records possessed by the day care center. [G.H. v. Div. of Med. Assistance and Health Serv. Salem County Bd. of Soc. Serv., OAL Dkt. No. HMA 8085-14, 2014 N.J. AGEN LEXIS 741](#), Initial Decision (November 18, 2014).

Decision by entity responsible for determining eligibility for adult day Medical Daycare Services (MDS) to terminate payment for an individual's MDS was appropriate under former N.J.A.C. 8:86-1.5 (now 10:164-1.5). The individual produced no documentation, either in the form of testimony or reports from her physician or other experts, that would allow the administrative law judge to determine that she met her burden of proof for eligibility. [D.G. v. United Healthcare, OAL DKT. NO. HMA 4314-14, 2014 N.J. AGEN LEXIS 533](#), Initial Decision (August 29, 2014).

Applicant did not meet the criteria for Medicaid-paid adult medical day care services per N.J.A.C. 8:86-1.2 and N.J.A.C. 8:86-1.5. According to his discussions with a nurse assessing the case, the reports and notes on his chart at the Adult Medical Day Care Facility, and the information provided by the registered nurse at the time of the assessment, he did not need medical day care but should be a participant at a nutritional site or senior center that offered social, cultural and recreational opportunities with similar persons in physical condition and age range. [Y.K. v. Horizon New Jersey Health, OAL Dkt. No. HMA 05609-14, 2014 N.J. AGEN LEXIS 431](#), Initial Decision (July 22, 2014).

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## [N.J.A.C. 10:164-1.6](#)

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### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 1. GENERAL PROVISIONS***

#### **§ 10:164-1.6 Basis of payment**

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(a) The facility providing adult day health services shall agree to accept the reimbursement rates established by the Department as the total reimbursement for services provided to eligible Medicaid beneficiaries and to eligible beneficiaries enrolled in the HCEP or in the JACC.

1. In a nursing facility-based program, the adult day health services per diem rate is 45 percent of that nursing facility's per diem rate.
2. In freestanding facilities, the adult day health services per diem rate is based on an average of the rates paid to nursing facility adult day health services providers in effect as of July 1 each year.
3. For hospital-affiliated facilities, the adult day health services rate is a negotiated per diem rate, which shall not exceed the maximum adult day health services per diem rate paid to nursing facility-based providers.
4. The reimbursement rate set for any Medicaid beneficiary or any JACC or HCEP beneficiary in an adult day health services facility shall not exceed the rate charged by the facility to individuals who are not enrolled in the Medicaid, JACC or HCEP programs.
5. The per diem reimbursement shall cover the cost of all services required as a condition of licensure at [N.J.A.C. 8:43F](#), except as noted below:

- i. Physical therapy, occupational therapy and speech-language pathology services shall not be included in the per diem rate reimbursed for adult day health services. These therapies, when provided by the facility, shall be billed separately using the Health Insurance Claim Form, CMS-1500 established by CMS, incorporated herein by reference as amended and supplemented, available upon request from the US Government Printing Office at (202) 512-1800, or third-party insurance form, as applicable.
- ii. It is only in the role of attending physician that the medical consultant may bill the New Jersey Medicaid Program on the Health Insurance Claim Form, CMS-1500, for services provided to a Medicaid beneficiary. The medical consultant shall not bill the New Jersey Medicaid Program separately for any service performed for any Medicaid beneficiary in an adult day health services facility while serving solely in his or her capacity as medical consultant.

(b) The cost of transportation services provided by the facility shall be included in the per diem reimbursement rate for adult day health services. The Department shall not reimburse transportation as a separate service.

(c) Physician services for Community Care Program for the Elderly and Disabled beneficiaries or Home Care Expansion Program or Jersey Assistance for Community Caregiving Program participants shall not be reimbursed by those programs.

(d) The Department shall not reimburse for adult day health services when partial care/partial hospitalization program services are provided to a beneficiary on the same day.



## § 10:164-1.6 Basis of payment

**(e)** For Medicare coverage, the only services that are considered for payment under Medicare are physical therapy and speech-language pathology services since adult day health services is not a covered Medicare service. When the beneficiary is covered under Medicare, only the Medicare Form UB-92/CMS-1450 shall be completed for physical therapy and speech-language pathology services showing the Eligibility Identification Number.

**(f)** For third-party liability, some insurance companies currently offer adult day health services as a benefit. The facility shall review the beneficiary's and family's insurance plans before submitting claims to assure that insurance companies are billed before submitting to the fiscal agent.

**(g)** The facility administrator shall verify that a beneficiary has valid financial coverage as of the time services are rendered to the beneficiary.

1. The facility administrator shall verify coverage for Medicaid beneficiaries and HCEP participants by using one of the eligibility verification systems or tools identified at [N.J.A.C. 10:49-2.11](#), such as the Recipient Eligibility Verification System.

2. The facility administrator shall verify coverage for beneficiaries who participate in a program listed at [N.J.A.C. 10:164-1.1\(b\)](#), which requires case or care management, with the exception of JACC participants, by using the Recipient Eligibility Verification System and by contacting the beneficiary's case or care manager for verification of the beneficiary's financial coverage.

3. The facility administrator shall verify coverage for JACC participants by contacting the beneficiary's case or care manager for verification of the beneficiary's financial coverage.

**(h)** Distributions of assessments collected pursuant to the Nursing Home Quality of Care Improvement Fund Act, [N.J.S.A. 26:2H-92](#) through 101, shall not be included in the calculation of adult day health services facility reimbursement rates pursuant to (a) above.

**(i)** Facilities shall be reimbursed for no more than a combined total of five days of treatment per week per beneficiary, even if the beneficiary receives services from multiple adult day health services facilities during the same week.

1. For the purposes of this subsection, "week" means seven calendar days, starting on Sunday and continuing through Saturday.

## History

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### HISTORY:

Amended by R.1994 d.427, effective August 15, 1994.

See: 26 N.J.R. 1427(a), 26 N.J.R. 3474(a).

Amended by R.1996 d.6, effective January 2, 1996.

See: [27 N.J.R. 3540\(a\)](#), [28 N.J.R. 184\(b\)](#).

Amended by R.2001 d.5, effective January 2, 2001.

See: [32 N.J.R. 3053\(a\)](#), [33 N.J.R. 55\(a\)](#).

In (a), amended N.J.A.C. reference in the introductory paragraph.

Recodified from N.J.A.C. 8:86-1.8 by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

Former N.J.A.C. 8:86-1.6, Recipient review, evaluation and identification, repealed.

Amended by R.2008 d.1, effective January 7, 2008.

## § 10:164-1.6 Basis of payment

See: [39 N.J.R. 2424\(a\)](#), [40 N.J.R. 177\(a\)](#).

Rewrote (g).

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: [40 N.J.R. 6328\(a\)](#), [41 N.J.R. 4257\(a\)](#).

Rewrote (a); in (b), deleted "or pediatric" following "adult" and "by the Department" from the end and substituted "The Department" for "Transportation" and "reimburse transportation" for "be reimbursed"; in (f), substituted "third-party" for "third party" and deleted "or pediatric" following "adult"; in (h), substituted "26:2H-92 through 101" for "26:2H-92 to 101" and deleted "or pediatric" preceding "day health services"; in the introductory paragraph of (i), deleted "or pediatric" following "adult" and recodified the former last sentence of (i) as (i)1.

Annotations

## Notes

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### [Chapter Notes](#)

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## [N.J.A.C. 10:164-1.7](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 4, February 20, 2024

### ***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 1. GENERAL PROVISIONS***

#### **§ 10:164-1.7 Voluntary transfer between ADHS facilities**

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- (a) An adult beneficiary who chooses to request to transfer from one ADHS facility to another ADHS facility shall submit a transfer request, in accordance with (b) below, to:
1. The facility to which the beneficiary chooses to request to transfer; or
  2. The beneficiary's case or care manager if the beneficiary is a participant of any program listed at [N.J.A.C. 10:164-1.1\(b\)](#) that requires case or care management.
- (b) A request for transfer to another ADHS facility shall be in writing and include the following:
1. The beneficiary's name, address, and date of birth;
  2. The name of the ADHS facility at which the beneficiary is receiving ADHS;
  3. The valid reason(s), as identified at (c) below, upon which the requestor bases the transfer request;
  4. The name of all ADHS facilities the beneficiary has attended, including dates attended; and
  5. The signature of the beneficiary and/or the beneficiary's legally-authorized representative.
- (c) Any one of the following is a valid reason for a transfer to another ADHS facility:
1. The beneficiary is changing his or her residence;
    - i. A request to transfer based on this reason shall contain the address of the beneficiary's new residence;
  2. The transportation time between the beneficiary's home and the ADHS facility to which the beneficiary chooses to request to transfer is shorter than the transportation time between the beneficiary's home and the ADHS facility in which the beneficiary is enrolled as a participant, and the beneficiary prefers to have a shorter transportation time;
  3. The beneficiary believes that the facility from which the beneficiary chooses to request to transfer violated his or her rights as a participant of that facility pursuant to [N.J.A.C. 8:43F-4.2](#);
    - i. A request to transfer based on this reason shall describe the nature of the violation; or
  4. The transfer is medically necessary as identified by the beneficiary's attending physician, physician assistant, or advanced practice nurse;
    - i. A request to transfer based on this reason shall include the written statement of the beneficiary's attending physician, physician assistant, or advanced practice nurse indicating the basis of the medical necessity.
- (d) A case or care manager in receipt of a beneficiary's request to transfer to another ADHS facility shall forward the request to the ADHS facility to which the beneficiary wishes to transfer with written notification providing the number of days per week the beneficiary may receive ADHS pursuant to [N.J.A.C. 10:164-1.3\(a\)](#)3 and 1.4(a)3.

## § 10:164-1.7 Voluntary transfer between ADHS facilities

(e) Upon receipt of a beneficiary's written transfer request and, if applicable pursuant to (d) above, the written notice from the beneficiary's case or care manager providing the number of days per week the beneficiary may attend the facility if the request was made pursuant to (a)2 above, the ADHS facility to which the beneficiary chooses to request to transfer shall submit a pre-numbered prior authorization request form with the original written transfer request to the Department in accordance with [N.J.A.C. 10:164-1.3\(a\)3](#), with the exception that the facility shall mail the submission to the following address:

Adult Day Health Services Program  
 Office of Community Choice Options  
 Division of Aging Services  
 New Jersey Department of Human Services  
 PO Box 807  
 Trenton, NJ 08625-0807

1. Prior to the submission of the pre-numbered prior authorization request form, the transferee facility shall notify the ADHS facility from which the beneficiary chooses to request to transfer of the beneficiary's pending transfer request.

(f) Within 30 days of the date the Department receives the written transfer request, the Department shall take one of the actions specified in 1 through 4 below and shall notify the beneficiary, the ADHS facility to which the beneficiary chooses to request to transfer, and if applicable, the beneficiary's case or care manager, of the Department's decision:

1. Approve a transfer request that presents at least one of the valid reasons provided at (c) above;
2. Approve a transfer request that does not present one of the valid reasons provided at (c) above, if the Department has not approved a request to transfer without a valid reason for the beneficiary within one year of receipt of the current request;
3. Deny a transfer request that does not present one of the valid reasons provided at (c) above that is submitted within one year of an approval of a previous submission of a request to transfer without a valid reason in accordance with (f)2 above; or
4. Request additional information if the written transfer request does not provide the requisite information identified at (b) above.

## History

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### HISTORY:

Amended by R.1994 d.427, effective August 15, 1994.

See: 26 N.J.R. 1427(a), 26 N.J.R. 3474(a).

Repealed by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

Former N.J.A.C. 8:86-1.7, Records, repealed.

New Rule, 2008 d.1, effective January 7, 2008.

See: [39 N.J.R. 2424\(a\)](#), [40 N.J.R. 177\(a\)](#).

Section was "Reserved."

## Notes

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### [Chapter Notes](#)

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## [N.J.A.C. 10:164-1.8](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 4, February 20, 2024

***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 1. GENERAL PROVISIONS***

### **§ 10:164-1.8 (Reserved)**

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### **History**

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#### **HISTORY:**

Recodified to N.J.A.C. 8:86-1.6 by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

Section was "Basis of payment."

Annotations

### **Notes**

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#### [Chapter Notes](#)

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## [N.J.A.C. 10:164-1.9](#)

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***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 1. GENERAL PROVISIONS***

### **§ 10:164-1.9 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

Section was "Disaster plan."

Annotations

### **Notes**

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#### [Chapter Notes](#)

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## [N.J.A.C. 10:164-2.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 4, February 20, 2024

***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 2. BILLING CODES***

### **§ 10:164-2.1 Introduction**

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(a) The New Jersey Medicaid Program adopted the Centers for Medicare and Medicaid Services (CMS) Healthcare Common Procedure Coding System (HCPCS). The HCPCS codes as listed in this subchapter are relevant to certain Medicaid and HCEP adult day health services. A separate billing code is used by the fiscal agent for the JACC program.

(b) These codes shall be used when requesting reimbursement for certain adult day health services.

### **History**

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#### **HISTORY:**

Amended by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

Rewrote the section.

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: [40 N.J.R. 6328\(a\)](#), [41 N.J.R. 4257\(a\)](#).

In (a), inserted "Healthcare", and in (a) and (b), deleted "or pediatric" following "adult".

Annotations

### **Notes**

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#### [Chapter Notes](#)

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## [N.J.A.C. 10:164-2.2](#)

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***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES > SUBCHAPTER 2. BILLING CODES***

### **§ 10:164-2.2 Billing codes**

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(a) HCPCS codes for adult day health services are as follows:

#### **HCPCS**

<b>Code</b>	<b>Description</b>
Z0300	Initial visit, speech-language pathology services
Z0310	Initial comprehensive speech-language pathology evaluation
Z0270	Initial visit, physical therapy
92507	Speech-language pathology services
97799	Physical therapy
W9002	Adult day health services visit
Z1860	Adult day health services visit for the AIDS Community Care Alternatives Program (ACCAP)

(b) The billing code for services provided to JACC participants is as follows:  
J9002                      Adult day health services visit for JACC participants.

(c) Fees for adult day health services facilities are pre-approved by the Department, based on the reimbursement methodology described in [N.J.A.C. 10:164-1.6](#), with each facility's fees established in accordance with the setting in which the adult day health services are provided.

### **History**

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#### **HISTORY:**

Amended by R.2001 d.5, effective January 2, 2001.

See: [32 N.J.R. 3053\(a\)](#), [33 N.J.R. 55\(a\)](#).

In (b), amended N.J.A.C. reference.

Amended by R.2005 d.390, effective December 19, 2005 (operative February 1, 2006).

See: [36 N.J.R. 5262\(a\)](#), [37 N.J.R. 385\(b\)](#), [4968\(a\)](#).

## § 10:164-2.2 Billing codes

Section was "HCPCS Codes"; in (a), substituted "adult or pediatric day health" for "medical day care"; added (b); rewrote former (b) and recodified as (c).

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: [40 N.J.R. 6328\(a\)](#), [41 N.J.R. 4257\(a\)](#).

Section was "Billing Codes". In the introductory paragraph of (a), substituted "codes" for "Codes"; in the introductory paragraph of (a) and in (c), deleted "or pediatric" following "adult"; in the "HCPCS" table in (a), deleted the entries for "Z1863" and "Z1864"; and in (c), substituted "facility's" for "center's" and "adult day health services are provided" for "medical day care program is operated".

Annotations

## Notes

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### [Chapter Notes](#)

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**N.J.A.C. 10:164, Appx. A.**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 4, February 20, 2024

**NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES**

**APPENDIX A**

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## APPENDIX A

New Jersey Department of Human Services  
Office of Provider Enrollment  
PO Box 367  
Trenton, NJ 08625-0367

## PROVIDER APPLICATION

1. Legal Name of Provider		2. Type of Business of Facility									
3. Business Name, if Different from Above		4. Federal Employer ID Number / SSN									
5. Street Address of Service Location Only		6. County									
7. City                      State      Zip Code		8. Length of Time at Address									
9. Billing Address (for payments)											
10. Mailing Address (for correspondence)											
11. Name of Nursing Home Administrator, Chief Executive Officer or Other Responsible Official											
12a. Nursing Home Administrator License No.		12b. Effective Date	13. Telephone Number								
14. Indicate the legal status of your organization: <input type="checkbox"/> Profit <input type="checkbox"/> Private <input type="checkbox"/> Municipal <input type="checkbox"/> Charity <input type="checkbox"/> County <input type="checkbox"/> Non-Profit <input type="checkbox"/> Public <input type="checkbox"/> State <input type="checkbox"/> School Nurse <input type="checkbox"/> Other, Specify:											
15. List the specific service(s) for which you are requesting approval for reimbursement under the Medicaid Program:											
16. Do you operate from more than one location? <input type="checkbox"/> Yes <input type="checkbox"/> No      If yes, list all other subsidiary or affiliated organizations below: <table border="0" style="width: 100%;"> <thead> <tr> <th style="width: 50%; text-align: center;">Name</th> <th style="width: 50%; text-align: center;">Service Address</th> </tr> </thead> <tbody> <tr> <td>1. _____</td> <td>_____</td> </tr> <tr> <td>2. _____</td> <td>_____</td> </tr> <tr> <td>3. _____</td> <td>_____</td> </tr> </tbody> </table> (Attach additional sheets if necessary.)				Name	Service Address	1. _____	_____	2. _____	_____	3. _____	_____
Name	Service Address										
1. _____	_____										
2. _____	_____										
3. _____	_____										
17. Are you a member of a chain organization? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate name: _____											
18. Do you require a Certificate of Need under the Health Facilities Planning Act from the New Jersey Department of Health? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach a copy of the Certificate of Need. If no, explain why you do not require a certificate.											
19. Does your business or facility require a license/permit? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate type and number: _____ Attach a copy of the license/permit.											
20. Do you require certification, accreditation or approval? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify type: _____ Attach a copy of the certification, accreditation or approval. For example, New Jersey Department of Health (clinics); State Board of Dentistry (dental clinics); State Board of Pharmacy (providers offering pharmaceutical services).											

## APPENDIX A

## PROVIDER APPLICATION, Continued

Legal Name of Provider	Federal Employer ID Number / SSN
<p>21. Approved by Medicare?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, indicate Medicare Provider Number: _____</p> <p>Attach a copy of your Medicare approval.</p>	
<p>22. Are you currently or have you ever been an approved provider of services under the New Jersey Medicaid Program or the Medicaid Program of any other state or jurisdiction?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, list types of services provided and current status. If you were approved at one time and you no longer participate, explain the reason(s).</p>	
<p>23. Have any of the entities named in response to Questions 1 or 16 or their officers or partners, or any of the individuals named in response to Question 11 ever been the subject of any license suspension, revocation, or other adverse licensure action in this state or any other jurisdiction?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, explain.</p>	
<p>24. Have any of the entities named in response to Questions 1 or 16 or their officers or partners, or any of the individuals named in response to Question 11 ever been indicted, charged, convicted of, or pled guilty or no contest to any federal or state crime in this state or any other jurisdiction?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, explain.</p>	
<p>25. Have any of the entities named in response to Questions 1 or 16 or their officers or partners, or any of the individuals named in response to Question 11 ever been the subject of any Medicaid (Title XIX) or Medicare (Title XVIII) suspension, debarment, disqualification or recovery action in this state or any other jurisdiction?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, explain.</p>	

APPENDIX A

PROVIDER APPLICATION, Continued

Legal Name of Provider	Federal Employer ID Number / SSN																																																
<p>26. Do any of the entities named in response to Questions 1 or 16 or their officers or partners, or any of the other individuals named in response to Question 11 own or have any financial interest in any other provider participating in the New Jersey Medicaid (Title XIX) Program or the Medicaid Program of any other state or jurisdiction?</p> <p><input type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>If yes, list provider name and nature of relationship.</p>																																																	
<p>27. Do you charge for goods and/or services?</p> <p><input type="checkbox"/> To All   <input type="checkbox"/> To None   <input type="checkbox"/> To Certain Groups Only</p> <p>If you charge to all or only certain groups, please explain your arrangement and attach a copy of your fee schedule.</p>																																																	
<p>28. List days and hours of operation.</p>																																																	
<p>29. List the Name(s), Social Security Number(s), Date(s) of Birth, License/Permit Number(s) and Title(s) or Degree(s) for all professional staff in the organization. Include physicians, dentists, psychologists, pharmacists, registered nurses, licensed practical nurses, registered physical therapists, optometrists, etc. [NOTE: Not required for health care providers certified for Medicaid and/or Medicare participation by the New Jersey Department of Health and/or the Centers for Medicare and Medicaid Services (CMS).]</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;"></th> <th style="width:20%;">Name</th> <th style="width:20%;">Title/Degree (MD, DO, Ph.D, CPO, etc.)</th> <th style="width:10%;">SSN</th> <th style="width:10%;">Date of Birth</th> <th style="width:10%;">License Permit No.</th> </tr> </thead> <tbody> <tr><td>1.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>2.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>3.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>4.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>5.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>6.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>7.</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td><td>_____</td></tr> </tbody> </table> <p style="text-align: center; font-size: small;">(Attach additional sheets if necessary.)</p>			Name	Title/Degree (MD, DO, Ph.D, CPO, etc.)	SSN	Date of Birth	License Permit No.	1.	_____	_____	_____	_____	_____	2.	_____	_____	_____	_____	_____	3.	_____	_____	_____	_____	_____	4.	_____	_____	_____	_____	_____	5.	_____	_____	_____	_____	_____	6.	_____	_____	_____	_____	_____	7.	_____	_____	_____	_____	_____
	Name	Title/Degree (MD, DO, Ph.D, CPO, etc.)	SSN	Date of Birth	License Permit No.																																												
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6.	_____	_____	_____	_____	_____																																												
7.	_____	_____	_____	_____	_____																																												
<p><b>CERTIFICATION</b></p> <p><i>For the purpose of establishing eligibility to receive direct payment for services to recipients under the New Jersey Medicaid (Title XIX) Program, I certify that the information furnished on this application is true, accurate, and complete. I am aware that if any of the statements made by me on this application are willfully false, I am subject to punishment, including but not limited to suspension, debarment or disqualification from the New Jersey Medicaid Program in accordance with N.J.A.C. 10:49-1.17(d)22. I agree to notify the New Jersey Department of Health, Office of Provider Enrollment, at least quarterly, of all future additions to any of those named in Questions 23 - 26, for whom the response to those same questions would be affirmative.</i></p>																																																	
Name of Provider Representative	Title																																																
Signature	Date																																																
<p><b>FOR STATE USE ONLY</b></p> <p><input type="checkbox"/> Approve   <input type="checkbox"/> Disapprove   <input type="checkbox"/> Other   <b>Initial</b> _____   <b>Date</b> _____</p> <p style="text-align: center;"> <span style="margin-right: 100px;"><b>Provider Type(s)</b></span> <span style="margin-right: 100px;"><b>Category of Service</b></span> <span><b>Specialty</b></span> </p> <p style="text-align: center;"> <span style="margin-right: 100px;">_____</span> <span style="margin-right: 100px;">_____</span> <span>_____</span> </p>																																																	

## Notes

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### [\*Chapter Notes\*](#)

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**N.J.A.C. 10:164, Appx. B.**

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***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES***

**APPENDIX B**

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APPENDIX B

New Jersey Department of Human Services

New Jersey Medicaid Program  
Title XIX (Medicaid)

PARTICIPATION AGREEMENT  
BETWEEN

NEW JERSEY DEPARTMENT OF HUMAN SERVICES  
AND

(Medical Day Care Program - Adults)

Name and Address of Facility	State License Number
	Medicaid Provider Number
<p>This contract, made and entered into by and between the Department of Human Services, hereinafter designated as the Department, and the above-named Facility, a provider of services, hereinafter designated as the Facility, Witnesseth:</p> <p>WHEREAS, various persons eligible for benefits under the New Jersey Medicaid Program are in need of medical day care, as more specifically set forth in Program regulations and guidelines; and</p> <p>WHEREAS, Section 1902(a)(27) of Title XIX of the Social Security Act requires states to enter into a written agreement with every person or institution providing services under the State Plan for Medical Assistance (Title XIX); and</p> <p>WHEREAS, pursuant to N.J.S.A. 30:4D-1 et seq., and the Reorganization Plan 001-1996, the Department administers this segment of the Medicaid Program and is authorized thereunder to take all necessary steps for the proper and efficient administration of the New Jersey Medicaid Program; and</p> <p>WHEREAS, to participate in the New Jersey Medicaid Program, a Medical Day Care Facility must:</p> <ol style="list-style-type: none"> <li>(1) be licensed under the laws of New Jersey as a non-residential Adult Day Health Care Center by the Department;</li> <li>(2) be currently meeting, on a continuing basis, standards for licensure;</li> <li>(3) be administered by a qualified health professional;</li> <li>(4) meet on a continuing basis Federal and State standards for participation and, more specifically, Medical Day Care standards in Title XIX of the Social Security Act; and</li> <li>(5) accept the terms and conditions of participation set out herein.</li> </ol> <p>NOW, THEREFORE, it is agreed, by both parties, as follows:</p> <p>A. FACILITY AGREES:</p> <ol style="list-style-type: none"> <li>1. That it will render all services which are required for participation in the Medical Day Care program for adults, including at a minimum: medical services, nursing services, social services, transportation, personal care services, dietary services, therapeutic activities, pharmaceutical and rehabilitation services.</li> <li>2. That it will accept the Medical Day Care rate approved under the Medicaid Program as payment in full and will not make any additional charges to the participant or others on his behalf for Medicaid-covered services, except for authorized physical therapy and speech-language therapy which are not included in the per diem reimbursement and must be billed separately. Medical Day Care Centers for adults will be reimbursed in accordance with methods and procedures set forth in State regulations.</li> <li>3. That it will promptly initiate and terminate billing procedures pursuant to applicable regulations, when individuals covered under this Program enter or leave the Facility or are assessed at a different level of care.</li> </ol>	

## APPENDIX B

**MEDICAL DAY CARE PROGRAM PARTICIPATION AGREEMENT, Continued**

Name and Address of Facility	Medicaid Provider Number
<p>4. That it will limit billing procedures under this Program to those authorized participants and for those days on which Medical Day Care services have been received.</p> <p>5. That it will make available to the appropriate State and/or Federal personnel or their agents, at all reasonable times and places in New Jersey, all necessary records including:</p> <ul style="list-style-type: none"> <li>a. Medical records as required by Section 1902(s)(27) from the Social Security Act of Title XIX and any amendments thereto;</li> <li>b. Records of all treatment, drugs, and services for which vendor payments are to be made under the Title XIX programs, including the authority for and the date of administration of such treatments, drugs, or services;</li> <li>c. Documentation in each participant's records which will enable the Department to verify that each charge is due and proper prior to payment;</li> <li>d. Financial records of the Facility, including data necessary to determine appropriate reimbursement rates; and</li> <li>e. All other records as may be found necessary by the Department to be in compliance with Federal or State law, rule, or regulations promulgated by the United States Department of Health and Human Services or by the Department.</li> </ul> <p>6. That it will comply with the disclosure requirements specified in 42 CFR 455.100 through 42 CFR 455.106;</p> <p>7. That the maximum number of daily participants will be in accordance with the Department's regulations and licensure standards.</p> <p>8. That it will cooperate fully in permitting and assisting representatives of the Department to make assessments and evaluations of services needed by and provided to participants in general, and of individual participants who are recipients of the Medical Day Care services.</p> <p>9. That it will secure and arrange for other health services as may be available for Medicaid patients pursuant to program regulations.</p> <p>10. That it will comply with State and Federal Medicaid laws, and rules and regulations promulgated pursuant thereto.</p> <p>11. That it will cooperate fully in permitting and assisting representatives of the Department in determining continuing conformity with the Federal and State standards applicable to non-residential Medical Day Care Facilities.</p> <p>12. That it will notify the Provider Enrollment unit, within five working days, subsequent to any change in status of its license to operate as issued by the Department.</p> <p>13. That it will notify the Department within five (5) working days, subsequent to any professional staff changes.</p> <p>14. That it will notify the Medical Day Care participants, in writing, thirty (30) days prior to the Facility's termination as a Medicaid provider.</p> <p>15. That the Facility may terminate its participation in the Medicaid Program upon a minimum of sixty (60) days written notice to the Department.</p>	

APPENDIX B

**MEDICAL DAY CARE PROGRAM PARTICIPATION AGREEMENT, Continued**

Name and Address of Facility	Medicaid Provider Number
<p>16. To comply with the requirements of Title VI of the Civil Rights Acts of 1964 and Section 504 of the Rehabilitation Act of 1973 and any amendments thereto; and Section 1909 of P.L. 92-603, Section 242(c) which makes it a crime and sets the punishment for persons who have been found guilty of making any false statement or representation of a material fact in order to receive any benefit or payment under the Medical Assistance Program. (The Department is required by Federal regulation to make this law known and to warn against false statements in an application/agreement or knowing a false statement of fact used in determining the right to a benefit, or in converting a benefit, from this program, to the use of any persons other than one for whom it was intended).</p> <p>17. That breach or violation of any one of the above provisions shall make this entire agreement subject to immediate cancellation at the Department's discretion, in keeping with the procedures adopted by the Department in accordance with the New Jersey Administrative Procedures Act.</p> <p>18. That it will immediately provide the Department with written notice of any change in ownership and/or operation of the Facility, including changes in leases, officers and directors, stock ownership or sale of the Facility, when:</p> <p><u>Corporate (Profit)</u></p> <p>a. There is acquisition of or transfer of ownership through purchase, contract, donation, gift, stock option, etc., of 25% or more of a corporation's outstanding stock (preferred or common).</p> <p>b. There is acquisition of the physical or intangible assets of the Facility by a newly formed or existing corporation.</p> <p><u>Partnership</u></p> <p>a. There is acquisition of or transfer of ownership of 10% or more of the existing partnership's total capital interest.</p> <p>b. There is acquisition of the physical or intangible assets of the Facility by a newly formed or existing partnership.</p> <p><u>Proprietorship</u></p> <p>a. There is purchase of the physical or intangible assets of the Facility.</p> <p><u>Corporation (Non-Profit)</u></p> <p>a. There is a change in the officer, trustee, directors or board members of the Facility.</p> <p><b>B. DEPARTMENT AGREES:</b></p> <p>1. That it will pay for authorized services provided by the Facility in keeping with the availability of State appropriations, on the basis of care required by the eligible individual as determined by the Department acting under the applicable regulations, but in no event will payment be made for any individual determined not to require Medical Day Care services.</p> <p>2. That it will reimburse the Medical Day Care Center through the appropriate fiscal agent in accordance with methods and procedures set forth in State regulations.</p> <p>3. That it will make such payments, in accordance with applicable laws and regulations, as promptly as is feasible after a proper claim is submitted and approved.</p> <p>4. That it will give the Facility, (subject to Section A, Paragraph 17 herein), thirty (30) days notice of any impending changes in status as a participating Medical Day Care Facility; the Department may terminate this Agreement without cause following ninety (90) days advance, written notice to the Provider.</p>	

APPENDIX B

MEDICAL DAY CARE PROGRAM PARTICIPATION AGREEMENT, Continued

Name and Address of Facility	Medicaid Provider Number
<p>5. That it will notify the Facility of any change in Title XIX rules and regulations as it relates to the Facility's program, and will work with the individual Facility to provide the best care available within the limitations of the law and available money.</p> <p>C. DEPARTMENT AND FACILITY MUTUALLY AGREE:</p> <p>1. That, in the event the Federal and/or State laws should be amended or judicially interpreted so as to render the fulfillment of this agreement, on the part of either party, not feasible or impossible, or if the parties to this agreement should be unable to agree upon modifying amendments which would be needed to enable substantial continuation of the Title XIX Program as a result of amendments or judicial interpretations, then, and in that event, both the Facility and the Department shall be discharged from future obligations created under the terms of this agreement, except for equitable settlement of the respective accrued interests up to the date of termination.</p> <p>2. That, in the event a participating Facility is sold, the Department shall make no division of the reimbursable proceeds for services rendered to Medicaid recipients between buyer and seller, but rather will reimburse the provider of record as of the billing month for all services rendered. Said Provider shall make the necessary adjustments.</p> <p>3. This agreement shall be effective on _____ and will continue unless terminated or amended prior thereto:</p> <p style="margin-left: 20px;">a. by mutual consent of the parties,</p> <p style="margin-left: 20px;">b. for cause under applicable clauses herein, or</p> <p style="margin-left: 20px;">c. because of Federal and/or State government withdrawal from Program participation.</p> <p>4. To be completed by the Facility and the Department:</p> <div style="margin-left: 100px; margin-top: 20px;"> <p>_____</p> <p style="text-align: center;">[Name of Authorized Representative of Facility (Print)]</p> <p>_____</p> <p style="text-align: center;">(Title)</p> </div> <div style="margin-left: 100px; margin-top: 20px;"> <p>_____</p> <p style="text-align: center;">(Date)</p> </div> <div style="margin-left: 100px; margin-top: 20px;"> <p>_____</p> <p style="text-align: center;">(Signature of Authorized Representative of Facility)</p> </div> <div style="margin-left: 100px; margin-top: 20px;"> <p>_____</p> <p style="text-align: center;">[Name of Authorized Representative of NJDHS (Print)]</p> <p>_____</p> <p style="text-align: center;">(Title)</p> </div> <div style="margin-left: 100px; margin-top: 20px;"> <p>_____</p> <p style="text-align: center;">(Date)</p> </div> <div style="margin-left: 100px; margin-top: 20px;"> <p>_____</p> <p style="text-align: center;">(Signature of Authorized Representative of NJDHS)</p> </div>	

## Notes

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## [N.J.A.C. 10:164, Appx. C.](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 4, February 20, 2024

***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES***

### **APPENDIX C**

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1. Describe the proposed therapeutic milieu through which the proposed Adult Day Health Services Facility would provide medical and ancillary health services to support the ability of clients to remain in the community and to age well in place.
2. Describe the physical facilities to be used for the proposed Adult Day Health Services Facility (diagram acceptable).
3. Describe the proposed Adult Day Health Services Facility, including hours of operation, services to be provided, in-house and/or by arrangement, and the staff members who would be implementing the program.

## APPENDIX C

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4. Provide staff position descriptions and state the qualifications of personnel selected for each position.
5. State the total number of participants the proposed Adult Day Health Services Facility would serve and the anticipated daily population.
6. Submit a projection of anticipated costs the proposed Adult Day Health Services Facility would incur. State the period of the projection and provide the basis of cost allocation, if applicable.
7. State whether the proposed Adult Day Health Services Facility would be supported by a funding source other than Title XIX, such as Title XX and/or Title III.
8. State whether the proposed Adult Health Services Facility would be a new facility or an expansion of an existing facility.
9. Provide additional comments relevant to the application for approval of the proposed Adult Day Health Services Facility under the New Jersey Medicaid Program.

## History

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### HISTORY:

Amended by R.2009 d.346, effective November 16, 2009 (operative April 1, 2010).

See: [40 N.J.R. 6328\(a\)](#), [41 N.J.R. 4257\(a\)](#).

Rewrote the Appendix.

Annotations

## Notes

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## [N.J.A.C. 10:164, Appx. D](#)

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### **APPENDIX D**

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Annotations

### **Notes**

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## [N.J.A.C. 10:164, Appx. E](#)

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***NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 164. ADULT DAY HEALTH SERVICES***

## **APPENDIX E**

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### FISCAL AGENT BILLING SUPPLEMENT

**AGENCY NOTE:** The Fiscal Agent Billing Supplement is appended as a part of this chapter/manual but is not reproduced in the New Jersey Administrative Code. When revisions are made to the Fiscal Agent Billing Supplement, replacement pages will be distributed to providers and copies will be filed with the Office of Administrative Law. For a copy of the Fiscal Agent Billing Supplement, write to:

Unisys Corporation  
PO Box 4801  
Trenton, NJ 08650-4801

or contact:

Office of Administrative Law  
Quakerbridge Plaza, Building 9  
PO Box 049  
Trenton, NJ 08625-0049

## **History**

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### **HISTORY:**

Amended by R.1994 d.427, effective August 15, 1994.

See: 26 N.J.R. 1427(a), 26 N.J.R. 3474(a).

Annotations

## **Notes**

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