

10:37J. The changes reflect the recodification and readoption of N.J.A.C. 10:190, Licensure of Mental Health Programs, as N.J.A.C. 8:121, and licensing of such programs by the New Jersey Department of Health pursuant to Reorganization Plans Nos. 001-2017 and 001-2018 and update references to the Division of Mental Health and Addiction Services from the Division of Mental Health Services.

While the Department is readopting these rules with technical changes, it recognizes that further rulemaking may be necessary to update these rules to reflect current practices. Thus, the Department will continue to review the rules and may consider making substantive amendments prior to the next scheduled expiration.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 30:1-12 and 30:4-27.8-10, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

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

SUBCHAPTER 1. GENERAL PROVISIONS

10:37J-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the content clearly indicates otherwise.

...
 “Division” or “DMHAS” means the Division of Mental Health and Addiction Services within the Department of Human Services.

...
 “Level I standards” means those standards with which mental health programs must be in full compliance in order to be granted or to continue to receive a full Department of Health license. Level I standards include those standards that relate most directly to consumer rights, safety, and staffing. With specific reference to the PACT program, Level I standards are: all standards [in] at N.J.A.C. 10:37J-2.4, Program intensity, except subsection (e); N.J.A.C. 10:37J-2.5(c), (d)1, (e), (h), and (l), services to be provided and service coordination; and N.J.A.C. 10:37J-2.8(a), (b), (c) (except for paragraphs (c)1 through 8), (d), and (i), staff requirements.

SUBCHAPTER 2. PROGRAM OPERATION

10:37J-2.2 Licensing

In accordance with Department of Health licensing rules applicable to community mental health programs (N.J.A.C. [10:190] **8:121**), each PA shall obtain a license before implementing a PACT program.

10:37J-2.8 Staff requirements

(a)-(c) (No change.)

(d) Each PACT team shall, at a minimum, consist of the following staff. All staff shall be full time, unless otherwise noted below:

1.-3. (No change.)

4. At least one dual disorder specialist who shall hold a bachelor’s degree in a behavioral health field and have a minimum of two years of experience providing dual disorder services to individuals with co-occurring serious and persistent mental illness and substance abuse.

i. A dual disorder specialist shall hold the professional credentials required by the Alcohol and Drug **Counselor** Licensing and Certification Act, N.J.S.A. 45:2D-1 et seq.

ii. (No change.)

5.-7. (No change.)

(e)-(j) (No change.)

10:37J-2.12 Continuous quality improvement activities

(a) (No change.)

(b) The PA shall also:

1. (No change.)

2. Submit initial and follow-up community incident reports for unusual incidents involving PACT consumers within required time frames pursuant to N.J.A.C. 10:37-6[,] **and** [10:37-9.9[,] and the [DMHS]

DMHAS Community Incident Reporting Procedures, pursuant to N.J.A.C. 10:37-6.108;

3.-4. (No change.)

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Notice of Readoption
 Hospice Services**

Readoption: N.J.A.C. 10:53A

Authority: N.J.S.A. 30:4D-1 et seq. and 30:4J-8 et seq.

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Agency Control Number: 22-A-01.

Effective Date: November 17, 2022.

Expiration Date: November 17, 2029.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 10:53A, Hospice Services, were scheduled to expire on December 21, 2022. This chapter describes the requirements of the New Jersey Medicaid/NJ FamilyCare fee-for-service programs pertaining to the provision of, and reimbursement for, medically necessary hospice services to eligible beneficiaries, including providers’ and beneficiaries’ requirements and basis of payments for provider and physician services.

N.J.A.C. 10:53A includes five subchapters and two appendices, as described below.

N.J.A.C. 10:53A-1 includes general provisions regarding hospice services, including introductory general provisions, definitions, and information regarding contracting with physicians.

N.J.A.C. 10:53A-2 includes provider requirements regarding enrollment and billing procedures, changing from one hospice agency to another, physician certification and recertification, staffing standards, the administrative policy for admission and discharge from room and board services in a nursing facility, recordkeeping requirements, monitoring requirements, fair hearings, and advance directives.

N.J.A.C. 10:53A-3 includes beneficiary requirements regarding eligibility, the application procedure for medical and financial eligibility, benefit periods, covered hospice services, services unrelated to terminal illness, the plan of care, and fair hearings.

N.J.A.C. 10:53A-4 includes provisions related to the basis of payment including the post-eligibility treatment of the beneficiary’s income, basis of payment for hospice providers and physicians, limitations on reimbursement for hospice services, and claims submission.

N.J.A.C. 10:53A-5 includes provisions regarding the Common Procedure Coding System, including an introduction to procedure codes for hospice services.

The Department of Human Services has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq., and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

(b)

DIVISION OF FAMILY DEVELOPMENT

**Notice of Readoption
 New Jersey Supplemental Nutrition Assistance
 Program (NJ SNAP)**

Readoption: N.J.A.C. 10:87

Authority: N.J.S.A. 30:1-12.

Authorized by Sarah Adelman, Commissioner, Department of Human Services.