

CM), incorporated herein by reference, as amended and supplemented. The ICD-10-CM is available by contacting the Center for Disease Control and Prevention, National Center for Health Services, 3311 Toledo Road, Hyattsville, MD, 20782, or at [www.cdc.gov](http://www.cdc.gov); and

2. (No change.)

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## SUBCHAPTER 2. ELIGIBILITY CRITERIA

### 10:46-2.1 General eligibility

(a)-(e) (No change.)

(f) (No change in text.)

(g) When an individual receives residential services from the Division funded through contract reimbursement, he or she is also required to contribute to the cost of care and maintenance. The requirements and financial ability of the individual and that of their legally responsible relatives to contribute to the cost of care and maintenance are set forth at N.J.A.C. 10:46D, Contributions for Care and Maintenance Requirements.

Recodify existing (i)-(j) as (h)-(i) (No change in text.)

(j) It is the Division's policy to fund services in the State of New Jersey, except where the conditions stipulated at N.J.S.A. 30:6D-21.1 through 21.3 (P.L. 2015, c. 192) exist.

### 10:46-2.2 Residency

(a) An individual must be a resident of New Jersey before the Division can provide services. It shall be the responsibility of the individual applying for eligibility, or his or her guardian, to establish residency in the State of New Jersey. Residency shall be determined in the following manner:

1. (No change.)

2. When an individual applying for eligibility is residing in an out-of-State residential placement at the time of application for eligibility and the conditions stipulated at N.J.S.A. 30:6D-21.1 through 21.3 (P.L. 2015, c. 192) do not apply, she or he shall indicate on the application that it is their intention to return to New Jersey to receive in-State services no later than six months after eligibility has been established. If the individual does not return to New Jersey within six months of the determination of eligibility, the individual will not have met the residency requirement, and eligibility will be rescinded. If the individual is not yet 21 years of age, the individual will have no more than six months after their 21st birthday to return to New Jersey or the individual will not have met the residency requirement and eligibility will be rescinded.

(b) If an individual 21 years of age or older has already been determined functionally eligible for services and is residing in an out-of-State placement and the conditions stipulated at N.J.S.A. 30:6D-21.1 through 21.3 (P.L. 2015, c. 192) do not apply, the individual shall return to New Jersey within six months of notification from the Division or the individual will no longer meet the residency requirement and eligibility will be rescinded. An individual whose eligibility is rescinded under this section may reapply at any time if she or he returns to New Jersey and is living in the State as his or her primary residence.

1.-2. (No change.)

(c) Exceptions to (a)2 and (b) above may be made with the authorization of the Assistant Commissioner in one of the following two circumstances only:

1. (No change.)

2. The individual's services are reimbursed by Medicaid under the Community Care Program (CCP) and health and safety can be assured despite the individual not residing in the State.

(d)-(g) (No change.)

## SUBCHAPTER 3. APPLICATION

### 10:46-3.1 Who may apply

(a) (No change.)

(b) Pursuant to N.J.S.A. 30:4C-4.4 (P.L. 2012, c. 16, sec. 158), the Division may continue to provide services to certain individuals under age 21 whom it is serving on January 22, 2013.

(c) (No change.)

### 10:46-3.2 How to apply

(a)-(e) (No change.)

(f) An application shall be deemed complete when there is sufficient information to make a determination of eligibility. An applicant has one year from the date of the submission of the initial application to submit all supporting documentation to constitute a complete application or a new application will be required.

## SUBCHAPTER 4. DETERMINATION PROCESS

### 10:46-4.2 Notice requirements

(a)-(b) (No change.)

(c) If the applicant is determined eligible, Division staff shall notify the applicant, in writing, within 10 working days of the determination and such notice shall include information regarding the service(s) deemed most suitable by the intake worker or the intake team.

1. (No change.)

2. The Division may also place the eligible individual's name on the Community Care Program Waiting List in accordance with N.J.A.C. 10:46C and/or any other applicable waiting lists. Nothing in this paragraph entitles an individual determined eligible for services to immediate enrollment on the Community Care Program or any other service for which there may be a waiting list.

(d) (No change.)

(a)

## DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

### Notice of Readoption

### Advance Directives for Mental Health Care

### Readoption: N.J.A.C. 10:32

Authority: N.J.S.A. 30:1-12, 30:9A-10, and 30:9A-21.

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

Effective Date: September 24, 2021.

New Expiration Date: September 24, 2028.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:32, Advance Directives for Mental Health Care, were due to expire on November 24, 2021.

This chapter applies to State psychiatric hospitals listed at N.J.S.A. 30:1-7 and to the Division of Mental Health and Addiction Services (DMHAS). N.J.A.C. 10:32 is comprised of two subchapters. Subchapter 1, Scope and Purpose, describes the general purpose of the regulation, defines words and terms used throughout the chapter, and sets forth State psychiatric hospital policy and reporting requirements. Subchapter 2, Registry of Mental Health Care Directives, establishes procedures and responsibility for the creation and maintenance of a registry of mental health care directives by the DMHAS, and access to that registry by individuals, including registered declarants.

**Take further notice** that the need for amendments at N.J.A.C. 10:32 has been identified by the DMHAS; however, many of these changes are considered too significant to be made as part of this readoption. The anticipated amendments may include substantial amendments and/or recodifications in part, as may be appropriate, to the chapter to reflect the retention of the State psychiatric hospitals by the Department of Health following the return of the DMHAS to the Department of Human Services in accordance with Reorganization Plan 001-2018. Once the review is completed, a separate rulemaking containing proposed amendments and/or recodifications will be published in the New Jersey Register and a 60-day public comment period will be provided.

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, as required by Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 30:1-12, 30:9A-10, and 30:9A-21, 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.