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**DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES****Notice of Readoption****Community Mental Health Services Act****Readoption with Technical Changes: N.J.A.C. 10:37**

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 Dates: October 4, 2021, Readoption;  
November 1, 2021, Technical Changes.

New Expiration Date: October 4, 2028.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:37, Community Mental Health Services Act, were scheduled to expire on November 18, 2020. 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. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

The Community Mental Health Services Act rules delineate the general requirements applicable to agencies licensed to provide community mental health services pursuant to N.J.S.A. 30:9A-1 et seq. (Community Mental Health Services Act), as well as standards applicable to the State Community Mental Health Citizens Advisory Board (N.J.A.C. 10:37-2) and Community Mental Health Boards and County Mental Health Administrators (N.J.A.C. 10:37-3). The general requirements include consumer requirements for all community mental health program elements, program element requirements, general administrative requirements for all State-funded community mental health program elements, conditions covering State grants for construction assistance for community mental health facilities, and quality assurance. While the Department of Human Services (Department) is readopting this chapter to prevent its expiration, the Department will continue to review the rules and consider making substantive amendments prior to the next scheduled expiration date.

In addition to readopting the existing rules, the Department is making technical changes throughout N.J.A.C. 10:37. The technical changes include changes to update the Division's current table of organization, as well as the current name of the "Division of Mental Health and Addiction Services" and the Division's address. The change to the Division's name reflects the merger of the former Division of Mental Health and the former Division of Addiction Services under the Fiscal Year 2010-2011 State Appropriations Act. Additionally, an outdated reference to N.J.A.C. 10:37-12, Children's Partial Care Programs, is being removed because that subchapter was recodified within N.J.A.C. 10:191, Children's Partial Care Programs, by the Department in 2007; and N.J.A.C. 10:191 was subsequently recodified to N.J.A.C. 3A:58 by the Department of Children and Families in 2017.

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, 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.

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

## SUBCHAPTER 1. INTRODUCTION AND PURPOSE

## 10:37-1.1 Introduction and purpose

(a) (No change.)

(b) Wherever the "Department" is cited, the term shall refer to the New Jersey Department of Human Services; wherever the "Division" is cited,

it shall refer to the New Jersey Division of Mental Health and [Hospitals] **Addiction Services**. Subsequent to a period of public review and comment, this chapter shall become effective on November 3, 1980; it will be incorporated into guidelines for the Division's ongoing site visit, monitoring, program development, and evaluation activities for community mental health grants and contracts. Compliance with this chapter shall be required one year from its effective date, as of July 1, 1981. It is anticipated that total compliance will necessitate, in some instances, a reorganization of service components and priorities by participating agencies. It is for that reason that the Department is extending the implementation and compliance deadline for one year, in order to allow for local phase-ins and for technical assistance to be provided by the county mental health boards and the Division.

(c) (No change.)

(d) Any questions concerning these requirements should be sent to the Division [Director] **Assistant Commissioner**, New Jersey Division of Mental Health and [Hospitals] **Addiction Services**, [222 South Warren Street] **5 Commerce Way, Suite 100, PO Box 362**, Trenton, [N.J.] **NJ 08625**.

## 10:37-1.2 Scope

The rules within this chapter apply to provider agency programs funded by the Division [of Mental Health Services] governed by the standards at [N.J.A.C. 10:37-12 and] N.J.A.C. 10:37A through 37I.

## SUBCHAPTER 3. COUNTY MENTAL HEALTH BOARDS

## 10:37-3.5 Roles, functions, and responsibilities

(a) Procedural responsibilities: The County Mental Health Board shall: 1.-2. (No change.)

3. Comply with the **Senator Byron M. Baer** Open Public Meetings Act;

4. (No change.)

5. Submit public notices and minutes of said meeting to the Division [of Mental Health and Hospitals].

(b) (No change.)

(c) Implementation responsibilities: Based on the County Mental Health Plan, the County Mental Health Board shall, at a minimum:

1. (No change.)

2. Receive, review, and advise the Division [of Mental Health and Hospitals] on requested Service Area changes/redelineations.

3. -5. (No change.)

(d)-(f) (No change.)

(b)

**DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES****Notice of Readoption****Outpatient Service Standards****Readoption with Technical Changes: N.J.A.C. 10:37E**

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 Dates: September 24, 2021, Readoption;  
November 1, 2021, Technical Changes.

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. 10:37E, Outpatient Service Standards, were scheduled to expire on December 5, 2020. 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. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has