

not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

This chapter applies to agencies funded by the Division of Mental Health and Addiction Services (Division) to provide and/or licensed to provide outpatient services pursuant to N.J.S.A. 30:9A-1 et seq., the Community Mental Health Services Act. N.J.A.C. 10:37E is comprised of two subchapters. Subchapter 1, General Provisions, describes the scope and purpose of the rules and defines words and terms used throughout the chapter. Subchapter 2, Program Operation, specifies requirements regarding written policies and procedures, services to be provided, service planning, termination of services, staffing requirements, and utilization review.

In addition to readopting the existing rules, the Department of Human Services (Department) is making technical changes throughout N.J.A.C. 10:37E. The technical changes include changes to update the current name of the "Division of Mental Health and Addiction Services" and changes to the Diagnostic and Statistical Manual of Mental Disorders (DSM). The change to the Division's name reflects the merger of the former Division of Mental Health and the former Division of Addiction Services pursuant to the Fiscal Year 2010-2011 State Appropriations Act. The changes to DSM references include updates to the current DSM criteria by the American Psychiatric Association (APA), including elimination of the multi-axial system of diagnoses, and correcting a reference to the publishing entity of the DSM to the APA.

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. GENERAL PROVISIONS

##### 10:37E-1.2 Definitions

The words and terms in this chapter shall have the following meanings unless the context clearly indicates otherwise.

...  
 "Division" means the Division of Mental Health and [Hospitals] **Addiction Services** in the Department of Human Services.  
 ...

#### SUBCHAPTER 2. PROGRAM OPERATION

##### 10:37E-2.5 Termination of services

(a) The OP program shall establish and implement policies and procedures to address the termination of services to clients.

1.-2. (No change.)

3. A termination summary shall be documented in the client record within 30 days following termination. This shall include, at a minimum, the following:

i.-v. (No change.)

vi. The individual's final [multi-axial] diagnoses, as derived from the most recent edition of the Diagnostic and Statistical Manual **of Mental Disorders**, published by the American [Psychological] **Psychiatric Association**, [750 First St. NE,] **800 Maine Ave., SW, Ste. 900**, Washington, DC, [20002-4242, tel. 202-3336-5500] **20024**.

(a)

## DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES

### Notice of Readoption

### Partial Care Services Standards

### Readoption with Technical Changes: N.J.A.C. 10:37F

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. 10:37F, Partial Care Services Standards, were scheduled to expire on March 13, 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. 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.

This chapter sets forth the requirements applicable to provider agencies licensed to provide partial care services pursuant to N.J.S.A. 30:9A-1 et seq., Community Mental Health Services Act. N.J.A.C. 10:37F is comprised of two subchapters. Subchapter 1, General Provisions, describes the scope and purpose of the rules, the guiding principles underlying partial care services standards, and defines words and terms used throughout the chapter. Subchapter 2, Partial Care Standards, delineates criteria and standards regarding admission; intake procedures; assessment; recovery planning; services to be provided; termination, transfer and referral of consumers; management functions; quality assurance activities; therapeutic environment; and staffing.

In addition to readopting the existing rules, the Department of Human Services (Department) is making technical changes throughout N.J.A.C. 10:37F. The technical changes include changes to update the current name of the "Division of Mental Health and Addiction Services" and changes to the Diagnostic and Statistical Manual of Mental Disorders (DSM). The change to the Division's name reflects the merger of the former Division of Mental Health and the former Division of Addiction Services pursuant to the Fiscal Year 2010-2011 State Appropriations Act. The changes to DSM references include updates to the current DSM edition and criteria by the American Psychiatric Association, including elimination of the multi-axial system of diagnoses.

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. GENERAL PROVISIONS

##### 10:37F-1.2 Guiding principles

(a) (No change.)

(b) The Diagnostic and Statistical Manual of Mental Disorders, [Fourth] **Fifth Edition (DSM)[.]** is incorporated by reference, **as amended and supplemented**, into this chapter. Copies of the DSM may be obtained from the American Psychiatric Association, [1400 K Street N.W.] **800 Maine Ave., SW, Ste. 900**, Washington D.C. [20005] **20024**.

##### 10:37F-1.3 Definitions

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

...  
 "Division" means the Division of Mental Health and Addiction Services in the Department of Human Services.  
 ...

SUBCHAPTER 2. PARTIAL CARE SERVICES

10:37F-2.1 Admission criteria

- (a) (No change.)
- (b) Inclusionary criteria: In order to be considered eligible for partial care services, an individual must:
  - 1.-4. (No change.)
  - 5. At the time of referral or as a result of psychiatric evaluation provided or arranged for by the PA, have at least one of the following primary DSM [IV] diagnoses [on Axis I]:
    - i.-vi. (No change.)
    - 6. Have a covered psychiatric disorder diagnosis consistent with codes[, Axis I-V,] of the [Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR), incorporated herein by reference as amended and supplemented] DSM, including some 301.XX [Axis II] codes if the personality disorder is considered in the severe range and the individuals are at high risk of psychiatric hospitalization as a result; and
    - 7. At the time of referral, meet one or more of the following criteria:
      - i. (No change.)
      - ii. A Global Assessment of Functioning Scale score of between 11 and 70, as found in the [Diagnostic and Statistical Manual of Mental Disorders] DSM[, page 32].
  - (d) (No change.)

10:37F-2.3 Assessment

- (a) PA staff shall complete a written comprehensive assessment for each consumer prior to development of the individualized recovery plan. The comprehensive assessment provides the PA and consumer with an initial profile of the strengths and barriers related to community integration, achievement of chosen valued roles, and which issues or problems must be addressed in what priority.
  - 1.-5. (No change.)
  - 6. The written comprehensive assessment shall include a documented psychiatric evaluation completed within two weeks of admission which shall reflect consideration of the following:
    - i. Diagnosis [(Axis I-V)] in conformance with the [Diagnostic and Statistical Manual of Mental Disorders IV (DSM-IV (available from the American Psychiatric Association, 1400 K St., NW, Washington, DC 20005), incorporated herein by reference, as amended and supplemented] DSM;
    - ii.-x. (No change.)
  - 7.-8. (No change.)

(a)

**DIVISION OF DEVELOPMENTAL DISABILITIES**  
**Notice of Readoption**  
**Mechanical Restraints and Safeguarding Equipment**  
**Readoption: N.J.A.C. 10:42**

Authority: N.J.S.A. 30:1-12 et seq., 30:4-6 et seq., and 30:6D-5.  
 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. 10:42 were scheduled to expire on October 8, 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. 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.

N.J.A.C. 10:42 details the policies and procedures for the use of safeguarding equipment and mechanical restraints for individuals served by the Division of Developmental Disabilities (Division). The rules are designed to foster the reduction or elimination of the use of mechanical restraints and safeguarding equipment in favor of less restrictive practices. The rules direct that a concerted effort should be made to provide individuals with appropriate behavioral supports designed to meet his or her specific needs. The rules also require that mechanical restraints and safeguarding equipment be used only to address significant safety concerns related to preventing behaviors that affect the health and well-being of the individual or others.

The Division has reviewed the rules and determined that they are necessary and proper for the purpose for which they were originally promulgated. The Division intends to continue to collaborate with stakeholders, including individuals, agencies, trade organizations, advocates, and interested parties to initiate any new standards for the use of mechanical restraints, as necessary.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:42 is readopted and shall continue in effect for seven years.

(b)

**DIVISION OF DEVELOPMENTAL DISABILITIES**  
**Notice of Readoption**  
**Appeal Procedure**

**Readoption: N.J.A.C. 10:48**

Authority: N.J.S.A. 30:1-12 et seq., and 30:4-6 et seq.  
 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. 10:48 were scheduled to expire on October 23, 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. 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.

N.J.A.C. 10:48 establishes the steps an individual served by the Division may take when disagreements arise between the individual and the Division. The purpose of the chapter is to encourage and permit the early resolution of disputes and, where that is not possible, to identify the steps to secure review by the proper authority.

The Division has reviewed the rules and determined that they are necessary and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:48 is readopted and shall continue in effect for seven years.

(c)

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Notice of Readoption**  
**Nurse Midwifery Services**

**Readoption With Technical Changes: N.J.A.C. 10:58**

Authority: N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq.  
 Authorized By: Sarah Adelman, Acting Commissioner, Department of Human Services.