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**DIVISION OF DEVELOPMENTAL DISABILITIES**  
**Human Rights Committees**  
**Proposed Readoption with Amendments: N.J.A.C.**  
**10:41A**

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

Authority: N.J.S.A. 30:6D-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirements.

Proposal Number: PRN 2024-120.

Submit written comments by December 6, 2024, electronically to [DDD-CO.LAPO@dhs.nj.gov](mailto:DDD-CO.LAPO@dhs.nj.gov), or by regular mail or facsimile to:

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The agency proposal follows:

**Summary**

The Department of Human Services (Department) proposes to readopt N.J.A.C. 10:41A, Human Rights Committees, with amendments. The Department adopted Chapter 41A effective August 16, 2004, and readopted the chapter effective May 24, 2010 and October 24, 2017, respectively. The chapter was scheduled to expire on October 24, 2024. As the Department filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date was extended 180 days to April 22, 2025, pursuant to N.J.S.A. 52:14B-5.1.c. The Division of Developmental Disabilities (Division) has reviewed this chapter, and has determined that with the proposed amendments, the rules are reasonable, necessary, and proper for the purpose for which they were originally promulgated.

Chapter 41A establishes the guidelines and responsibilities for Human Rights Committees (HRCs). HRCs are objective advisory review boards designed to protect individual rights established pursuant to the Developmentally Disabled Rights Act, N.J.S.A. 30:6D-1 et seq. Services are provided to Division eligible individuals in a variety of settings, including their own homes, group homes, supervised apartments, community care residences, and developmental centers. Services include individual supports, community-based supports, supported employment, goods and services, and respite. Individuals receiving services from the Division, Division staff, provider agency staff, parents, guardians, or other advocates may make referrals to an HRC. The HRC deliberates about issues that have been referred, and advises the respective administrator, who may be the chief executive officer (CEO) of a developmental center, a community services administrator, or the executive director or CEO of a provider agency, who makes the final decisions.

The Department is providing a 60-day comment period on this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

A summary of the subchapters and amendments follows.

**Subchapter 1. General Provisions**

N.J.A.C. 10:41A-1.1 sets forth the purpose of the rules as establishing Human Rights Committees (“HRCs” or “Committees”) to act as objective review boards that promote the human and civil rights of individuals with developmental disabilities.

N.J.A.C. 10:41A-1.2 sets forth the scope of the rules to establish the composition and operation of the Human Rights Committee in developmental centers, the Office of Community Services, as well as in the provider agencies and facilities under contract with or regulated by the Division.

N.J.A.C. 10:41A-1.3 provides the definitions of the terms used throughout the chapter.

**Subchapter 2. Individual Rights**

N.J.A.C. 10:41A-2.1 recognizes that individuals with developmental disabilities are entitled to exercise the same human and civil rights enjoyed by other citizens. This section also requires that documentation of any authorized restrictions of an individual’s rights be maintained in the client record. In addition, this section sets forth those individuals who may make referrals to the HRC.

**Subchapter 3. Membership of the HRC**

N.J.A.C. 10:41A-3.1 sets forth the parameters for appointment of members of the HRC, including committee size and representation.

N.J.A.C. 10:41A-3.2 sets forth the process for appointment of the chairperson and vice-chairperson.

N.J.A.C. 10:41A-3.3 sets forth the method for filling vacancies created by unexpired terms of HRC members.

N.J.A.C. 10:41A-3.4 sets forth the method for removing a committee member for good cause.

N.J.A.C. 10:41A-3.5 requires that committee members receive an orientation and instructional materials to perform their duties.

**Subchapter 4. Responsibilities of the HRC**

N.J.A.C. 10:41A-4.1 outlines the role of the HRC as an advisor to the administrator and as a proactive body.

N.J.A.C. 10:41A-4.2 outlines the Committee’s standard meeting practices.

N.J.A.C. 10:41A-4.3 describes the HRC’s general committee functions.

N.J.A.C. 10:41A-4.4 provides the procedures for review of issues referred to the HRC. The Division proposes an amendment that provides a timeline for the development of an agenda and supporting documents to be distributed to all members and guests. The amendment requires that, to the extent practicable, an agenda shall be developed and distributed to all HRC members and guests within a week before the meeting. The Division also proposes an amendment to require supporting documents be provided with the referral, when available. This amendment gives time for HRC board members and guests to review issues before HRC meetings.

N.J.A.C. 10:41A-4.5 provides that a member of the HRC may not participate in deliberations that constitute a conflict of interest and sets forth the guidelines for identifying conflicts of interest.

N.J.A.C. 10:41A-4.6 provides a dispute resolution process if an individual, guardian, or advocate disagrees with the decision of an Administrator. It also provides for an appeal if dispute resolution is unsuccessful.

**Subchapter 5. Responsibilities of HRC Chairperson**

N.J.A.C. 10:41A-5.1 delineates the responsibilities of the HRC chairperson, including presiding over the committee meetings, developing agendas, and educating HRC members on their responsibilities.

N.J.A.C. 10:41A-5.2 sets forth the process for the HRC chairperson to maintain and transmit meeting minutes. The Division proposes to amend this provision to delete “Community Services Units” and add “agencies” to illustrate that all HRC meeting minutes are forwarded to the attention of the Assistant Commissioner’s Office, not just meeting minutes that are submitted by a Statewide HRC. The Division also proposes to amend this provision to include the email address that HRCs are to use when forwarding meeting minutes to the Assistant Commissioner. These amendments are consistent with current practice.

**Subchapter 6. Responsibilities of Agencies Under Contract with or Regulated by the Division**

N.J.A.C. 10:41A-6.1 encourages provider agencies to have their own HRC and indicates that those agencies unable to establish their own HRC may use a Division HRC. The Division proposes an amendment to require that agencies unable to establish their HRC “must,” rather than “may” utilize the Division HRC. It is current practice for agencies without an HRC to use the Division HRC, however, the proposed amendment makes this practice clear, to guarantee that input from an HRC will always occur where required to protect client rights. An amendment is also proposed to clarify that the Division operates only one HRC.

N.J.A.C. 10:41A-6.2 requires an agency that uses its own HRC to have procedures regarding the composition and operation of the HRC that are consistent with this chapter.

N.J.A.C. 10:41A-6.3 provides that a CEO or executive director of an agency shall appoint members of an agency HRC.

N.J.A.C. 10:41A-6.4 requires an agency administrator to provide the Division with notice of any HRC meetings.

N.J.A.C. 10:41A-6.5 establishes the procedures for distribution of agency HRC meeting minutes.

**Social Impact**

Readoption of the rules with the proposed amendments will have a positive social impact, as they provide for the protection and exercise of the human and civil rights of individuals with developmental disabilities served by the Division. Through its deliberative process, the HRCs provide important advice to administrators.

**Economic Impact**

The Division does not anticipate any significant economic impact as a result of the rules proposed for readoption with amendments. The production and distribution of HRC meeting notices, minutes, and related correspondence historically generates a negligible administrative cost. The use of electronic mail and storage has further reduced these minimal costs.

**Federal Standards Statement**

The rules proposed for readoption with amendments are not subject to any Federal requirements or standards. Therefore, a Federal standards analysis is not required.

**Jobs Impact**

The rules proposed for readoption with amendments will neither generate nor cause a loss of jobs.

**Agriculture Industry Impact**

The rules proposed for readoption with amendments will not have an impact on agriculture in the State of New Jersey. Therefore, an agricultural impact analysis is not required.

**Regulatory Flexibility Analysis**

The rules proposed for readoption with amendments will apply to those provider agencies that have an HRC; some of these provider agencies may be small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules currently apply to roughly 275 small businesses. The rules proposed for readoption with amendments continue to require recordkeeping, reporting, and compliance, namely the minutes of the HRC. However, the rules will not impose costs for agencies, beyond the minimal administrative costs discussed in the Economic Impact above and no professional services are required to be employed. Further, although the rules encourage provider agencies to establish their own HRC, agencies unable to establish their own HRC may use a Division HRC. Due to the purpose of the rules to protect the human and civil rights of individuals with developmental disabilities and the importance of documenting HRC activities, a lesser requirement or exemption cannot be provided to agencies that qualify as small businesses.

**Housing Affordability Impact Analysis**

As the rules proposed for readoption with amendments concern Human Rights Committees for individuals served by the Division, there is an extreme unlikelihood that the rules proposed for readoption with amendments will evoke a change in the average costs associated with housing or with the affordability of housing.

**Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments concern Human Rights Committees for individuals served by the Division. Therefore, there is an extreme unlikelihood that the rule will evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan. The Division does not anticipate the rules proposed for readoption with amendments will have any impact upon the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department of Human Services evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:41A.

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

SUBCHAPTER 4. RESPONSIBILITIES OF THE HRC

10:41A-4.4 HRC procedures

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

(c) To the extent practicable, **within a week before the meeting**, an agenda shall be developed based upon referrals received and issues to be discussed and distributed in advance to all HRC members and guests. **When available, all supporting documents with the referral(s) should be included with the agenda.**

(d)-(m) (No change.)

SUBCHAPTER 5. RESPONSIBILITIES OF HRC CHAIRPERSON

10:41A-5.2 Minutes of the meeting

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

(c) Copies of the HRC minutes within the developmental centers and [Community Services units,] **agencies** shall be forwarded to the Assistant Commissioner within two weeks of the date of the meeting. **The minutes shall be emailed to DDD.HRC@dhs.nj.gov.**

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

SUBCHAPTER 6. RESPONSIBILITIES OF AGENCIES UNDER CONTRACT WITH OR REGULATED BY THE DIVISION

10:41A-6.1 Agency HRC

(a) Agencies should have their own HRC. Those agencies unable to establish an HRC [may] **must** utilize [an] **the Office of Community Services HRC** [within the Division Community Services Office] upon agreement with the Community Services Administrator.

(b) (No change.)

**INSURANCE**

**(a)**

**DEPARTMENT OF BANKING AND INSURANCE  
OFFICE OF SOLVENCY REGULATION  
Corporate Governance Annual Disclosure  
Proposed New Rules: N.J.A.C. 11:1-48**

Authorized By: Justin Zimmerman, Acting Commissioner,  
Department of Banking and Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:23-38 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-116.

Submit written comments December 6, 2024 to:

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