

## Legislative and Administrative Notes

### New Jersey Legislative Update

The bills listed herein are current legislation that ABCD has been in the forefronts of developing and advancing in the developmental disabilities community. These bills address many of the concerns ABCD has expressed over the years regarding the State of New Jersey maximizing federal revenue to provide services and supports to people with developmental disabilities and to ensure that the State complies with the U.S. Supreme Court's *Olmstead Decision* in an expeditious manner.

The legislature is currently in session and working on the Fiscal Year 2006 State Budget, which will be signed by Acting Governor Codey by June 30, 2005. We will give periodic updates, please check back with ABCD for current information. Or, log onto [www.njleg.state.nj.us](http://www.njleg.state.nj.us) for the most up-to-date Legislative information.

***S2663 Directs Division of Developmental Disabilities to prepare plan to ensure persons with developmental disabilities recommended for community placement move from institutions to community within five years.***

<b>Senate</b>	<b>2663</b>	<b>Assembly</b>	
<b>Sponsor(s)</b>	Rice (D-28) Vitale (D-19)	<b>Sponsor(s)</b>	
<b>Co-Sponsor(s)</b>	Singer (R-30) Kean (R-21) Karcher (D-12) Allen (R-7)	<b>Co-Sponsor(s)</b>	
<b>Action</b>	6/16/2005 Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee	<b>Action</b>	

Requires the Director of the Division of Developmental Disabilities to develop a plan within six months of enactment ensuring that within five years people with developmental disabilities residing in the State Developmental Centers whose Individual Habilitation Plan (IHP) recommends community placement are provided with an appropriate community placement. (Approximately 1,500 people living in State developmental centers have in their IHP a recommendation of community placement).

Provides that in developing a plan the director shall:

- review and establish criteria to identify those persons with developmental disabilities who are appropriate candidates for living in community-based settings;
- identify the resources needed to ensure that those persons can be placed in the community and receive needed community-based services in a manner that enables them to live as independently as possible; and
- set forth how the necessary services and housing will be provided.

Requires the director to solicit public input in developing the plan, and conduct three public hearings, one each in the northern, central, and southern regions of the State. The director will provide the plan and a report with findings and recommendations to the Governor and the Legislature no later than nine months after the effective date of this bill.

***S2652 Requires DHSS to apply for federal Home and Community-Based Services Medicaid waiver for certain early intervention services.***

<b>Senate</b>	<b>2652</b>	<b>Assembly</b>	
<b>Sponsor(s)</b>	Karcher (D-12) Kean (R-21)	<b>Sponsor(s)</b>	
<b>Co-Sponsor(s)</b>	Allen (R-7) Vitale (D-19) Rice (D-28)	<b>Co-Sponsor(s)</b>	
<b>Action</b>	6/16/2005 Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee	<b>Action</b>	

This bill seeks to maximize federal financial participation under the State Medicaid program for early intervention services.

Requires the Commissioner of Health and Senior Services, in conjunction with the directors of the Division of Developmental Disabilities and the Division of Medical Assistance and Health Services in the Department of Human Services, to apply for a federal 1915(c) Home and Community-Based Services Waiver for early intervention services for infants and toddlers.

Services provided under the waiver shall include habilitation services provided in a natural environment and such other services as the commissioner deems appropriate. Children eligible for services under the waiver shall include children in need of early intervention habilitation services who: (1) otherwise qualify for Medicaid, through existing State and federal programs; and (2) would be eligible for Medicaid under the waiver because they meet the program's financial eligibility standards and the intermediate care facility level of care criteria or other

related condition level of care criteria, as established by the commissioner in accordance with federal law.

Requires the commissioner to report to the chairmen of the Senate Health, Human Services and Senior Citizens Committee and the Assembly Health and Human Services Committee three months after the date of enactment of this act on the status of the waiver and the actions taken to date by the Department of Health and Senior Services to obtain the waiver.

**\*ABCD Note:** See *Early Intervention Waiver Testimony of Lowell Arye, Executive Director of ABCD at Senate Health, Human Services Committee on February 3, 2005, at ABCD's website: [www.abcdnj.org/pubs.html](http://www.abcdnj.org/pubs.html).*

**S2455/A4172 Requires DHS to apply for Home and Community-Based Services waiver for DDD and provide status reports to Legislature.**

Senate	2455	Assembly	4172
<b>Sponsor(s)</b>	Rice (D-28) Vitale (D-19)	<b>Sponsor(s)</b>	Fisher (D-3)
<b>Co-Sponsor(s)</b>	Singer (R-30) Karcher (D-12) Madden (D-4) Sweeney (D-3)	<b>Co-Sponsor(s)</b>	
<b>Action</b>	5/5/2005 Introduced in the Senate, Referred to Senate Health, Human Services and Senior Citizens Committee 6/9/2005 Reported from Senate Committee as a Substitute, 2nd Reading <b>6/20/2005 Passed by the Senate (37-0)</b> <b>6/20/2005 Received in the Assembly, Referred to Assembly Health and Human Services Committee</b>	<b>Action</b>	6/13/2005 Introduced, Referred to Assembly Health and Human Services Committee

The Commissioner of Human Services, in conjunction with the Director of the Division of Developmental Disabilities, will to apply for all federal 1915(c) Home and Community-Based Services waivers as determined by the Commissioner to meet the needs of clients of the division.

Requires the Commissioner to report to the chairmen of the Senate Health, Human Services Committee and the Assembly Health and Human Services Committee three months after the effective date and at three month intervals until the waiver is approved by the federal government, on the status of the waiver application, and the actions taken to date to obtain the waiver.

States that the Department shall post on its official web-site the final determination by the federal Centers for Medicare and Medicaid Services of the waiver application, and if the waiver is approved, the number of waiver slots available under the waiver, the type of services that will be covered under the waiver, and such other information that the commissioner deems appropriate.

Requires the Commissioner, in conjunction with the DDD Director to issue a report to the chairmen of the Senate Health, Human Services Committee and the Assembly Health and Human Services Committee one year after the approval that contains information on the number of individuals receiving services, specific waiver-eligible services, the average costs of services, services that are not Medicaid reimbursable, the number of individuals receive State-funded only services and any impediments to expanding existing waiver services.

Within 60 days after issuance of each report required by this section, the department shall hold a public hearing, in different regions of the State each year, to encourage community discussion of the division's waivers and the provision of community-based services as well as post the report on its official web-site.

**\*ABCD Note:** *See Testimony of Lowell Arye, Executive Director of ABCD at Senate Health, Human Services Committee on June 9, 2005, in support of S2455, at ABCD's website: [www.abcdnj.org/pubs.html](http://www.abcdnj.org/pubs.html).*