

30:6D-23 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:6D-23 et al

(Development Disabilities,  
Division--establish in  
Human Services)

LAWS OF: 1985

CHAPTER: 145

Bill No: S1826

Sponsor(s): Orechio

Date Introduced: May 17, 1984

Committee: Assembly: Corrections, Health and Human Services; Revenue  
Finance and Appropriations

Senate: Institutions, Health and Welfare

Amended during passage: No

Date of Passage: Assembly: February 14, 1985

Senate: June 25, 1984

Date of Approval: April 24, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes 9-20-84 and 2-4-85

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: No

974.901 New Jersey. Developmental Disabilities Council.  
M482.2 Annual State Plan for developmental  
disabilities summary.  
(see pp 70-71)

(OVER)

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974.90  
R424  
1982h

New Jersey. Developmental Disabilities Council.  
Redirection of the Division of Mental Retardation to a  
Division of Developmental Disabilities ... December 1, 1982.  
Trenton, 1982.

CHAPTER 145 LAWS OF N. J. 1985  
APPROVED 4-24-85

SENATE, No. 1826

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1984

By Senator ORECHIO

Referred to Committee on Institutions, Health and Welfare

AN ACT establishing a Division of Developmental Disabilities in the State Department of Human Services, prescribing its powers and duties, providing for the transfer of the powers and duties of the Division of Mental Retardation to the Division of Developmental Disabilities, amending R. S. 30:4-23 and P. L. 1977, c. 82 and supplementing Title 30 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. (New section) This act shall be known and may be cited as the  
2 "Division of Developmental Disabilities Act."

1 2. (New section) There is established in the State Department of  
2 Human Services a Division of Developmental Disabilities.

1 3. (New section) For the purposes of this act:

2 a. "Commissioner" means the Commissioner of the State Depart-  
3 ment of Human Services.

4 b. "Developmental disability" means a severe, chronic disability  
5 of a person which: (1) is attributable to a mental or physical im-  
6 pairment or combination of mental or physical impairments; (2)  
7 is manifest before age 22; (3) is likely to continue indefinitely; (4)  
8 results in substantial functional limitations in three or more of the  
9 following areas of major life activity, that is, self care, receptive  
10 and expressive language, learning, mobility, self-direction and  
11 capacity for independent living or economic self sufficiency; and  
12 (5) reflects the need for a combination and sequence of special inter-  
13 disciplinary or generic care, treatment or other services which are  
14 of life-long or extended duration and are individually planned and  
15 coordinated. Developmental disability includes but is not limited

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.**

**Matter printed in italics thus is new matter.**

16 to severe disabilities attributable to mental retardation, autism,  
17 cerebral palsy, epilepsy, spina bifida and other neurological impair-  
18 ments where the above criteria are met.

19 c. "Director" means the Director of the Division of Develop-  
20 mental Disabilities.

21 d. "Division" means the Division of Developmental Disabilities.

22 e. "Eligible developmentally disabled person" means a person  
23 who is developmentally disabled pursuant to subsection c. of this  
24 section and who has been declared eligible for services provided  
25 by the division.

26 f. "Services for developmentally disabled persons" means spe-  
27 cialized services or specialized adaptations of generic services pro-  
28 vided by a public or private agency, organization or institution and  
29 directed toward the alleviation of a developmental disability or  
30 toward the social, personal, physical or economic rehabilitation or  
31 rehabilitation of a person with a developmental disability and in-  
32 cludes care management, diagnosis, evaluation, treatment, personal  
33 care, day care, domiciliary care, special living arrangements, train-  
34 ing, education, vocational training, recreation, counseling of the  
35 person with the disability and his family, information and referral  
36 services and transportation services.

1 4. (New section) The administrator and head of the division shall  
2 be a director who shall be known as the Director of Developmental  
3 Disabilities. The director shall be a person qualified by training  
4 and experience to perform the duties of the office and shall devote  
5 his entire time to the performance of those duties. The director  
6 shall be appointed by the commissioner.

7 The commissioner shall appoint and remove officers and em-  
8 ployees of the division subject to the provisions of Title 11 of the  
9 Revised Statutes and other applicable statutes as are necessary to  
10 enable the division to perform its duties pursuant to this act and  
11 he shall fix their compensation within the limits of available appro-  
12 priations and as is provided by law.

1 5. (New section) In addition to other functions, powers and duties  
2 vested in him by this act or any other law, the director shall:

3 a. Provide services for eligible developmentally disabled persons  
4 by identifying appropriate programs to meet their needs and by  
5 facilitating the establishment of community-based services for  
6 these persons; except that if the most appropriate services are not  
7 immediately available, the director may provide an eligible  
8 developmentally disabled person with alternate services;

9 b. Establish procedures for the determination of eligibility for  
10 services pursuant to this act and ensure that statements of eligibility

11 advise the applicant about the particular functional services deemed  
12 most appropriate for the training, habilitation, care and protection  
13 of that developmentally disabled individual as of the time of the  
14 determination;

15 c. Establish liaison and cooperative agreements with other  
16 governmental departments and agencies which provide programs  
17 and services to the developmentally disabled to prevent duplication  
18 of services and encourage a continuum of care that is required by  
19 persons with developmental disabilities;

20 d. Establish standards for services that are provided for persons  
21 with developmental disabilities, which include the scope and quality  
22 of these services and which give full recognition to the unique  
23 problems and special needs associated with developmental dis-  
24 abilities;

25 e. Advise, consult and provide professional assistance to orga-  
26 nized efforts by organizations, groups, associations and committees  
27 which work toward improving services and opportunities for per-  
28 sons with developmental disabilities; and

29 f. Select and retain the services of consultants whose advice is  
30 considered necessary to assist the division in obtaining information  
31 or developing plans and programs required for the performance of  
32 its duties and responsibilities pursuant to this act.

1 6. (New section) a. All of the functions, powers and duties of the  
2 Division of Mental Retardation in the Department of Human  
3 Services and of the director of that division are transferred to the  
4 Division of Developmental Disabilities.

5 b. Unless specifically otherwise provided in this act or by any  
6 other law, whenever pursuant to law reports, certifications, applica-  
7 tions or requests are required or permitted to be made to the Divi-  
8 tion of Mental Retardation whose powers and duties are herein  
9 assigned or transferred, the reports and certifications are hereafter  
10 required to be filed with, and the applications or requests are here-  
11 after required to be made to the Division of Developmental Dis-  
12 abilities.

13 c. The transfers directed by this act shall be effected pursuant to  
14 the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1  
15 et seq.).

1 7. (New section) With respect to the functions, powers and duties  
2 hereby transferred to the Division of Developmental Disabilities,  
3 whenever reference is made in any law, contract or document to the  
4 Division of Mental Retardation or to the director thereof, the same  
5 shall mean and refer to the Division of Developmental Disabilities  
6 and the Director of Developmental Disabilities, respectively.

1 8. (New section) Notwithstanding any provisions of this act to  
2 the contrary, the eligibility of mentally retarded persons for ser-  
3 vices of the division shall continue as provided in chapter 4 of Title  
4 30 of the Revised Statutes.

5 9. (New section) Within the limits of available funding and  
6 services, the director may declare as eligible for services under this  
7 act individuals who meet the criteria for developmental disability  
8 pursuant to subsection b. of section 3 of this act except that their  
9 disability was manifested after the age of 22 but before the age of  
10 55.

1 10. (New section) The commissioner shall, pursuant to the pro-  
2 visions of the "Administrative Procedure Act," P. L. 1968, c. 410  
3 (C. 52:14B-1 et seq.) adopt rules and regulations necessary to  
4 effectuate the purposes of this act.

1 11. R. S. 30:4-23 is amended to read as follows:

2 30:4-23. Definitions. As used in this article: "Chief executive  
3 officer" means the chief executive and administrative officer of any  
4 institution as designated for that purpose by the board of managers.

5 "County counsel" includes the chief legal officer or adviser of  
6 the board of chosen freeholders of any county in this State or his  
7 duly authorized representative.

8 "Institution," includes, except as herein otherwise provided, any  
9 State or county institution for the care and treatment of the  
10 mentally ill, the tuberculous, or the mentally retarded in this State,  
11 as the case may be.

12 "Court" means the County Court of any county in this State, or  
13 the Juvenile and Domestic Relations Court of any county.

14 "Medical director" means the physician charged with the over-all  
15 professional responsibility for the operation of a mental or tuber-  
16 cular hospital.

17 "Patient" includes any person or persons alleged to be mentally  
18 ill, tuberculous, or mentally retarded whose admission to any in-  
19 stitution for care and treatment of such class of persons in this  
20 State has been applied for.

21 "Discharge" shall mean relinquishment by all agents of the  
22 department of all legal rights and responsibilities acquired by  
23 reason of the admission, with or without court order, of that person  
24 to any residential or functional service whose operation is in any  
25 way authorized by the department, except that the right and respon-  
26 sibility to pursue and recover unpaid charges shall be maintained.

27 "Police official" shall mean any permanent and full time active  
28 policeman of any police department of a municipality or a member  
29 of the State Police or a county sheriff or his deputy.

30 "Evaluation services" shall mean those services and procedures  
31 in the department by which eligibility for functional services for  
32 the mentally retarded is determined and those services provided  
33 by the department for the purpose of advising the courts concerning  
34 the need for guardianship of individuals over the age of 18 who  
35 appear to be mentally deficient.

36 "State school" shall mean any residential institution of the State  
37 of New Jersey which is so designated by the State Board of  
38 [Control] *Institutional Trustees* and whose primary purpose is to  
39 provide functional services for the mentally retarded.

40 "Mental hospital" shall mean any inpatient medical facility,  
41 public or private, so designated by the board of [control] *institu-*  
42 *tional trustees*. Such a hospital may be an institution exclusively  
43 for the care of the mentally ill, or it may be a general hospital pro-  
44 viding facilities for the diagnosis, care and treatment of individuals  
45 with mental illnesses on an inpatient basis.

46 "Practicing physician" shall mean a physician licensed to practice  
47 medicine in any one of the United States; provided, however, that  
48 "practicing physician," with reference to admission to mental  
49 hospitals shall not include any physician who is a relative, either  
50 by blood or marriage, of the patient, nor the director, chief execu-  
51 tive officer, or proprietor of any institution for the care and treat-  
52 ment of the mentally ill to which application for admission is being  
53 prepared.

54 "State residential services" shall mean observation, examination,  
55 care, training, treatment, rehabilitation and related services, includ-  
56 ing family care, provided by the department to patients who have  
57 been admitted or transferred to, but not discharged from, any State  
58 hospital for the mentally ill or tuberculous or any residential func-  
59 tional service for the mentally retarded; "county residential  
60 services" shall mean comparable services provided to patients who  
61 have been admitted or transferred to, but not discharged from, any  
62 county hospital.

63 "Admitting physician" shall mean that physician designated by  
64 the medical director to act as his agent in authorizing the admission  
65 of patients to a mental hospital.

66 "Attending physician" shall mean a practicing physician in the  
67 community attending the patient in his home or in a mental hospital,  
68 or the physician on the staff of a mental hospital who is immediately  
69 responsible for the care and treatment of the patient.

70 "Chief of service" shall mean the physician charged with over-all  
71 responsibility for the professional program of care and treatment  
72 in the particular administrative unit of the mental hospital to which

73 the patient has been admitted, or such other member of the medical  
74 staff as may be designated by the medical director. He shall have  
75 the custody and control of every person admitted to his service  
76 until properly transferred or discharged.

77 "Custody" shall mean the right and responsibility to provide im-  
78 mediate physical attendance and supervision.

79 "Family care" shall mean a program conducted under the regula-  
80 tions of the State Board of [Control] *Institutional Trustees* for the  
81 placement with suitable private families or in boarding homes  
82 holding a certificate of approval in accordance with State law of  
83 individuals who are eligible for care in mental hospitals or for  
84 functional services for the retarded, who have no need for pro-  
85 fessional nursing services, who have no suitable homes of their own,  
86 and who have no relatives able to provide minimum sheltered care.

87 "Eligible mentally retarded person" shall mean a person who has  
88 been declared eligible for admission to functional services of the  
89 department.

90 "Functional services" shall mean those services and programs in  
91 the department available to provide the mentally retarded with  
93 education, training, rehabilitation, adjustment, treatment, care and  
94 protection.

95 "Mental deficiency" shall mean that state of mental retardation  
96 in which the reduction of social competence is so marked that  
97 persistent social dependency requiring guardianship of the person  
98 shall have been demonstrated or be anticipated.

99 "Mental retardation" shall mean a state of [significant subnormal  
100 intellectual development with reduction of social competence in a  
101 minor or adult person; this state of subnormal intellectual develop-  
102 ment shall have existed prior to adolescence and is expected to be  
103 of life duration] *significantly sub-average general intellectual func-*  
104 *tioning existing concurrently with deficits in adaptive behavior and*  
105 *manifested during the developmental period.*

106 "Mental illness" shall mean mental disease to such an extent that  
107 a person so afflicted requires care and treatment for his own welfare,  
108 or the welfare of others, or of the community.

1 12. Section 3 of P. L. 1977, c. 82 (C. 30:6D-3) is amended to read  
2 as follows:

3 3. As used in this act, unless a different meaning clearly appears  
4 from the context:

5 a. "Developmental disability" means a [disability of a person  
6 which

7 (1) is attributable to:

8 (a) mental retardation, cerebral palsy, epilepsy or autism;



9 (b) any other condition found to be closely related to  
10 mental retardation because such condition results in impair-  
11 ment of general intellectual functioning or adaptive behavior  
12 similar to impairment resulting from mental retardation or  
13 which requires treatment and services similar to those re-  
14 quired for mental retardation; or

15 (c) dyslexia resulting from a disability described in sub-  
16 paragraphs (a) and (b);

17 (2) originates before such person attains age 18;

18 (3) has continued or can be expected to continue indefinitely;  
19 and

20 (4) constitutes a substantial handicap to such person's  
21 ability to function normally in society] *severe, chronic dis-*  
22 *ability of a person which:*

23 (1) *is attributable to a mental or physical impairment or*  
24 *combination of mental or physical impairments;*

25 (2) *is manifest before age 22;*

26 (3) *is likely to continue indefinitely;*

27 (4) *results in substantial functional limitations in three*  
28 *or more of the following areas of major life activity, that is,*  
29 *self-care, receptive and expressive language, learning,*  
30 *mobility, self-direction and capacity for independent living or*  
31 *economic self-sufficiency; and*

32 (5) *reflects the need for a combination and sequence of*  
33 *special inter-disciplinary or generic care, treatment or other*  
34 *services which are of life-long or extended duration and are*  
35 *individually planned and coordinated. Developmental dis-*  
36 *ability includes but is not limited to severe disabilities*  
37 *attributable to mental retardation, autism, cerebral palsy,*  
38 *epilepsy, spina bifida and other neurological impairments*  
39 *where the above criteria are met;*

40 b. "Services" or "services for persons with developmental dis-  
41 abilities" means specialized services or special adaptations of  
42 generic services provided by any public or private agency, or-  
43 ganization or institution and directed toward the alleviation of  
44 a developmental disability or toward the social, personal, physical,  
45 or economic habilitation or rehabilitation of an individual with  
46 such a disability; and such term includes dagnosis, evaluation,  
47 treatment, personal care, day care, domiciliary care, special living  
48 arrangements, training, education, sheltered employment, recrea-  
49 tion, counseling of the individual with such disability and of his  
50 family, protective and other social and socio-legal services, infor-  
51 mation and referral services, follow-along services, and transpor-

52 tation services necessary to assure delivery of services to persons  
53 with developmental disabilities; *and*

54 c. "Facility" or "facility for persons with developmental dis-  
55 abilities" means a facility operated by any public or private agency,  
56 organization or institution for the provision of services for persons  
57 with developmental disabilities.

1 13. This act shall take effect 30 days following enactment except  
2 that the division shall have three years from the date of enactment  
3 to develop necessary plans and expand programs to ensure services  
4 to all eligible developmentally disabled persons pursuant to this  
5 act.

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#### STATEMENT

This bill establishes a Division of Developmental Disabilities in the Department of Human Services. The head of the division is the director, who shall be a person qualified by training and experience in the field of developmental disabilities. The bill also provides for the transfer of the powers and duties of the Division of Mental Retardation to the newly established Division of Developmental Disabilities, while preserving the entitlements that the mentally retarded enjoy under existing law. Although the new division is given three years to develop plans and programs before fully serving those with other developmental disabilities, it is also expected that the provisions of the "Developmentally Disabled Rights Act," P. L. 1977, c. 82 (C. 30:6D-1 et seq.) will be applicable to all persons placed in residential facilities.

The bill also amends Title 30 to conform the definitions of mental retardation and developmental disability to present standards and usage.

51826 (1985)

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO

SENATE, No. 1826

STATE OF NEW JERSEY

DATED: JUNE 18, 1984

This bill establishes a Division of Developmental Disabilities in the Department of Human Services. The new division incorporates the existing Division of Mental Retardation (DMR) and expands the population served by the DMR to include all developmentally disabled persons.

The bill provides for the transfer of the powers and duties of the Division of Mental Retardation to the newly established Division of Developmental Disabilities, while preserving the entitlements that the mentally retarded are granted under existing law. The Division of Developmental Disabilities is given three years to develop plans and programs that will fully serve all developmentally disabled persons. The bill also amends Title 30 of the Revised Statutes to conform the definitions of mental retardation and developmental disability to present standards and usage.

Developmental disability is defined as a severe chronic disability of a person which is: (a) attributable to a mental or physical impairment, or both; (b) manifest before age 22; (c) likely to continue indefinitely; and (d) results in substantial functional limitations in certain areas of major life activity such as self-care, learning and mobility. "Developmental disability" includes severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments.

Presently, the State Division of Mental Retardation is authorized to provide services only to persons who are mentally retarded or autistic, although many other developmentally disabled persons have similar functional services needs.

The State Developmental Disabilities Council estimates that there are approximately 88,000 developmentally disabled persons in this State, and more than one half of these persons have a primary diagnosis of mental retardation and various secondary handicaps. The majority of these persons including mentally retarded persons, however, do not receive services from the Division of Mental Retardation. Presently, the Division of Mental Retardation serves over 13,000 individuals with

a primary diagnosis of mental retardation and a limited number of autistic adults. If the Division of Developmental Disabilities is established to replace the Division of Mental Retardation, the council estimates that an additional 2,300 persons will apply for and be eligible for services.

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MHS 2.2

ASSEMBLY CORRECTIONS, HEALTH AND  
HUMAN SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1826

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

This bill establishes a Division of Developmental Disabilities in the Department of Human Services, incorporating the existing Division of Mental Retardation (DMR), and expands the population served by the DMR to include all developmentally disabled persons.

Under current law, the Division of Mental Retardation is authorized to provide services only to mentally retarded or autistic persons, although many other developmentally disabled persons have similar functional service needs.

This bill would transfer the powers and duties of the Division of Mental Retardation to the newly established Division of Developmental Disabilities while preserving the entitlements that the mentally retarded are granted under existing law. The bill allows the Division of Developmental Disabilities to develop plans and expand programs over a three-year period to ensure services to all developmentally disabled persons. The bill also amends Title 30 of the Revised Statutes to conform the definitions of mental retardation and developmental disability to current standards and usage.

The bill defines a developmental disability as a severe chronic disability of a person which is (1) attributable to a mental or physical impairment, or both; (2) manifest before age 22; (3) likely to continue indefinitely; and (4) which results in substantial functional limitations in certain areas of major life activity such as self-care, learning and mobility. "Developmental disability" includes severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments.

This bill is identical to Assembly Bill No. 1841 (Rooney), which the committee reported at the same time. Both bills were reported favorably without amendments.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO  
**SENATE, No. 1826**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 4, 1985

PROVISIONS:

Senate Bill No. 1826 establishes the Division of Developmental Disabilities in the Department of Human Services and incorporates the existing Division of Mental Retardation (DMR).

The powers and duties of DMR are transferred to the new division. The bill expands the population currently served by DMR to include all developmentally disabled persons.

BACKGROUND:

The bill defines "developmental disability" to include severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments.

The new division will have three years from the date of enactment to develop the necessary plans and expand programs to ensure services to those eligible persons.

FISCAL IMPACT:

A formal fiscal note is not yet available, however federal financial participation can be anticipated.

The committee favorably reports this bill.

ASSEMBLY, No. 1841

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STATE OF NEW JERSEY

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INTRODUCED MAY 7, 1984

By Assemblymen ROONEY, FELICE, MARKERT, SCHUBER and  
KERN

AN ACT establishing a Division of Developmental Disabilities in the State Department of Human Services, prescribing its powers and duties, providing for the transfer of the powers and duties of the Division of Mental Retardation to the Division of Developmental Disabilities, amending R. S. 30:4-23 and P. L. 1977, c. 82 and supplementing Title 30 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. (New section) This act shall be known and may be cited as the  
2 "Division of Developmental Disabilities Act."

1 2. (New section) There is established in the State Department  
2 of Human Services a Division of Developmental Disabilities.

1 3. (New section) For the purposes of this act:

2 a. "Commissioner" means the Commissioner of the State De-  
3 partment of Human Services.

4 b. "Developmental disability" means a severe, chronic disability  
5 of a person which: (1) is attributable to a mental or physical im-  
6 pairment or combination of mental or physical impairments; (2)  
7 is manifest before age 22; (3) is likely to continue indefinitely;  
8 (4) results in substantial functional limitations in three or more  
9 of the following areas of major life activity, that is, self care,  
10 receptive and expressive language, learning, mobility, self-direction  
11 and capacity for independent living or economic self sufficiency;  
12 and (5) reflects the need for a combination and sequence of special  
13 inter-disciplinary or generic care, treatment or other services which  
14 are of life-long or extended duration and are individually planned

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

15 and coordinated. Developmental disability includes but is not  
16 limited to severe disabilities attributable to mental retardation,  
17 autism, cerebral palsy, epilepsy, spina bifida and other neurological  
18 impairments where the above criteria are met.

19 c. "Director" means the Director of the Division of Develop-  
20 mental Disabilities.

21 d. "Division" means the Division of Developmental Disabilities.

22 e. "Eligible developmentally disabled person" means a person  
23 who is developmentally disabled pursuant to subsection c. of this  
24 section and who has been declared eligible for services provided  
25 by the division.

26 f. "Services for developmentally disabled persons" means spe-  
27 cialized services or specialized adaptations of generic services pro-  
28 vided by a public or private agency, organization or institution and  
29 directed toward the alleviation of a developmental disability or  
30 toward the social, personal, physical or economic habilitation or  
31 rehabilitation of a person with a developmental disability and in-  
32 cludes case management, diagnosis, evaluation, treatment, personal  
33 care, day care, domiciliary care, special living arrangements, train-  
34 ing, education, vocational training, recreation, counseling of the  
35 person with the disability and his family, information and referral  
36 services and transportation services.

1 4. (New section) The administrator and head of the division  
2 shall be a director who shall be known as the Director of Develop-  
3 mental Disabilities. The director shall be a person qualified by  
4 training and experience to perform the duties of the office and shall  
5 devote his entire time to the performance of those duties. The di-  
6 rector shall be appointed by the commissioner.

7 The commissioner shall appoint and remove officers and em-  
8 ployees of the division subject to the provisions of Title 11 of the  
9 Revised Statutes and other applicable statutes as are necessary to  
10 enable the division to perform its duties pursuant to this act and  
11 he shall fix their compensation within the limits of available ap-  
12 propriations and as is provided by law.

1 5. (New section) In addition to other functions, powers and  
2 duties vested in him by this act or any other law, the director shall:

3 a. Provide services for eligible developmentally disabled persons  
4 by identifying appropriate programs to meet their needs and by  
5 facilitating the establishment of community-based services for these  
6 persons; except that if the most appropriate services are not im-  
7 mediately available, the director may provide an eligible develop-  
8 mentally disabled person with alternate services;



9 b. Establish procedures for the determination of eligibility for  
10 services pursuant to this act and ensure that statements of eligi-  
11 bility advise the applicant about the particular functional services  
12 deemed most appropriate for the training, habilitation, care and  
13 protection of that developmentally disabled individual as of the  
14 time of the determination;

15 c. Establish liaison and cooperative agreements with other gov-  
16 ernmental departments and agencies which provide programs and  
17 services to the developmentally disabled to prevent duplication of  
18 services and encourage a continuum of care that is required by  
19 persons with developmental disabilities;

20 d. Establish standards for services that are provided for persons  
21 with developmental disabilities, which include the scope and quality  
22 of these services and which give full recognition to the unique  
23 problems and special needs associated with developmental dis-  
24 abilities;

25 e. Advise, consult and provide professional assistance to orga-  
26 nized efforts by organizations, groups, associations and committees  
27 which work toward improving services and opportunities for  
28 persons with developmental disabilities; and

29 f. Select and retain the services of consultants whose advise is  
30 considered necessary to assist the division in obtaining information  
31 or developing plans and programs required for the performance  
32 of its duties and responsibilities pursuant to this act.

1 6. (New section) a. All of the functions, powers and duties of  
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3 Services and of the director of that division are transferred to the  
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5 b. Unless specifically otherwise provided in this act or by any  
6 other law, whenever pursuant to law, reports, certifications, ap-  
7 plications or requests are required or permitted to be made to the  
8 Division of Mental Retardation whose powers and duties are herein  
9 assigned or transferred, the reports and certifications are hereafter  
10 required to be filed with, and the applications or requests are here-  
11 after required to be made to the Division of Developmental Dis-  
12 abilities.

13 c. The transfers directed by this act shall be effected pursuant  
14 to the "State Agency Transfer Act," P. L. 1971, c. 375 (C.  
15 52:14D-1 et seq.).

1 7. (New section) With respect to the functions, powers and duties  
2 hereby transferred to the Division of Developmental Disabilities,  
3 whenever reference is made in any law, contract or document to  
4 the Division of Mental Retardation or to the director thereof, the

5 same shall mean and refer to the Division of Developmental Dis-  
6 abilities and the Director of Developmental Disabilities, respec-  
7 tively.

1 8. (New section) Notwithstanding any provisions of this act to  
2 the contrary, the eligibility of mentally retarded persons for ser-  
3 vices of the division shall continue as provided in chapter 4 of  
4 Title 30 of the Revised Statutes.

1 9. (New section) Within the limits of available funding and ser-  
2 vices, the director may declare as eligible for services under this  
3 act individuals who meet the criteria for developmental disability  
4 pursuant to subsection b. of section 3 of this act except that their  
5 disability was manifested after the age of 22 but before the age  
6 of 55.

1 10. (New section) The commissioner shall, pursuant to the pro-  
2 visions of the "Administrative Procedure Act," P. L. 1968, c. 410  
3 (C. 52:14B-1 et seq.) adopt rules and regulations necessary to  
4 effectuate the purposes of this act.

1 11. R. S. 30:4-23 is amended to read as follows:

2 30:4-23. Definitions. As used in this article: "Chief executive  
3 officer" means the chief executive and administrative officer of any  
4 institution as designated for that purpose by the board of managers.

5 "County counsel" includes the chief legal officer or adviser of  
6 the board of chosen freeholders of any county in this State or his  
7 duly authorized representative.

8 "Institution," includes, except as herein otherwise provided, any  
9 State or county institution for the care and treatment of the men-  
10 tally ill, the tuberculous, or the mentally retarded in this State,  
11 as the case may be.

12 "Court" means the County Court of any county in this State,  
13 or the Juvenile and Domestic Relations Court of any county.

14 "Medical director" means the physician charged with the over-  
15 all professional responsibility for the operation of a mental or  
16 tubercular hospital.

17 "Patient" includes any person or persons alleged to be mentally  
18 ill, tuberculous, or mentally retarded whose admission to any in-  
19 stitution for the care and treatment of such class of persons in this  
20 State has been applied for.

21 "Discharge" shall mean relinquishment by all agents of the de-  
22 partment of all legal rights and responsibilities acquired by reason  
23 of the admission, with or without court order, of that person to  
24 any residential or functional service whose operation is in any way  
25 authorized by the department, except that the right and responsi-  
26 bility to pursue and recover unpaid charges shall be maintained.

27 "Police official" shall mean any permanent and full-time active  
28 policeman of any police department of a municipality or a member  
29 of the State Police or a county sheriff or his deputy.

30 "Evaluation services" shall mean those services and procedures  
31 in the department by which eligibility for functional services for  
32 the mentally retarded is determined and those services provided  
33 by the department for the purpose of advising the courts concern-  
34 ing the need for guardianship of individuals over the age of 18 who  
35 appear to be mentally deficient.

36 "State school" shall mean any residential institution of the State  
37 of New Jersey which is so designated by the State Board of [Con-  
38 trol] *Institutional Trustees* and whose primary purpose it to pro-  
39 vide functional services for the mentally retarded.

40 "Mental hospital" shall mean any inpatient medical facility,  
41 public or private, so designated by the board of [control] *institu-*  
42 *tional trustees*. Such a hospital may be an institution exclusively  
43 for the care of the mentally ill, or it may be a general hospital  
44 providing facilities for the diagnosis, care and treatment of indi-  
45 viduals with mental illnesses on an inpatient basis.

46 "Practicing physician" shall mean a physician licensed to prac-  
47 tice medicine in any one of the United States; provided, however,  
48 that "practicing physician," with reference to admission to mental  
49 hospitals shall not include any physician who is a relative, either  
50 by blood or marriage, of the patient, nor the director, chief execu-  
51 tive officer, or proprietor of any institution for the care and treat-  
52 ment of the mentally ill to which application for admission is being  
53 prepared.

54 "State residential services" shall mean observation, examination,  
55 care, training, treatment, rehabilitation and related services, in-  
56 cluding family care, provided by the department to patients who  
57 have been admitted or transferred to, but not discharged from, any  
58 State hospital for the mentally ill or tuberculous or any residential  
59 functional service for the mentally retarded; "county residential  
60 services" shall mean comparable services provided to patients who  
61 have been admitted or transferred to, but not discharged from, any  
62 county hospital.

63 "Admitting physician" shall mean that physician designated by  
64 the medical director to act as his agent in authorizing the admission  
65 of patients to a mental hospital.

66 "Attending physician" shall mean a practicing physician in the  
67 community attending the patient in his home or in a mental hospital,  
68 or the physician on the staff of a mental hospital who is immediately  
69 responsible for the care and treatment of the patient.

70 "Chief of service" shall mean the physician charged with over-  
71 all responsibility for the professional program of care and treat-  
72 ment in the particular administrative unit of the mental hospital  
73 to which the patient has been admitted, or such other member of  
74 the medical staff as may be designated by the medical director. He  
75 shall have the custody and control of every person admitted to his  
76 service until properly transferred or discharged.

77 "Custody" shall mean the right and responsibility to provide  
78 immediate physical attendance and supervision.

79 "Family care" shall mean a program conducted under the regu-  
80 lations of the State Board of [Control] *Institutional Trustees* for  
81 the placement with suitable private families or in boarding homes  
82 holding a certificate of approval in accordance with State law of  
83 individuals who are eligible for care in mental hospitals or for  
84 functional services for the retarded, who have no need for profes-  
85 sional nursing services, who have no suitable homes of their own,  
86 and who have no relatives able to provide minimum sheltered care.

87 "Eligible mentally retarded person" shall mean a person who  
88 has been declared eligible for admission to functional services of  
89 the department.

90 "Functional services" shall mean those services and programs  
91 in the department available to provide the mentally retarded with  
92 education, training, rehabilitation, adjustment, treatment, care and  
93 protection.

94 "Mental deficiency" shall mean that state of mental retardation  
95 in which the reduction of social competence is so marked that  
96 persistent social dependency requiring guardianship of the person  
97 shall have been demonstrated or be anticipated.

98 "Mental retardation" shall mean a state of [significant sub-  
99 normal intellectual development with reduction of social competence  
100 in a minor or adult person; this state of subnormal intellectual  
101 development shall have existed prior to adolescence and is expected  
102 to be of life duration] *significantly subaverage general intellectual*  
103 *functioning existing concurrently with deficits in adaptive behavior*  
104 *and manifested during the developmental period.*

105 "Mental illness" shall mean mental disease to such an extent  
106 that a person so afflicted requires care and treatment for his own  
107 welfare, or the welfare of others, or of the community.

1 12. Section 3 of P. L. 1977, c. 82 (C. 30:6D-3) is amended to  
2 read as follows:

3 3. As used in this act, unless a different meaning clearly appears  
4 from the context:

5 a. "Developmental disability" means a [disability of a person  
6 which

7 (1) is attributable to:

8 (a) mental retardation, cerebral palsy, epilepsy or autism;

9 (b) any other condition found to be closely related to mental  
10 retardation because such condition results in impairment of  
11 general intellectual functioning or adaptive behavior similar  
12 to impairment resulting from mental retardation or which  
13 requires treatment and services similar to those required for  
14 mental retardation; or

15 (c) dyslexia resulting from a disability described in sub-  
16 paragraphs (a) and (b);

17 (2) originates before such person attains age 18;

18 (3) has continued or can be expected to continue indefinitely; and

19 (4) constitutes a substantial handicap to such person's ability  
20 to function normally in society] *severe, chronic disability of a*  
21 *person which:*

22 (1) *is attributable to a mental or physical impairment or*  
23 *combination of mental or physical impairments;*

24 (2) *is manifest before age 22;*

25 (3) *is likely to continue indefinitely;*

26 (4) *results in substantial functional limitations in three or*  
27 *more of the following areas of major life activity, that is, self-*  
28 *care, receptive and expressive language, learning, mobility,*  
29 *self-direction and capacity for independent living or economic*  
30 *self-sufficiency; and*

31 (5) *reflects the need for a combination and sequence of*  
32 *special inter-disciplinary or generic care, treatment or other*  
33 *services which are of life-long or extended duration and are*  
34 *individually planned and coordinated. Developmental dis-*  
35 *ability includes but is not limited to severe disabilities attrib-*  
36 *utable to mental retardation, autism, cerebral palsy, epilepsy,*  
37 *spina bifida and other neurological impairments where the*  
38 *above criteria are met;*

39 b. "Services" or "services for persons with developmental dis-  
40 abilities" means specialized services or special adaptations of  
41 generic services provided by any public or private agency, or-  
42 ganization or institution and directed toward the alleviation of  
43 a developmental disability or toward the social, personal, physical,  
44 or economic habilitation or rehabilitation of an individual with  
45 such a disability; and such term includes diagnosis, evaluation,  
46 treatment, personal care, day care, domiciliary care, special living  
47 arrangements, training, education, sheltered employment, recrea-

48 tion, counseling of the individual with such disability and of his  
49 family, protective and other social and socio-legal services, infor-  
50 mation and referral services, follow-along services, and transpor-  
51 tation services necessary to assure delivery of services to persons  
52 with developmental disabilities; *and*

53 c. "Facility" or "facility for persons with developmental dis-  
54 abilities" means a facility operated by any public or private  
55 agency, organization or institution for the provision of services  
56 for persons with developmental disabilities.

1 13. This act shall take effect 30 days following enactment except  
2 that the division shall have three years from the date of enactment  
3 to develop necessary plans and expand programs to ensure ser-  
4 vices to all eligible developmentally disabled persons pursuant to  
5 this act.

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#### STATEMENT

This bill establishes a Division of Developmental Disabilities in the Department of Human Services. The head of the division is the director, who shall be a person qualified by training and experience in the field of developmental disabilities. The bill also provides for the transfer of the powers and duties of the Division of Mental Retardation to the newly established Division of Developmental Disabilities, while preserving the entitlements that the mentally retarded enjoy under existing law. Although the new division is given three years to develop plans and programs before fully serving those with other developmental disabilities, it is also expected that the provisions of the "Developmentally Disabled Rights Act," P. L. 1977, c. 82 (C. 30:6D-1 et seq.) will be applicable to all persons placed in residential facilities.

The bill also amends Title 30 to conform the definitions of mental retardation and developmental disability to present standards and usage.

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ASSEMBLY CORRECTIONS, HEALTH AND  
HUMAN SERVICES COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 1841

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

This bill establishes a Division of Development Disabilities in the Department of Human Services, incorporating the existing Division of Mental Retardation (DMR), and expands the population served by the DMR to include all developmentally disabled persons.

Under current law, the Division of Mental Retardation is authorized to provide services only to mentally retarded or autistic persons, although many other developmentally disabled persons have similar functional service needs.

This bill would transfer the powers and duties of the Division of Mental Retardation to the newly established Division of Developmental Disabilities while preserving the entitlements that the mentally retarded are granted under existing law. The bill allows the Division of Developmental Disabilities to develop plans and expand programs over a three-year period to ensure services to all developmentally disabled persons. The bill also amends Title 30 of the Revised Statutes to conform the definitions of mental retardation and developmental disability to current standards and usage.

The bill defines a developmental disability as a severe chronic disability of a person which is (1) attributable to a mental or physical impairment, or both; (2) manifest before age 22; (3) likely to continue indefinitely; and (4) which results in substantial functional limitations in certain areas of major life activity such as self-care, learning and mobility. "Developmental disability" includes severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments.

This bill is identical to S-1826 (Orechio), which the committee reported at the same time. Both bills were reported favorably without amendments.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 1841

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1985

PROVISIONS:

Assembly Bill No. 1841 establishes the Division of Developmental Disabilities in the Department of Human Services and incorporates the existing Division of Mental Retardation (DMR).

The powers and duties of DMR are transferred to the new division. The bill expands the population currently served by DMR to include all developmentally disabled persons.

BACKGROUND:

The bill defines "developmental disability" to include severe disabilities attributable to mental retardation, autism, cerebral palsy, epilepsy, spina bifida and other neurological impairments.

The new division will have three years from the date of enactment to develop the necessary plans and expand programs to ensure services to those eligible persons.

FISCAL IMPACT:

A formal fiscal note is not yet available, however federal financial participation can be anticipated.

The committee favorably reports this bill.





## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**  
**Contact:** CARL GOLDEN  
609-292-8956

**TRENTON, N.J. 08625**  
**Release:** WED., APRIL 24, 1985

Governor Thomas H. Kean today signed legislation to establish a Division of Developmental Disabilities within the State Department of Human Services and to expand the Division's services and programs to individuals who suffer various forms of developmental disabilities.

Kean signed the legislation at a public ceremony in the Assembly Chamber. The bill, S-1826, was sponsored in the Senate by Senate President Carmen Orechio, D-Essex, and the Assembly version, A-1841, was sponsored by Assemblyman John Rooney, R-Bergen.

The bill changes the name of the existing Division of Mental Retardation to the new designation and provides a three-year period in which the Division is required to formulate plans and programs to serve all developmentally disabled persons.

Currently, the Division's services are restricted to those who suffer mental retardation or from autism.

"This bill will enable the State to fill the void which has existed for many years --- a void in which people in need could not avail themselves of State help and services," Kean said.

"We have, in the past several years, initiated programs to meet the needs of those who must turn to government for help," the Governor said. "The creation of this new Division is a part of this Administration's ongoing commitment to help those in need."

- more -

S-1826 SIGNED  
PAGE TWO  
APRIL 24, 1985

The Governor said it is expected that 2,300 more persons will be eligible for departmental programs and services under the new law.

It is estimated the expansion of services will cost \$9.5 million over a five-year period, funds which are to be drawn from existing departmental allocations. The programs will also attract an estimated \$4 million in Federal aid.

Under the new program, individuals who suffer from cerebral palsy, epilepsy, spina bifida and other neurological impairments will be eligible for services from the Division. The mentally retarded and those with autism will continue to be served.

Among the programs which will be available to those who meet the criteria will be respite care, homemaker and health assistance, home-based training and vocational training programs.

In addition, the Department has set a goal of providing residential care treatment for 24 clients per year in group home settings, supervised apartments, or residential placements.

The legislation is effective in 30 days, with the provision that the Division will have three years to fully develop its plans and programs.

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