

# 30:4-25.20 to 30:4-25.23 LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2014                **CHAPTER:** 78

**NJSA:** 30:4-25.20 to 30:4-25.23 (Requires one-time application for requesting services for individuals with developmental disabilities from DCF and DHS)

**BILL NO:** A2717                (Substituted for S2065)

**SPONSOR(S)** Vainieri Huttle and others

**DATE INTRODUCED:** February 24, 2014

**COMMITTEE:**                **ASSEMBLY:** Human Services  
**SENATE:** Health, Human Services and Senior Citizens  
Budget and Appropriations

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                **ASSEMBLY:** June 23, 2014  
**SENATE:** October 23, 2014

**DATE OF APPROVAL:** December 11, 2014

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First reprint enacted)  
**A2717**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 2 of introduced bill)	Yes	
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes	
	<b>SENATE:</b> Yes	Budget Health

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	Yes	
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes	5-29-14 6-26-14
<b>S2065</b>		
<b>SPONSOR'S STATEMENT:</b> (Begins on page 2 of introduced bill)	Yes	
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> No	
	<b>SENATE:</b> Yes	Health Budget
<b>FLOOR AMENDMENT STATEMENT:</b>	No	
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes	

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

P.L.2014, CHAPTER 78, *approved December 11, 2014*  
Assembly, No. 2717 (*First Reprint*)

1 AN ACT concerning eligibility of individuals with developmental  
2 disabilities and supplementing Title 30 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. The Division of Developmental Disabilities in the  
8 Department of Human Services, in collaboration with the Division  
9 of Children's System of Care in the Department of Children and  
10 Families, shall develop a single process for determining eligibility  
11 'from the two divisions'<sup>1</sup> for services for individuals with  
12 developmental disabilities **['from the two divisions']** who are 18  
13 years of age or over and for individuals who are under 18 years of  
14 age, in any case in which the two divisions mutually determine that  
15 a single process is clinically appropriate<sup>1</sup>. The process, at a  
16 minimum, shall provide for:

17 (1) a one-time application to be used for determining eligibility  
18 for services from the Division of Children's System of Care and the  
19 Division of Developmental Disabilities; and

20 (2) consent for authorizing release of information on the  
21 application about an individual with a developmental disability to  
22 the Division of Developmental Disabilities at the time services are  
23 requested from the Division of Developmental Disabilities for the  
24 individual.

25 b. The Division of Developmental Disabilities may request  
26 updated or additional information on specific developmental delays  
27 or medically diagnosed mental or physical conditions of an  
28 individual with a developmental disability that is necessary to  
29 determine eligibility of the individual for the specific services  
30 requested.

31  
32 2. The Department of Human Services and the Department of  
33 Children and Families shall enter into cooperative agreements with  
34 each other as necessary to effectuate the purposes of this act.

35  
36 <sup>1</sup>3. Nothing in this act shall be construed to preempt any  
37 provision of P.L.2012, c.16.<sup>1</sup>

**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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly floor amendments adopted June 16, 2014.

1     <sup>1</sup>4. Nothing in this act shall be construed to eliminate or  
2 otherwise affect the need of the Division of Developmental  
3 Disabilities to require the completion of the New Jersey  
4 Comprehensive Assessment Tool prior to the receipt of adult  
5 services or to conduct any ongoing assessment as needed to comply  
6 with federal requirements, quality monitoring, and any other State  
7 or federal laws, regulations, or policies.<sup>1</sup>  
8

9     <sup>1</sup>[3.] 5.<sup>1</sup> This act shall take effect on the first day of the 13th  
10 month next following the date of enactment.  
11

12  
13  
14  
15     Requires one-time application for requesting services for  
16 individuals with developmental disabilities from DCF and DHS.

# ASSEMBLY, No. 2717

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 24, 2014

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Assemblyman CARMELO G. GARCIA**

**District 33 (Hudson)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

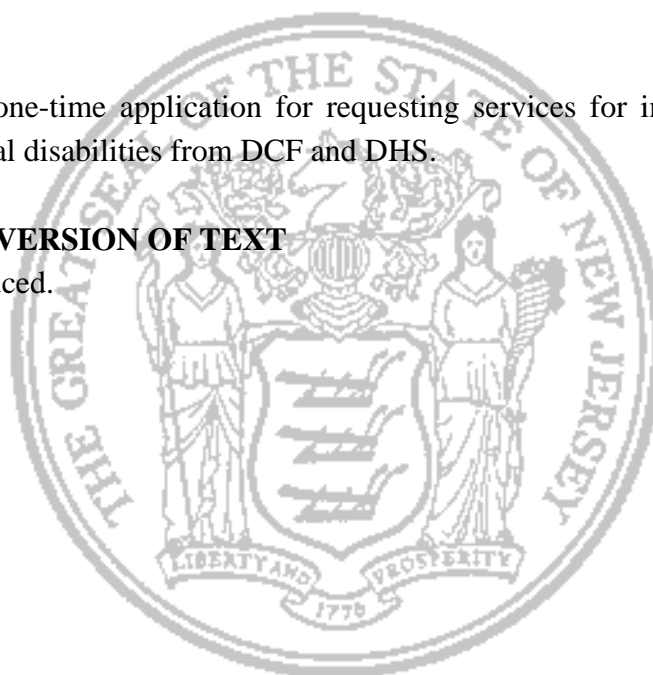
**Assemblywoman Caride and Assemblyman Gusciora**

**SYNOPSIS**

Requires one-time application for requesting services for individuals with developmental disabilities from DCF and DHS.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/17/2014)**

1 AN ACT concerning eligibility of individuals with developmental  
2 disabilities and supplementing Title 30 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. The Division of Developmental Disabilities in the  
8 Department of Human Services, in collaboration with the Division  
9 of Children's System of Care in the Department of Children and  
10 Families, shall develop a single process for determining eligibility  
11 for services for individuals with developmental disabilities from the  
12 two divisions. The process, at a minimum, shall provide for:

13 (1) a one-time application to be used for determining eligibility  
14 for services from the Division of Children's System of Care and the  
15 Division of Developmental Disabilities; and

16 (2) consent for authorizing release of information on the  
17 application about an individual with a developmental disability to  
18 the Division of Developmental Disabilities at the time services are  
19 requested from the Division of Developmental Disabilities for the  
20 individual.

21 b. The Division of Developmental Disabilities may request  
22 updated or additional information on specific developmental delays  
23 or medically diagnosed mental or physical conditions of an  
24 individual with a developmental disability that is necessary to  
25 determine eligibility of the individual for the specific services  
26 requested.

27

28 2. The Department of Human Services and the Department of  
29 Children and Families shall enter into cooperative agreements with  
30 each other as necessary to effectuate the purposes of this act.

31

32 3. This act shall take effect on the first day of the 13th month  
33 next following the date of enactment.

34

35

36

STATEMENT

37

38 This bill provides for streamlining the eligibility process for  
39 individuals with developmental disabilities requesting services from  
40 the Division of Children's System of Care (CSOC) in the  
41 Department of Children and Families and the Division of  
42 Developmental Disabilities (DDD) in the Department of Human  
43 Services.

44 Under the provisions of the bill, DDD, in collaboration with  
45 CSOC, is to develop a single process for determining eligibility for  
46 services for individuals with developmental disabilities from the  
47 two divisions. The process, at a minimum, would provide for: a  
48 one-time application to be used for determining eligibility for

**A2717 VAINIERI HUTTLE, JASEY**

3

1 services from CSOC and DDD; and consent for authorizing release  
2 of information to DDD at the time DDD services are requested.

3 The bill also provides that DDD may request updated or  
4 additional information on specific conditions of the individual with  
5 a developmental disability that is necessary to determine eligibility  
6 of the individual.

7 It is intended that this bill will facilitate the eligibility process for  
8 individuals with developmental disabilities by using a one-time  
9 application to request services from CSOC, when children are under  
10 18 years of age, and from DDD, when they are 18 years of age or  
11 older.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2717**

**STATE OF NEW JERSEY**

DATED: MARCH 10, 2014

The Assembly Human Services Committee reports favorably Assembly Bill No. 2717.

This bill provides for streamlining the eligibility process for individuals with developmental disabilities requesting services from the Division of Children's System of Care (CSOC) in the Department of Children and Families and the Division of Developmental Disabilities (DDD) in the Department of Human Services.

Under the provisions of the bill, DDD, in collaboration with CSOC, is to develop a single process for determining eligibility for services for individuals with developmental disabilities from the two divisions. The process, at a minimum, would provide for: a one-time application to be used for determining eligibility for services from CSOC and DDD; and consent for authorizing release of information to DDD at the time DDD services are requested.

The bill also provides that DDD may request updated or additional information on specific conditions of the individual with a developmental disability that is necessary to determine eligibility of the individual.



**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 2717**  
**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

DATED: MAY 29, 2014

**SUMMARY**

- Synopsis:** Requires one-time application for requesting services for individuals with developmental disabilities from DCF and DHS.
- Type of Impact:** Potential State and federal expenditure increase, offset by potential State and federal savings.
- Agencies Affected:** Department of Children and Families. Department of Human Services.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Years 1-3</b></u>
<b>Net State Cost</b>	Indeterminate impact – See comments below

- The Office of Legislative Services (OLS) finds that the bill would have an indeterminate impact on State costs. The Department of Human Services (DHS) and the Department of Children and Families (DCF) may incur certain one-time administrative costs to develop a single application and eligibility determination process, but such costs may be offset over time by operational efficiencies achieved through a single process.
- The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from the consolidated application process, or corresponding impacts on State service costs due to changes in the number of eligible individuals.

**BILL DESCRIPTION**

Assembly Bill No. 2717 of 2014 requires the Division of Developmental Disabilities (DDD) in the DHS, in collaboration with the Division of Children’s System of Care (CSOC) in the DCF, to develop a single process for determining the eligibility of individuals with developmental disabilities to receive services from the two divisions.

The process, at a minimum, would provide for: a one-time application to be used for determining eligibility for services from the CSOC and the DDD; and consent for authorizing release of information to the DDD at the time that DDD services are requested.

The bill also provides that the DDD may request updated or additional information on specific developmental delays or medically diagnosed mental or physical conditions of an individual with a developmental disability that is necessary to determine eligibility of the individual for specific services requested. Finally, the bill has a delayed effective date whereby its provisions would take effect on the first day of the 13th month following the date of enactment.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

No formal fiscal information has been received. However, in response to OLS questions on the Governor's Fiscal Year 2015 Budget that addressed the concept of a single application across the CSOC and the DDD, the DCF indicated that the use of a single application, beyond that already permitted under the divisions' regulations, would be unlikely to generate State savings and that, in contrast, such an application would likely "result in erroneously providing developmental disability services to adults who no longer meet the statutory eligibility criteria because of DDD's reliance on outdated information."

In addition, the DHS, in response to identical Fiscal Year 2015 OLS budget questions regarding the concept of a single application across the CSOC and the DDD, indicated that "the current process minimizes the effort and expenditure needed, while ensuring an accurate assessment of an individual's support needs."

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that the bill would have an indeterminate net impact on State costs, due to insufficient information regarding the specific costs and savings likely to be realized. The DDD and the CSOC may incur certain one-time administrative costs to develop a single application and eligibility determination process and to train staff on the new process, but such costs may be offset over time by savings from operational efficiencies achieved through a single application process. The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from a consolidated application process, or corresponding impacts on State service costs due to changes in the number of eligible individuals.

The CSOC currently provides services to children with developmental disabilities up to age 21, while the DDD provides services to adults with developmental disabilities. Applications for CSOC services are received, processed, and evaluated by an eligibility unit within PerformCare, which contracts with the DCF to administer CSOC services. Applications for DDD services are received and processed by intake workers at DDD Community Services Offices, who also collaborate with psychologists and other staff on "intake teams" to determine individuals' eligibility for DDD services. Children with developmental disabilities who have been determined eligible for services through the CSOC are required to complete a separate application process through the DDD, between the ages of 18 and 21, if they wish to be determined functionally eligible for adult DDD services.

The DDD and the CSOC may incur certain one-time staffing, consulting, and training costs to develop and implement a single application process consolidating the processes described above. To the extent that such administrative costs may not be fully absorbed under the

divisions' current resources, they may generate a short-term increase in State costs. However, due to insufficient information regarding the number of staff likely to be involved in developing and implementing a new application process, the amount of staff time likely to be required, and the need for expenditures on consulting or other activities to support implementation, the OLS cannot estimate the potential costs or timeframe involved in developing the new application process.

Implementing a one-time application process may eventually reduce the overall number of applications processed by the two divisions, potentially creating staffing efficiencies and long-term State administrative savings. However, the OLS has insufficient information regarding the number of clients who currently complete both divisions' application processes, and the staff costs associated with processing such applications, to estimate potential savings. It is noted that the DDD may be more likely to directly realize the savings from a one-time application, because many DDD clients would presumably complete the one-time application when applying for CSOC services as children, thereby obviating the need for clients to submit, and for the DDD to process and evaluate, subsequent applications for DDD adult services.

Available information indicates that the CSOC currently shares certain information with the DDD regarding clients' initial CSOC applications, recent evaluations, and progress reports. Thus, the bill provision authorizing the DDD to request updated or additional information regarding an individual's specific conditions may have a negligible impact on State administrative costs. Information from the DCF also indicates that a one-time application process currently exists for young adults between the ages of 18 and 21 seeking services from the CSOC. Under this process, applicants submit a single application for eligibility to the DDD and, if the DDD determines that the individual is eligible for DDD services, the decision is binding on the CSOC until the individual is 21 years old, and binding on the DDD thereafter. To the extent that this subset of applications already involves a single process, achieving greater efficiencies and additional State savings related to processing these applications may not be possible.

The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from the consolidated application process, or corresponding impacts on State service costs from serving greater or fewer numbers of clients. Although the OLS can neither confirm nor refute the DCF's assertion that a single application process, rather than two separate applications, might result in some additional individuals erroneously receiving DDD services based on outdated information, it is noted that the bill authorizes the DDD to request updated or additional information on an individual's specific conditions when determining eligibility for requested services, which would allow the DDD to reevaluate individuals whose needs have changed significantly since their original applications and which may minimize instances of individuals inappropriately receiving DDD services. Moreover, current DHS regulations authorize the DDD to reevaluate an individual's eligibility at any time and require regular redeterminations of disability factors involved in Medicaid eligibility, which may also minimize inappropriate provision of services.<sup>1</sup>

Finally, it is noted that State expenditures on administrative and service costs associated with individuals with developmental disabilities generally receive federal Medicaid reimbursement, so any net impacts on State costs would likely yield corresponding net impacts on federal Medicaid revenues.

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<sup>1</sup>Effective January 2013, Medicaid eligibility became a requirement for receiving DDD services.

*Section: Human Services*

*Analyst: Nathan E. Myers  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**STATEMENT TO**  
**ASSEMBLY, No. 2717**

with Assembly Floor Amendments  
(Proposed by Assemblywoman VAINIERI HUTTLE)

ADOPTED: JUNE 16, 2014

The floor amendments provide that the bill's provisions concerning the development of a single process for determining eligibility for services for individuals with developmental disabilities from the Division of Children's System of Care in the Department of Children and Families (DCF), and adult services from the Division of Developmental Disabilities (DDD) in the Department of Human Services would apply in cases in which the two divisions mutually determine that a single process is clinically appropriate.

The amendments also add that nothing in the bill is to be construed to: preempt any provision of P.L.2012, c.16, which is the law that reorganized DCF and established that the Division of Children's System of Care in DCF determines eligibility for individuals with developmental disabilities; or eliminate or affect the need of DDD to require completion of an assessment tool prior to the receipt of adult services or to conduct ongoing assessments to comply with federal or State requirements.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 2717

### STATE OF NEW JERSEY 216th LEGISLATURE

DATED: JUNE 26, 2014

#### SUMMARY

- Synopsis:** Requires one-time application for requesting services for individuals with developmental disabilities from DCF and DHS.
- Type of Impact:** Potential State and federal expenditure increase, offset by potential State and federal savings.
- Agencies Affected:** Department of Children and Families. Department of Human Services.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Years 1-3</u></b>
<b>Net State Cost</b>	Indeterminate impact – See comments below

- The Office of Legislative Services (OLS) finds that the bill would have an indeterminate impact on State costs. The Department of Human Services (DHS) and the Department of Children and Families (DCF) may incur certain one-time administrative costs to develop a single application and eligibility determination process, but such costs may be offset over time by operational efficiencies achieved through a single process.
- The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from the consolidated application process, or corresponding impacts on State service costs due to changes in the number of eligible individuals.

#### BILL DESCRIPTION

Assembly Bill No. 2717 (1R) of 2014 requires the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS), in collaboration with the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF), to develop a single process for determining the eligibility of individuals with developmental

disabilities to receive services from the two divisions, in any case in which the two divisions mutually determine that a single process is clinically appropriate.

The process, at a minimum, would provide for: a one-time application to be used for determining eligibility for services from the CSOC and the DDD; and consent for authorizing release of information to the DDD at the time that DDD services are requested. The bill also provides that the DDD may request updated or additional information on specific developmental delays or medically diagnosed mental or physical conditions of an individual with a developmental disability that is necessary to determine eligibility of the individual for specific services requested.

Further, the bill provides that nothing in its provisions shall be construed to preempt any provision of P.L.2012, c.16, which includes provisions stipulating: that the DDD may establish rules and procedures for the transition of persons receiving services from the DCF to adult services provided by the DDD, including, but not limited to, a redetermination of eligibility for services; and that there shall not be a presumption of eligibility for persons seeking adult services through the DDD.

Finally, the bill provides that nothing in its provisions shall be construed to eliminate DDD authority to require completion of the New Jersey Comprehensive Assessment Tool prior to the receipt of services or to conduct any ongoing assessment as needed to comply with any other State or federal requirements.

The bill has a delayed effective date whereby its provisions would take effect on the first day of the 13th month following the date of enactment.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

No formal fiscal information has been received. However, in response to OLS questions on the Governor's Fiscal Year 2015 Budget that addressed the concept of a single application across the CSOC and the DDD, the DCF indicated that the use of a single application, beyond that already permitted under the divisions' regulations, would be unlikely to generate State savings and that, in contrast, such an application would likely "result in erroneously providing developmental disability services to adults who no longer meet the statutory eligibility criteria because of DDD's reliance on outdated information."

In addition, the Department of Human Services (DHS), in response to identical Fiscal Year 2015 OLS budget questions regarding the concept of a single application across the CSOC and the DDD, indicated that "the current process minimizes the effort and expenditure needed, while ensuring an accurate assessment of an individual's support needs."

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that the bill would have an indeterminate net impact on State costs, due to insufficient information regarding the specific costs and savings likely to be realized. The DDD and the CSOC may incur certain one-time administrative costs to develop a single application and eligibility determination process, to identify criteria for determining when a single process is clinically appropriate, and to train staff on the new process, but such costs may be offset over time by savings from operational efficiencies achieved through a single application process. The OLS does not anticipate significant changes in the number of individuals with developmental

disabilities determined to be eligible for DHS and DCF services resulting from a consolidated application process, or corresponding impacts on State service costs due to changes in the number of eligible individuals.

The CSOC currently provides services to children with developmental disabilities up to age 21, while the DDD provides services to adults with developmental disabilities. Applications for CSOC services are received, processed, and evaluated by an eligibility unit within PerformCare, which contracts with the DCF to administer CSOC services. Applications for DDD services are received and processed by intake workers at DDD Community Services Offices, who also collaborate with psychologists and other staff on “intake teams” to determine individuals’ eligibility for DDD services. Children with developmental disabilities who have been determined eligible for services through the CSOC are required to complete a separate application process through the DDD, between the ages of 18 and 21, if they wish to be determined functionally eligible for adult DDD services.

The DDD and the CSOC may incur certain one-time staffing, consulting, and training costs to develop and implement a single application process consolidating the processes described above, and to develop criteria for determining when a single process is clinically appropriate. To the extent that such administrative costs may not be fully absorbed under the divisions’ current resources, they may generate a short-term increase in State costs. However, due to insufficient information regarding the number of staff likely to be involved in developing and implementing a new application process, the amount of staff time likely to be required, and the need for expenditures on consulting or other activities to support implementation, the OLS cannot estimate the potential costs or timeframe involved in developing the new application process.

Implementing a one-time application process may eventually reduce the overall number of applications processed by the two divisions, potentially creating staffing efficiencies and long-term State administrative savings. However, the OLS has insufficient information regarding the number of clients who currently complete both divisions’ application processes, the staff costs associated with processing such applications, and the number of clients for whom a single application process might be deemed clinically appropriate, to estimate potential savings. It is noted that the DDD may be more likely to directly realize the savings from a one-time application, because some number of DDD clients would presumably complete the one-time application when applying for CSOC services as children, thereby obviating the need for clients to submit, and for the DDD to process and evaluate, subsequent applications for DDD adult services.

Available information indicates that the CSOC currently shares certain information with the DDD regarding clients’ initial CSOC applications, recent evaluations, and progress reports. Thus, the bill provision authorizing the DDD to request updated or additional information regarding an individual’s specific conditions may have a negligible impact on State administrative costs. Information from the DCF also indicates that a one-time application process currently exists for young adults between the ages of 18 and 21 seeking services from the CSOC. Under this process, applicants submit a single application for eligibility to the DDD and, if the DDD determines that the individual is eligible for DDD services, the decision is binding on the CSOC until the individual is 21 years old, and binding on the DDD thereafter. To the extent that this subset of applications already involves a single process, achieving greater efficiencies and additional State savings related to processing these applications may not be possible.

The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from the consolidated application process, or corresponding impacts on State service costs from serving greater or fewer numbers of clients. Although the OLS can neither confirm nor refute the DCF’s assertion that a single application process, rather than two separate applications, might



result in some additional individuals erroneously receiving DDD services based on outdated information, the DCF's assertion did not specifically consider the current bill's provision allowing for a single process to be used only when deemed to be clinically appropriate. It is also noted that the bill authorizes the DDD to request updated or additional information on an individual's specific conditions when determining eligibility for requested services, which would allow the DDD to reevaluate individuals whose needs have changed significantly since their original applications and which may minimize instances of individuals inappropriately receiving DDD services. Moreover, current DHS regulations authorize the DDD to reevaluate an individual's eligibility at any time and require regular redeterminations of disability factors involved in Medicaid eligibility, and the bill stipulates that the DDD retains its authority to conduct "any ongoing assessment" to comply with State or federal requirements, which may also minimize inappropriate provision of services.<sup>1</sup>

Finally, it is noted that State expenditures on administrative and service costs associated with individuals with developmental disabilities generally receive federal Medicaid reimbursement, so any net impacts on State costs would likely yield corresponding net impacts on federal Medicaid revenues.

*Section: Human Services*

*Analyst: Nathan E. Myers  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-6 et seq.).

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<sup>1</sup>Effective January 2013, Medicaid eligibility became a requirement for receiving DDD services.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2717**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 15, 2014

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 2717(1R).

This bill provides for streamlining the eligibility process for individuals with developmental disabilities who are requesting services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF) and the Division of Developmental Disabilities (DDD) in the Department of Human Services. In particular, the bill facilitates the eligibility process for these individuals by using a one-time application to request services from CSOC, when children are under 18 years of age, and from DDD, when they are 18 years of age or older.

Under the provisions of the bill, DDD, in collaboration with CSOC, is to develop a single process for determining eligibility from the two divisions for services for individuals with developmental disabilities who are 18 years of age or over and for individuals who are under 18 years of age, in any case in which the two divisions mutually determine that a single process is clinically appropriate. The process, at a minimum, would provide for: a one-time application to be used for determining eligibility for services from CSOC and DDD; and consent for authorizing release of information to DDD at the time DDD services are requested.

The bill also provides that DDD may request updated or additional information on specific conditions of the individual with a developmental disability, as necessary to determine eligibility of the individual.

Finally, the bill specifies that it does not preempt the provisions of P.L.2012, c.16, which is the law that reorganized DCF and established that the Division of Children's System of Care in DCF is responsible for determining eligibility for individuals with developmental disabilities, and, further, that it does not eliminate or affect the need of DDD to require completion of an assessment tool prior to the receipt of adult services, or to conduct ongoing assessments to comply with federal or State requirements.

As reported, this bill is identical to Senate Bill No. 2065 (Vitale/Whelan), which the committee also reported favorably on this date.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2717**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 9, 2014

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2717 (1R).

This bill provides for streamlining the eligibility process for individuals with developmental disabilities who are requesting services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF) and the Division of Developmental Disabilities (DDD) in the Department of Human Services. In particular, the bill facilitates the eligibility process for these individuals by using a one-time application to request services from CSOC, when children are under 18 years of age, and from DDD, when they are 18 years of age or older.

Under the provisions of the bill, DDD, in collaboration with CSOC, is to develop a single process for determining eligibility from the two divisions for services for individuals with developmental disabilities who are 18 years of age or over and for individuals who are under 18 years of age, in any case in which the two divisions mutually determine that a single process is clinically appropriate. The process, at a minimum, would provide for: a one-time application to be used for determining eligibility for services from CSOC and DDD; and consent for authorizing release of information to DDD at the time DDD services are requested.

The bill also provides that DDD may request updated or additional information on specific conditions of the individual with a developmental disability, as necessary to determine eligibility of the individual.

Finally, the bill specifies that it does not preempt the provisions of P.L.2012, c.16, which is the law that reorganized DCF and established that the Division of Children's System of Care in DCF is responsible for determining eligibility for individuals with developmental disabilities, and, further, that it does not eliminate or affect the need of DDD to require completion of an assessment tool prior to the receipt of adult services, or to conduct ongoing assessments to comply with federal or State requirements.

This bill is identical to Senate Bill No. 2065 (1R), as also reported by the committee.

FISCAL IMPACT:

The OLS finds that the bill would have an indeterminate net impact on State costs, due to insufficient information regarding the specific costs and savings likely to be realized. The DDD and the CSOC may incur certain one-time administrative costs to develop a single application and eligibility determination process, to identify criteria for determining when a single process is clinically appropriate, and to train staff on the new process, but such costs may be offset over time by savings from operational efficiencies achieved through a single application process. The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from a consolidated application process, or corresponding impacts on State service costs due to changes in the number of eligible individuals.

Although the Executive did not respond to a request for fiscal information on this bill, it is noted that in response to OLS questions on the Governor's Fiscal Year 2015 Budget that addressed the concept of a single application across the CSOC and the DDD, the DCF indicated that the use of a single application, beyond that already permitted under the divisions' regulations, would be unlikely to generate State savings and that, in contrast, such an application would likely "result in erroneously providing developmental disability services to adults who no longer meet the statutory eligibility criteria because of DDD's reliance on outdated information."

In addition, the Department of Human Services (DHS), in response to identical Fiscal Year 2015 OLS budget questions regarding the concept of a single application across the CSOC and the DDD, indicated that "the current process minimizes the effort and expenditure needed, while ensuring an accurate assessment of an individual's support needs."

# SENATE, No. 2065

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 5, 2014

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Co-Sponsored by:**

**Senator Madden**

**SYNOPSIS**

Requires one-time application for requesting services for individuals with developmental disabilities from DCF and DHS.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/16/2014)**

1 AN ACT concerning eligibility of individuals with developmental  
2 disabilities and supplementing Title 30 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. The Division of Developmental Disabilities in the  
8 Department of Human Services, in collaboration with the Division  
9 of Children's System of Care in the Department of Children and  
10 Families, shall develop a single process for determining eligibility  
11 for services for individuals with developmental disabilities from the  
12 two divisions. The process, at a minimum, shall provide for:

13 (1) a one-time application to be used for determining eligibility  
14 for services from the Division of Children's System of Care and the  
15 Division of Developmental Disabilities; and

16 (2) consent for authorizing release of information on the  
17 application about an individual with a developmental disability to  
18 the Division of Developmental Disabilities at the time services are  
19 requested from the Division of Developmental Disabilities for the  
20 individual.

21 b. The Division of Developmental Disabilities may request  
22 updated or additional information on specific developmental delays  
23 or medically diagnosed mental or physical conditions of an  
24 individual with a developmental disability that is necessary to  
25 determine eligibility of the individual for the specific services  
26 requested.

27

28 2. The Department of Human Services and the Department of  
29 Children and Families shall enter into cooperative agreements with  
30 each other as necessary to effectuate the purposes of this act.

31

32 3. This act shall take effect on the first day of the 13th month  
33 next following the date of enactment.

34

35

36

STATEMENT

37

38 This bill provides for streamlining the eligibility process for  
39 individuals with developmental disabilities requesting services from  
40 the Division of Children's System of Care (CSOC) in the  
41 Department of Children and Families and the Division of  
42 Developmental Disabilities (DDD) in the Department of Human  
43 Services.

44 Under the provisions of the bill, DDD, in collaboration with  
45 CSOC, is to develop a single process for determining eligibility for  
46 services for individuals with developmental disabilities from the  
47 two divisions. The process, at a minimum, would provide for: a  
48 one-time application to be used for determining eligibility for

**S2065 VITALE, WHELAN**

3

1 services from CSOC and DDD; and consent for authorizing release  
2 of information to DDD at the time DDD services are requested.

3 The bill also provides that DDD may request updated or  
4 additional information on specific conditions of the individual with  
5 a developmental disability that is necessary to determine eligibility  
6 of the individual.

7 It is intended that this bill will facilitate the eligibility process for  
8 individuals with developmental disabilities by using a one-time  
9 application to request services from CSOC, when children are under  
10 18 years of age, and from DDD, when they are 18 years of age or  
11 older.



SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO  
**SENATE, No. 2065**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 15, 2014

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 2065.

As amended by the committee, this bill provides for streamlining the eligibility process for individuals with developmental disabilities who are requesting services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF) and the Division of Developmental Disabilities (DDD) in the Department of Human Services. In particular, the bill would facilitate the eligibility process for these individuals by using a one-time application to request services from CSOC, when children are under 18 years of age, and from DDD, when they are 18 years of age or older.

Under the provisions of the amended bill, DDD, in collaboration with CSOC, is to develop a single process for determining eligibility from the two divisions for services for individuals with developmental disabilities who are 18 years of age or over and for individuals who are under 18 years of age, in any case in which the two divisions mutually determine that a single process is clinically appropriate. The process, at a minimum, would provide for: a one-time application to be used for determining eligibility for services from CSOC and DDD; and consent for authorizing release of information to DDD at the time DDD services are requested.

The bill also provides that DDD may request updated or additional information on specific conditions of the individual with a developmental disability, as necessary to determine eligibility of the individual.

Finally, the bill specifies that it does not preempt the provisions of P.L.2012, c.16, which is the law that reorganized DCF and established that the Division of Children's System of Care in DCF is responsible for determining eligibility for individuals with developmental disabilities, and, further, that it does not eliminate or affect the need of DDD to require completion of an assessment tool prior to the receipt

of adult services, or to conduct ongoing assessments to comply with federal or State requirements.

The committee amended the bill to provide that:

- the bill's provisions concerning the development of a single process for determinations of eligibility for services for individuals with developmental disabilities from the Division of Children's System of Care in the Department of Children and Families (DCF), and for adult services from DDD, will apply in cases in which the two divisions mutually determine that a single process is clinically appropriate;
- the bill does not preempt P.L.2012, c.16; and
- the bill does not eliminate or affect the need of DDD to require completion of an assessment tool prior to the receipt of adult services, or to conduct ongoing assessments in compliance with federal or State requirements.

As reported, this bill is identical to Assembly Bill No. 2717(1R) (Vainieri Huttel/Jasey/Mosquera/Tucker/Garcia/Lampitt), which the committee also reported favorably on this date.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 2065 STATE OF NEW JERSEY 216th LEGISLATURE

DATED: SEPTEMBER 26, 2014

### SUMMARY

- Synopsis:** Requires one-time application for requesting services for individuals with developmental disabilities from DCF and DHS.
- Type of Impact:** Potential State and federal expenditure increase, offset by potential State and federal savings.
- Agencies Affected:** Department of Children and Families. Department of Human Services.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Years 1-3</u></b>
<b>State Cost</b>	Indeterminate impact – See comments below

- The Office of Legislative Services (OLS) finds that the bill would have an indeterminate impact on State costs. The Department of Human Services (DHS) and the Department of Children and Families (DCF) may incur certain one-time administrative costs to develop a single application and eligibility determination process, but such costs may be offset over time by operational efficiencies achieved through a single process.
- The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from the consolidated application process, or corresponding impacts on State service costs due to changes in the number of eligible individuals.

### BILL DESCRIPTION

Senate Bill No. 2065 (1R) of 2014 requires the Division of Developmental Disabilities (DDD) in the DHS, in collaboration with the Division of Children's System of Care (CSOC) in the DCF, to develop a single process for determining the eligibility of individuals with developmental disabilities to receive services from the two divisions, in any case in which the two divisions mutually determine that a single process is clinically appropriate.

The process, at a minimum, would provide for: a one-time application to be used for determining eligibility for services from the CSOC and the DDD; and consent for authorizing release of information to the DDD at the time that DDD services are requested. The bill also provides that the DDD may request updated or additional information on specific developmental delays or medically diagnosed mental or physical conditions of an individual with a developmental disability that is necessary to determine eligibility of the individual for specific services requested.

Further, the bill provides that nothing in its provisions shall be construed to preempt any provision of P.L.2012, c.16, which includes provisions stipulating: that the DDD may establish rules and procedures for the transition of persons receiving services from the DCF to adult services provided by the DDD, including, but not limited to, a redetermination of eligibility for services; and that there shall not be a presumption of eligibility for persons seeking adult services through the DDD.

Finally, the bill provides that nothing in its provisions shall be construed to eliminate DDD authority to require completion of the New Jersey Comprehensive Assessment Tool prior to the receipt of services or to conduct any ongoing assessment as needed to comply with any other State or federal requirements.

The bill has a delayed effective date whereby its provisions would take effect on the first day of the 13th month following the date of enactment.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

No formal fiscal information has been received. However, in response to OLS questions on the Governor's Fiscal Year 2015 Budget that addressed the concept of a single application across the CSOC and the DDD, the DCF indicated that the use of a single application, beyond that already permitted under the divisions' regulations, would be unlikely to generate State savings and that, in contrast, such an application would likely "result in erroneously providing developmental disability services to adults who no longer meet the statutory eligibility criteria because of DDD's reliance on outdated information."

In addition, the DHS, in response to identical Fiscal Year 2015 OLS budget questions regarding the concept of a single application across the CSOC and the DDD, indicated that "the current process minimizes the effort and expenditure needed, while ensuring an accurate assessment of an individual's support needs."

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that the bill would have an indeterminate net impact on State costs, due to insufficient information regarding the specific costs and savings likely to be realized. The DDD and the CSOC may incur certain one-time administrative costs to develop a single application and eligibility determination process, to identify criteria for determining when a single process is clinically appropriate, and to train staff on the new process, but such costs may be offset over time by savings from operational efficiencies achieved through a single application process. The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from a consolidated

application process, or corresponding impacts on State service costs due to changes in the number of eligible individuals.

The CSOC currently provides services to children with developmental disabilities up to age 21, while the DDD provides services to adults with developmental disabilities. Applications for CSOC services are received, processed, and evaluated by an eligibility unit within PerformCare, which contracts with the DCF to administer CSOC services. Applications for DDD services are received and processed by intake workers at DDD Community Services Offices, who also collaborate with psychologists and other staff on “intake teams” to determine individuals’ eligibility for DDD services. Children with developmental disabilities who have been determined eligible for services through the CSOC are required to complete a separate application process through the DDD, between the ages of 18 and 21, if they wish to be determined functionally eligible for adult DDD services.

The DDD and the CSOC may incur certain one-time staffing, consulting, and training costs to develop and implement a single application process consolidating the processes described above, and to develop criteria for determining when a single process is clinically appropriate. To the extent that such administrative costs may not be fully absorbed under the divisions’ current resources, they may generate a short-term increase in State costs. However, due to insufficient information regarding the number of staff likely to be involved in developing and implementing a new application process, the amount of staff time likely to be required and the need for expenditures on consulting or other activities to support implementation, the OLS cannot estimate the potential costs or timeframe involved in developing the new application process.

Implementing a one-time application process may eventually reduce the overall number of applications processed by the two divisions, potentially creating staffing efficiencies and long-term State administrative savings. However, the OLS has insufficient information regarding the number of clients who currently complete both divisions’ application processes, the staff costs associated with processing such applications, and the number of clients for whom a single application process might be deemed clinically appropriate, to estimate potential savings. It is noted that the DDD may be more likely to directly realize the savings from a one-time application, because some number of DDD clients would presumably complete the one-time application when applying for CSOC services as children, thereby obviating the need for clients to submit, and for the DDD to process and evaluate, subsequent applications for DDD adult services.

Available information indicates that the CSOC currently shares certain information with the DDD regarding clients’ initial CSOC applications, recent evaluations, and progress reports. Thus, the bill provision authorizing the DDD to request updated or additional information regarding an individual’s specific conditions may have a negligible impact on State administrative costs. Information from the DCF also indicates that a one-time application process currently exists for young adults between the ages of 18 and 21 seeking services from the CSOC. Under this process, applicants submit a single application for eligibility to the DDD and, if the DDD determines that the individual is eligible for DDD services, the decision is binding on the CSOC until the individual is 21 years old, and binding on the DDD thereafter. To the extent that this subset of applications already involves a single process, achieving greater efficiencies and additional State savings related to processing these applications may not be possible.

The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from the consolidated application process, or corresponding impacts on State service costs from serving greater or fewer numbers of clients. Although the OLS can neither confirm nor refute the DCF’s assertion that a single application process, rather than two separate applications, might result in some additional individuals erroneously receiving DDD services based on outdated

information, the DCF's assertion did not specifically consider the current bill's provision allowing for a single process to be used only when deemed to be clinically appropriate. It is also noted that the bill authorizes the DDD to request updated or additional information on an individual's specific conditions when determining eligibility for requested services, which would allow the DDD to reevaluate individuals whose needs have changed significantly since their original applications and which may minimize instances of individuals inappropriately receiving DDD services. Moreover, current DHS regulations authorize the DDD to reevaluate an individual's eligibility at any time and require regular redeterminations of disability factors involved in Medicaid eligibility, and the bill stipulates that the DDD retains its authority to conduct "any ongoing assessment" to comply with State or federal requirements, which may also minimize inappropriate provision of services.<sup>1</sup>

Finally, it is noted that State expenditures on administrative and service costs associated with individuals with developmental disabilities generally receive federal Medicaid reimbursement, so any net impacts on State costs would likely yield corresponding net impacts on federal Medicaid revenues.

*Section: Human Services*

*Analyst: David Drescher  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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<sup>1</sup>Effective January 2013, Medicaid eligibility became a requirement for receiving DDD services.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2065**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 9, 2014

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2065 (1R).

This bill provides for streamlining the eligibility process for individuals with developmental disabilities who are requesting services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF) and the Division of Developmental Disabilities (DDD) in the Department of Human Services. In particular, the bill would facilitate the eligibility process for these individuals by using a one-time application to request services from CSOC, when children are under 18 years of age, and from DDD, when they are 18 years of age or older.

Under the provisions of the bill, DDD, in collaboration with CSOC, is to develop a single process for determining eligibility from the two divisions for services for individuals with developmental disabilities who are 18 years of age or over and for individuals who are under 18 years of age, in any case in which the two divisions mutually determine that a single process is clinically appropriate. The process, at a minimum, would provide for: a one-time application to be used for determining eligibility for services from CSOC and DDD; and consent for authorizing release of information to DDD at the time DDD services are requested.

The bill also provides that DDD may request updated or additional information on specific conditions of the individual with a developmental disability, as necessary to determine eligibility of the individual.

Finally, the bill specifies that it does not preempt the provisions of P.L.2012, c.16, which is the law that reorganized DCF and established that the Division of Children's System of Care in DCF is responsible for determining eligibility for individuals with developmental disabilities, and, further, that it does not eliminate or affect the need of DDD to require completion of an assessment tool prior to the receipt of adult services, or to conduct ongoing assessments to comply with federal or State requirements.

This bill is identical to Assembly Bill No. 2717 (1R), as also reported by the committee.

FISCAL IMPACT:

The OLS finds that the bill would have an indeterminate net impact on State costs, due to insufficient information regarding the specific costs and savings likely to be realized. The DDD and the CSOC may incur certain one-time administrative costs to develop a single application and eligibility determination process, to identify criteria for determining when a single process is clinically appropriate, and to train staff on the new process, but such costs may be offset over time by savings from operational efficiencies achieved through a single application process. The OLS does not anticipate significant changes in the number of individuals with developmental disabilities determined to be eligible for DHS and DCF services resulting from a consolidated application process, or corresponding impacts on State service costs due to changes in the number of eligible individuals.

Although the Executive did not respond to a request for fiscal information on this bill, it is noted that in response to OLS questions on the Governor's Fiscal Year 2015 Budget that addressed the concept of a single application across the CSOC and the DDD, the DCF indicated that the use of a single application, beyond that already permitted under the divisions' regulations, would be unlikely to generate State savings and that, in contrast, such an application would likely "result in erroneously providing developmental disability services to adults who no longer meet the statutory eligibility criteria because of DDD's reliance on outdated information."

In addition, the Department of Human Services (DHS), in response to identical Fiscal Year 2015 OLS budget questions regarding the concept of a single application across the CSOC and the DDD, indicated that "the current process minimizes the effort and expenditure needed, while ensuring an accurate assessment of an individual's support needs."