

(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)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

INTRODUCED BILL (S2472):
Sponsor's statement begins on page 3) Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Outgoing Governor approves array of healthcare programs," NJ Spotlight, January 9, 2018

RH/CL

P.L. 2017, CHAPTER 269, *approved January 8, 2018*
Assembly, No. 3824

1 **AN ACT** establishing the Office of the Ombudsman for Individuals
2 with Intellectual or Developmental Disabilities and their
3 Families and supplementing Title 30 of the Revised Statutes.

4

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

7

8 1. a. There is established in but not of the Department of the
9 Treasury the Office of the Ombudsman for Individuals with
10 Intellectual or Developmental Disabilities and their Families. For
11 the purpose of complying with the provisions of Article V, Section
12 IV, paragraph 1 of the New Jersey Constitution, the Office of the
13 Ombudsman for Individuals with Intellectual or Developmental
14 Disabilities and their Families is hereby allocated within the
15 Department of the Treasury, but notwithstanding this allocation, the
16 office shall be independent of any supervision or control by the
17 department or any board or officer thereof, or any other cabinet-
18 level department, board, or officer thereof. The purpose of the
19 ombudsman is to serve as a resource to provide information and
20 support to individuals with intellectual or developmental disabilities
21 and their families.

22 b. The Governor shall appoint an Ombudsman for Individuals
23 with Intellectual or Developmental Disabilities and their Families,
24 who shall be qualified by training and experience to perform the
25 duties of the office. The ombudsman shall be a person of
26 recognized judgment, integrity, and objectivity, and shall be skilled
27 in communication, conflict resolution, and professionalism.

28 c. The ombudsman shall organize and direct the work of the
29 office, including the work of such professional and clerical staff as
30 may be necessary to carry out the ombudsman's duties.

31

32 2. a. The duties of the Ombudsman for Individuals with
33 Intellectual or Developmental Disabilities and their Families shall
34 include, but not be limited to, the following:

35 (1) to serve as a source of information for individuals with
36 intellectual or developmental disabilities and their families and
37 interested members of the public, to help them better understand
38 State and federal laws and regulations governing individuals with
39 intellectual or developmental disabilities;

40 (2) to provide, in coordination with the State Council on
41 Developmental Disabilities:

1 (a) information and support to individuals with intellectual or
2 developmental disabilities and their families in navigating and
3 understanding the process for obtaining services and supports from
4 the Division of Developmental Disabilities in the Department of
5 Human Services and the Division of Children's System of Care in
6 the Department of Children and Families, including information and
7 support regarding individuals who transition from receiving
8 services and supports from the Division of Children's System of
9 Care to receiving services and supports from the Division of
10 Developmental Disabilities; and

11 (b) assistance to individuals with intellectual or developmental
12 disabilities in obtaining from the Division of Children's System of
13 Care or the Division of Developmental Disabilities, as appropriate,
14 services, supports, and opportunities that focus on personal goals
15 and help those goals become a reality;

16 (3) to provide information and communication strategies to
17 individuals with intellectual or developmental disabilities and their
18 families for resolving a disagreement with the Division of
19 Children's System of Care, the Division of Developmental
20 Disabilities, the Department of Children and Families, or the
21 Department of Human Services regarding the evaluation,
22 placement, or provision of services and supports to an individual
23 with an intellectual or developmental disability; and to educate
24 individuals with intellectual or developmental disabilities and their
25 families on the available options for resolving such disputes;

26 (4) to work neutrally and objectively with all parties to help
27 ensure that a fair process is followed in the resolution of disputes
28 concerning the provision of services and supports to individuals
29 with intellectual or developmental disabilities receiving services
30 from the Division of Children's System of Care or the Division of
31 Developmental Disabilities, as appropriate;

32 (5) to identify any patterns of complaints that emerge regarding
33 rights and services of individuals with intellectual or developmental
34 disabilities, and to recommend strategies for improvement to the
35 Division of Children's System of Care and the Division of
36 Developmental Disabilities or the Department of Children and
37 Families and the Department of Human Services; and

38 (6) to assist the Division of Children's System of Care and the
39 Division of Developmental Disabilities in creating public
40 information programs designed to acquaint and educate individuals
41 with intellectual or developmental disabilities, their families, and
42 the public about the duties of the ombudsman.

43 b. The ombudsman shall treat communications received in the
44 course of the ombudsman's duties, including personally identifiable
45 information regarding individuals with intellectual or
46 developmental disabilities and their families, and others from whom
47 information is acquired, as confidential, except when disclosure is
48 necessary to enable the ombudsman to perform the duties of the

1 office and consent for disclosure is obtained. Upon receipt of
2 information that by law is confidential or privileged, the
3 ombudsman shall maintain the confidentiality of the information
4 and shall not disclose or disseminate the information except as
5 provided by applicable State or federal law.

6
7 3. a. The Ombudsman for Individuals with Intellectual or
8 Developmental Disabilities and their Families shall issue a written
9 report annually to the Commissioner of Human Services and the
10 Commissioner of Children and Families. The report shall include a
11 summary of the services the ombudsman provided during the year,
12 and any specific recommendations the ombudsman deems
13 appropriate and necessary concerning the State's implementation of
14 procedures with respect to providing individuals with intellectual or
15 developmental disabilities with services and supports.

16 b. The ombudsman also shall issue the report prepared pursuant
17 to subsection a. of this section to the Governor, and pursuant to
18 section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature.

19
20 4. This act shall take effect immediately.

21 22 23 STATEMENT

24
25 This bill establishes the Office of the Ombudsman for
26 Individuals with Intellectual or Developmental Disabilities and their
27 Families in but not of the Department of the Treasury and,
28 accordingly, the office is to be independent of any supervision or
29 control by this department or any board or officer thereof, or any
30 other cabinet-level department, board, or officer thereof.

31 Under the provisions of the bill, the Governor would appoint an
32 Ombudsman for Individuals with Intellectual or Developmental
33 Disabilities and their Families, who is to be qualified by training
34 and experience to perform the duties of the office, and be a person
35 of recognized judgment, integrity, and objectivity who is skilled in
36 communication, conflict resolution, and professionalism. The
37 ombudsman would organize and direct the work of the office.

38 The duties of the ombudsman would include, but not be limited
39 to, the following: 1) to serve as a source of information for
40 individuals with intellectual or developmental disabilities and their
41 families and interested members of the public, to help them better
42 understand State and federal laws and regulations governing
43 individuals with intellectual or developmental disabilities; 2) to
44 provide, in coordination with the State Council on Developmental
45 Disabilities: information and support to individuals with
46 intellectual or developmental disabilities and their families in
47 navigating and understanding the process for obtaining services and
48 supports from the Division of Developmental Disabilities (DDD) in

1 the Department of Human Services (DHS) and the Division of
2 Children's System of Care (CSOC) in the Department of Children
3 and Families (DCF), including information and support for those
4 who transition from receiving services and supports from CSOC to
5 DDD; and assistance in obtaining from CSOC or DDD, as
6 appropriate, services, supports, and opportunities that focus on
7 personal goals and help those goals become a reality; 3) to provide
8 information and communication strategies with regard to resolution
9 of a disagreement with CSOC, DDD, DCF, or DHS regarding the
10 evaluation, placement, or provision of services and supports to an
11 individual with an intellectual or developmental disability; and to
12 educate individuals with intellectual or developmental disabilities
13 and their families on the available options for resolving these
14 disputes; 4) to work neutrally and objectively to help ensure that a
15 fair process is followed in the resolution of disputes concerning the
16 provision of supports and services to individuals with intellectual or
17 developmental disabilities receiving services from CSOC or DDD;
18 5) to identify patterns of complaints regarding rights and services of
19 individuals with intellectual or developmental disabilities, and to
20 recommend strategies for improvements; and 6) to assist CSOC and
21 DDD in creating public information programs designed to acquaint
22 and educate individuals with intellectual or developmental
23 disabilities, their families, and the public about the duties of the
24 ombudsman.

25 Communications received in the course of the ombudsman's
26 duties are to be kept confidential, except when disclosure is
27 necessary to enable the ombudsman to perform the duties of the
28 office and consent for disclosure is obtained.

29 The bill requires the ombudsman to issue a written report
30 annually to the Commissioner of Human Services and the
31 Commissioner of Children and Families. The report would include
32 a summary of the services the ombudsman provided during the year,
33 and any specific recommendations the ombudsman deems
34 appropriate and necessary concerning the implementation of
35 procedures with respect to providing individuals with intellectual or
36 developmental disabilities with services and supports. This report
37 would also be issued to the Governor and the Legislature.

38

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41

42 Establishes Office of Ombudsman for Individuals with
43 Intellectual or Developmental Disabilities and their Families.

ASSEMBLY, No. 3824

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 26, 2016

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator BRIAN P. STACK

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Mosquera, Assemblymen Coughlin, Benson, Mazzeo, Gusciora, Assemblywoman Jasey, Senators A.R.Bucco and Madden

SYNOPSIS

Establishes Office of Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/19/2017)

1 AN ACT establishing the Office of the Ombudsman for Individuals
2 with Intellectual or Developmental Disabilities and their
3 Families and supplementing Title 30 of the Revised Statutes.

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

7
8 1. a. There is established in but not of the Department of the
9 Treasury the Office of the Ombudsman for Individuals with
10 Intellectual or Developmental Disabilities and their Families. For
11 the purpose of complying with the provisions of Article V, Section
12 IV, paragraph 1 of the New Jersey Constitution, the Office of the
13 Ombudsman for Individuals with Intellectual or Developmental
14 Disabilities and their Families is hereby allocated within the
15 Department of the Treasury, but notwithstanding this allocation, the
16 office shall be independent of any supervision or control by the
17 department or any board or officer thereof, or any other cabinet-
18 level department, board, or officer thereof. The purpose of the
19 ombudsman is to serve as a resource to provide information and
20 support to individuals with intellectual or developmental disabilities
21 and their families.

22 b. The Governor shall appoint an Ombudsman for Individuals
23 with Intellectual or Developmental Disabilities and their Families,
24 who shall be qualified by training and experience to perform the
25 duties of the office. The ombudsman shall be a person of
26 recognized judgment, integrity, and objectivity, and shall be skilled
27 in communication, conflict resolution, and professionalism.

28 c. The ombudsman shall organize and direct the work of the
29 office, including the work of such professional and clerical staff as
30 may be necessary to carry out the ombudsman's duties.

31

32 2. a. The duties of the Ombudsman for Individuals with
33 Intellectual or Developmental Disabilities and their Families shall
34 include, but not be limited to, the following:

35 (1) to serve as a source of information for individuals with
36 intellectual or developmental disabilities and their families and
37 interested members of the public, to help them better understand
38 State and federal laws and regulations governing individuals with
39 intellectual or developmental disabilities;

40 (2) to provide, in coordination with the State Council on
41 Developmental Disabilities:

42 (a) information and support to individuals with intellectual or
43 developmental disabilities and their families in navigating and
44 understanding the process for obtaining services and supports from
45 the Division of Developmental Disabilities in the Department of
46 Human Services and the Division of Children's System of Care in
47 the Department of Children and Families, including information and
48 support regarding individuals who transition from receiving

1 services and supports from the Division of Children's System of
2 Care to receiving services and supports from the Division of
3 Developmental Disabilities; and

4 (b) assistance to individuals with intellectual or developmental
5 disabilities in obtaining from the Division of Children's System of
6 Care or the Division of Developmental Disabilities, as appropriate,
7 services, supports, and opportunities that focus on personal goals
8 and help those goals become a reality;

9 (3) to provide information and communication strategies to
10 individuals with intellectual or developmental disabilities and their
11 families for resolving a disagreement with the Division of
12 Children's System of Care, the Division of Developmental
13 Disabilities, the Department of Children and Families, or the
14 Department of Human Services regarding the evaluation,
15 placement, or provision of services and supports to an individual
16 with an intellectual or developmental disability; and to educate
17 individuals with intellectual or developmental disabilities and their
18 families on the available options for resolving such disputes;

19 (4) to work neutrally and objectively with all parties to help
20 ensure that a fair process is followed in the resolution of disputes
21 concerning the provision of services and supports to individuals
22 with intellectual or developmental disabilities receiving services
23 from the Division of Children's System of Care or the Division of
24 Developmental Disabilities, as appropriate;

25 (5) to identify any patterns of complaints that emerge regarding
26 rights and services of individuals with intellectual or developmental
27 disabilities, and to recommend strategies for improvement to the
28 Division of Children's System of Care and the Division of
29 Developmental Disabilities or the Department of Children and
30 Families and the Department of Human Services; and

31 (6) to assist the Division of Children's System of Care and the
32 Division of Developmental Disabilities in creating public
33 information programs designed to acquaint and educate individuals
34 with intellectual or developmental disabilities, their families, and
35 the public about the duties of the ombudsman.

36 b. The ombudsman shall treat communications received in the
37 course of the ombudsman's duties, including personally identifiable
38 information regarding individuals with intellectual or
39 developmental disabilities and their families, and others from whom
40 information is acquired, as confidential, except when disclosure is
41 necessary to enable the ombudsman to perform the duties of the
42 office and consent for disclosure is obtained. Upon receipt of
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45 and shall not disclose or disseminate the information except as
46 provided by applicable State or federal law.

1 3. a. The Ombudsman for Individuals with Intellectual or
 2 Developmental Disabilities and their Families shall issue a written
 3 report annually to the Commissioner of Human Services and the
 4 Commissioner of Children and Families. The report shall include a
 5 summary of the services the ombudsman provided during the year,
 6 and any specific recommendations the ombudsman deems
 7 appropriate and necessary concerning the State’s implementation of
 8 procedures with respect to providing individuals with intellectual or
 9 developmental disabilities with services and supports.

10 b. The ombudsman also shall issue the report prepared pursuant
 11 to subsection a. of this section to the Governor, and pursuant to
 12 section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature.

13

14 4. This act shall take effect immediately.

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17 STATEMENT

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19 This bill establishes the Office of the Ombudsman for
 20 Individuals with Intellectual or Developmental Disabilities and their
 21 Families in but not of the Department of the Treasury and,
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 24 other cabinet-level department, board, or officer thereof.

25 Under the provisions of the bill, the Governor would appoint an
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 29 of recognized judgment, integrity, and objectivity who is skilled in
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 37 individuals with intellectual or developmental disabilities; 2) to
 38 provide, in coordination with the State Council on Developmental
 39 Disabilities: information and support to individuals with
 40 intellectual or developmental disabilities and their families in
 41 navigating and understanding the process for obtaining services and
 42 supports from the Division of Developmental Disabilities (DDD) in
 43 the Department of Human Services (DHS) and the Division of
 44 Children's System of Care (CSOC) in the Department of Children
 45 and Families (DCF), including information and support for those
 46 who transition from receiving services and supports from CSOC to
 47 DDD; and assistance in obtaining from CSOC or DDD, as
 48 appropriate, services, supports, and opportunities that focus on

1 personal goals and help those goals become a reality; 3) to provide
2 information and communication strategies with regard to resolution
3 of a disagreement with CSOC, DDD, DCF, or DHS regarding the
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7 and their families on the available options for resolving these
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9 fair process is followed in the resolution of disputes concerning the
10 provision of supports and services to individuals with intellectual or
11 developmental disabilities receiving services from CSOC or DDD;
12 5) to identify patterns of complaints regarding rights and services of
13 individuals with intellectual or developmental disabilities, and to
14 recommend strategies for improvements; and 6) to assist CSOC and
15 DDD in creating public information programs designed to acquaint
16 and educate individuals with intellectual or developmental
17 disabilities, their families, and the public about the duties of the
18 ombudsman.

19 Communications received in the course of the ombudsman's
20 duties are to be kept confidential, except when disclosure is
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22 office and consent for disclosure is obtained.

23 The bill requires the ombudsman to issue a written report
24 annually to the Commissioner of Human Services and the
25 Commissioner of Children and Families. The report would include
26 a summary of the services the ombudsman provided during the year,
27 and any specific recommendations the ombudsman deems
28 appropriate and necessary concerning the implementation of
29 procedures with respect to providing individuals with intellectual or
30 developmental disabilities with services and supports. This report
31 would also be issued to the Governor and the Legislature.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3824

STATE OF NEW JERSEY

DATED: JUNE 6, 2016

The Assembly Human Services Committee reports favorably on Assembly Bill No. 3824.

This bill establishes the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families in but not of the Department of the Treasury and, accordingly, the office is to be independent of any supervision or control by this department or any board or officer thereof, or any other cabinet-level department, board, or officer thereof.

Under the provisions of the bill, the Governor would appoint an Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families, who is to be qualified by training and experience to perform the duties of the office, and be a person of recognized judgment, integrity, and objectivity who is skilled in communication, conflict resolution, and professionalism. The ombudsman would organize and direct the work of the office.

The duties of the ombudsman would include, but not be limited to, the following: 1) to serve as a source of information for individuals with intellectual or developmental disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities; 2) to provide, in coordination with the State Council on Developmental Disabilities: information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) and the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF), including information and support for those who transition from receiving services and supports from CSOC to DDD; and assistance in obtaining from CSOC or DDD, as appropriate, services, supports, and opportunities that focus on personal goals and help those goals become a reality; 3) to provide information and communication strategies with regard to resolution of a disagreement with CSOC, DDD, DCF, or DHS regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental disability; and to

educate individuals with intellectual or developmental disabilities and their families on the available options for resolving these disputes; 4) to work neutrally and objectively to help ensure that a fair process is followed in the resolution of disputes concerning the provision of supports and services to individuals with intellectual or developmental disabilities receiving services from CSOC or DDD; 5) to identify patterns of complaints regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvements; and 6) to assist CSOC and DDD in creating public information programs designed to acquaint and educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

Communications received in the course of the ombudsman's duties are to be kept confidential, except when disclosure is necessary to enable the ombudsman to perform the duties of the office and consent for disclosure is obtained.

The bill requires the ombudsman to issue a written report annually to the Commissioner of Human Services and the Commissioner of Children and Families. The report would include a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports. This report would also be issued to the Governor and the Legislature.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3824

STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3824.

This bill establishes the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families in but not of the Department of the Treasury and, accordingly, the office is to be independent of any supervision or control by that department or any board or officer thereof, or any other cabinet-level department, board, or officer thereof.

The bill directs the Governor to appoint an Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families, who is to be qualified by training and experience to perform the duties of the office, and be a person of recognized judgment, integrity, and objectivity who is skilled in communication, conflict resolution, and professionalism. The bill calls for the ombudsman to organize and direct the work of the office.

The duties of the ombudsman include, but are not limited to, the following: 1) to serve as a source of information for individuals with intellectual or developmental disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities; 2) to provide, in coordination with the State Council on Developmental Disabilities: information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) and the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF), including information and support for those who transition from receiving services and supports from CSOC to DDD; and assistance in obtaining from CSOC or DDD, as appropriate, services, supports, and opportunities that focus on personal goals and help those goals become a reality; 3) to provide information and communication strategies with regard to resolution of a disagreement with CSOC, DDD, DCF, or DHS regarding the evaluation, placement, or provision of services and supports to an

individual with an intellectual or developmental disability; and to educate individuals with intellectual or developmental disabilities and their families on the available options for resolving these disputes; 4) to work neutrally and objectively to help ensure that a fair process is followed in the resolution of disputes concerning the provision of supports and services to individuals with intellectual or developmental disabilities receiving services from CSOC or DDD; 5) to identify patterns of complaints regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvements; and 6) to assist CSOC and DDD in creating public information programs designed to acquaint and educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

The bill requires that communications received in the course of the ombudsman's duties be kept confidential, except when disclosure is necessary to enable the ombudsman to perform the duties of the office and consent for disclosure is obtained.

The bill requires the ombudsman to issue a written report annually to the Commissioner of Human Services and the Commissioner of Children and Families. The bill specifies that the report include a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports. This report would also be issued to the Governor and the Legislature.

FISCAL IMPACT:

The Office of Legislative Services estimates that this bill will result in an indeterminate increase in expenditures from the General Fund. Expenditures to establish the Office of Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families will vary depending upon the design, operation, and implementation of the office. Experience of similar offices indicate that the cost may range between \$150,000 and \$1.9 million annually.

The expenditures will support the costs of compensation for professional and administrative staff, the preparation of an annual report, and other miscellaneous costs.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3824

STATE OF NEW JERSEY

DATED: NOVEMBER 3, 2016

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 3824.

This bill establishes the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families in but not of the Department of the Treasury and, accordingly, the office is to be independent of any supervision or control by this department or any board or officer thereof, or any other cabinet-level department, board, or officer thereof.

Under the provisions of the bill, the Governor would appoint an Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families, who is to be qualified by training and experience to perform the duties of the office, and be a person of recognized judgment, integrity, and objectivity who is skilled in communication, conflict resolution, and professionalism. The ombudsman would organize and direct the work of the office.

The duties of the ombudsman would include, but not be limited to, the following: 1) to serve as a source of information for individuals with intellectual or developmental disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities; 2) to provide, in coordination with the State Council on Developmental Disabilities: information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) and the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF), including information and support for those who transition from receiving services and supports from CSOC to DDD; and assistance in obtaining from CSOC or DDD, as appropriate, services, supports, and opportunities that focus on personal goals and help those goals become a reality; 3) to provide information and communication strategies with regard to resolution of a disagreement with CSOC, DDD, DCF, or DHS regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental

disability; and to educate individuals with intellectual or developmental disabilities and their families on the available options for resolving these disputes; 4) to work neutrally and objectively to help ensure that a fair process is followed in the resolution of disputes concerning the provision of supports and services to individuals with intellectual or developmental disabilities receiving services from CSOC or DDD; 5) to identify patterns of complaints regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvements; and 6) to assist CSOC and DDD in creating public information programs designed to acquaint and educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

Communications received in the course of the ombudsman's duties are to be kept confidential, except when disclosure is necessary to enable the ombudsman to perform the duties of the office and consent for disclosure is obtained.

The bill requires the ombudsman to issue a written report annually to the Commissioner of Human Services and the Commissioner of Children and Families. The report would include a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports. This report would also be issued to the Governor and the Legislature.

As reported, this bill is identical to the Senate Committee Substitute for Senate Bill Nos. 2392 and 2472 (Kean/Stack), which the committee also reported favorably on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3824

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3824.

This bill establishes the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families in but not of the Department of the Treasury.

The bill directs the Governor to appoint an Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families, who is to be qualified by training and experience to perform the duties of the office, and be a person of recognized judgment, integrity, and objectivity who is skilled in communication, conflict resolution, and professionalism. The bill calls for the ombudsman to organize and direct the work of the office, including the work of such professional and clerical staff as may be necessary to carry out the ombudsman's duties.

The bill provides that the duties of the ombudsman include, but are not limited to, the following:

(1) to serve as a source of information for individuals with intellectual or developmental disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities;

(2) to provide, in coordination with the State Council on Developmental Disabilities: (a) information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) and the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF); and (b) assistance in obtaining from CSOC or DDD, as appropriate, services, supports, and opportunities that focus on personal goals and help those goals become a reality;

(3) to provide information and communication strategies with regard to resolution of a disagreement with CSOC, DDD, DCF, or DHS regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental disability; and to educate individuals with intellectual or developmental disabilities and their families on the available options for resolving these disputes;

(4) to work neutrally and objectively to help ensure that a fair process is followed in the resolution of disputes concerning the provision of supports and services to individuals with intellectual or developmental disabilities receiving services from CSOC or DDD;

(5) to identify patterns of complaints regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvements; and

(6) to assist CSOC and DDD in creating public information programs designed to acquaint and educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

The bill requires communications received in the course of the ombudsman's duties to be kept confidential, except when disclosure is necessary to enable the ombudsman to perform the duties of the office and consent for disclosure is obtained.

The bill requires the ombudsman to issue a written report annually to the Commissioner of Human Services and the Commissioner of Children and Families. The bill specifies that the report is to include a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports. The bill also requires the report to be issued to the Governor and the Legislature.

As reported, this bill is identical to Senate Bill No. 2392/2472 (SCS), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the bill will result in an indeterminate increase in annual State expenditures to establish and operate the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

The position count and expenditures of the office will largely depend on the office's organizational structure, caseload, and the nature of any collaboration with any existing programs and organizations tasked with protecting and advocating the rights of individuals with intellectual or developmental disabilities. The OLS, however, has no information that allows for a forecast of the office's likely caseload, organizational structure, operations, and staffing level.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3824
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JUNE 22, 2016

SUMMARY

Synopsis: Establishes Office of Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

Type of Impact: Indeterminate expenditure increase, General Fund..

Agencies Affected: Department of Treasury

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1 to Year 3</u>
State Cost	Indeterminate increase – See comments below

- The Office of Legislative Services (OLS) estimates that this bill will result in an indeterminate increase in expenditures from the General Fund. Expenditures to establish the Office of Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families will vary depending upon the design, operation, and implementation of the office. Experience of similar offices indicate that the cost may range between \$150,000 and \$1.9 million annually.
- The expenditures will support the costs of compensation for professional and administrative staff, the preparation of an annual report, and other miscellaneous costs.

BILL DESCRIPTION

Assembly Bill No. 3824 of 2016 establishes the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families in but not of the Department of the Treasury and, accordingly, the office is to be independent of any supervision or control by this department or any board or officer thereof, or any other cabinet-level department, board, or officer thereof.

Under the provisions of the bill, the Governor would appoint an Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families, who is to be qualified by training and experience to perform the duties of the office, and be a person of recognized judgment, integrity, and objectivity who is skilled in communication, conflict resolution, and professionalism. The ombudsman would organize and direct the work of the office.

The duties of the ombudsman would include, but not be limited to, the following: 1) to serve as a source of information for individuals with intellectual or developmental disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities; 2) to provide, in coordination with the State Council on Developmental Disabilities: information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) and the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF), including information and support for those who transition from receiving services and supports from CSOC to DDD; and assistance in obtaining from CSOC or DDD, as appropriate, services, supports, and opportunities that focus on personal goals and help those goals become a reality; 3) to provide information and communication strategies with regard to resolution of a disagreement with CSOC, DDD, DCF, or DHS regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental disability; and to educate individuals with intellectual or developmental disabilities and their families on the available options for resolving these disputes; 4) to work neutrally and objectively to help ensure that a fair process is followed in the resolution of disputes concerning the provision of supports and services to individuals with intellectual or developmental disabilities receiving services from CSOC or DDD; 5) to identify patterns of complaints regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvements; and 6) to assist CSOC and DDD in creating public information programs designed to acquaint and educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

The bill requires the ombudsman to issue a written report annually to the Commissioner of Human Services and the Commissioner of Children and Families. The report would include a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports. This report would also be issued to the Governor and the Legislature.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS is not able to quantify the cost of this bill with any certainty, but the experience of similar offices operating in the State indicate that this bill may result in expenditures of between \$150,000 and \$1.9 million annually.

The bill requires the Governor to appoint an ombudsman for the office and delineates the duties of the ombudsman, but the actual cost to implement this bill will largely depend on the design, operation, and implementation of the office. The OLS is not able to predict the level of activity of the office, but can provide a range of costs to establish the office by analyzing similar offices and their costs.

The OLS estimates that the cost to employ an ombudsman and run a more limited program which will act as an advocate for, and provide information to, families and individuals with intellectual or developmental disabilities will be approximately \$150,000. This estimate includes salary and benefits for the ombudsman and part time support staff. Additionally, the OLS assumes that the costs to rent office space, purchase materials and supplies, conduct basic activities, and compile and issue an annual report will equal approximately \$30,000 annually.

However, the OLS notes that in subsections (4) and (5) of the bill, the ombudsman is directed to work with all parties to help ensure that a fair process is followed in the resolution of disputes concerning the provision of services and supports to individuals with intellectual or developmental disabilities receiving services from the CSOC or DDD; and to identify any patterns of complaints which emerge regarding rights and services of individuals with intellectual or developmental disabilities and to recommend strategies for improvement.

These two activities could result in increased costs similar to the expenditures currently provided for the Office of the Ombudsman for the Institutionalized Elderly (OOIE), which conducts similar activities. In the FY 2017 Budget Recommendation, the OOIE is authorized \$3.068 million, \$1.141 million of which is federal funds (pages D-411 to D-413). The OLS estimates that if the office is implemented to be an active part of dispute resolutions and complaint collection the costs to operate the office could be approximately \$1.9 million, but this cost cannot be determined with any certainty due to a lack of data on the planned implementation of the office.

However, the OLS further notes that there are currently programs in existence in the State which are already tasked with protecting and advocating with, and on behalf of, individuals with intellectual or developmental disabilities. These programs are: Disability Rights New Jersey; the New Jersey Boggs Center on Developmental Disabilities at Rutgers University; and the State Council on Developmental Disabilities. The bill specifically requires the office to work in coordination with the State Council on Developmental Disabilities to provide services and thus the office may receive part of the council's current \$1.183 million appropriation (page D-202 of the FY 2017 Budget Recommendation). The activities of these programs could supplant the activities of the office and result in reduced costs for the office. However, the amount to which the council's budget and the activities of the other programs will support the office's required duties cannot be determined with any certainty without further details on the planned implementation of the office.

Section: Human Services
Analyst: Robin Ford
Lead Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

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

SENATE, No. 2392

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JUNE 20, 2016

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

Establishes Office of Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/9/2016)

1 AN ACT establishing the Office of the Ombudsman for Individuals
2 with Intellectual or Developmental Disabilities and their
3 Families and supplementing Title 30 of the Revised Statutes.

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

7
8 1. a. There is established in but not of the Department of the
9 Treasury the Office of the Ombudsman for Individuals with
10 Intellectual or Developmental Disabilities and their Families. For
11 the purpose of complying with the provisions of Article V, Section
12 IV, paragraph 1 of the New Jersey Constitution, the Office of the
13 Ombudsman for Individuals with Intellectual or Developmental
14 Disabilities and their Families is hereby allocated within the
15 Department of the Treasury, but notwithstanding this allocation, the
16 office shall be independent of any supervision or control by the
17 department or any board or officer thereof, or any other cabinet-
18 level department, board, or officer thereof. The purpose of the
19 ombudsman is to serve as a resource to provide information and
20 support to individuals with intellectual or developmental disabilities
21 and their families.

22 b. The Governor shall appoint an Ombudsman for Individuals
23 with Intellectual or Developmental Disabilities and their Families,
24 who shall be qualified by training and experience to perform the
25 duties of the office. The ombudsman shall be a person of
26 recognized judgment, integrity, and objectivity, and shall be skilled
27 in communication, conflict resolution, and professionalism.

28 c. The ombudsman shall organize and direct the work of the
29 office, including the work of such professional and clerical staff as
30 may be necessary to carry out the ombudsman's duties.

31

32 2. a. The duties of the Ombudsman for Individuals with
33 Intellectual or Developmental Disabilities and their Families shall
34 include, but not be limited to, the following:

35 (1) to serve as a source of information for individuals with
36 intellectual or developmental disabilities and their families and
37 interested members of the public, to help them better understand
38 State and federal laws and regulations governing individuals with
39 intellectual or developmental disabilities;

40 (2) to provide, in coordination with the State Council on
41 Developmental Disabilities:

42 (a) information and support to individuals with intellectual or
43 developmental disabilities and their families in navigating and
44 understanding the process for obtaining services and supports from
45 the Division of Developmental Disabilities in the Department of
46 Human Services and the Division of Children's System of Care in
47 the Department of Children and Families, including information and
48 support regarding individuals who transition from receiving

1 services and supports from the Division of Children's System of
2 Care to receiving services and supports from the Division of
3 Developmental Disabilities; and
4 (b) assistance to individuals with intellectual or developmental
5 disabilities in obtaining from the Division of Children's System of
6 Care or the Division of Developmental Disabilities, as appropriate,
7 services, supports, and opportunities that focus on personal goals
8 and help those goals become a reality;
9 (3) to provide information and communication strategies to
10 individuals with intellectual or developmental disabilities and their
11 families for resolving a disagreement with the Division of
12 Children's System of Care, the Division of Developmental
13 Disabilities, the Department of Children and Families, or the
14 Department of Human Services regarding the evaluation,
15 placement, or provision of services and supports to an individual
16 with an intellectual or developmental disability; and to educate
17 individuals with intellectual or developmental disabilities and their
18 families on the available options for resolving such disputes;
19 (4) to work neutrally and objectively with all parties to help
20 ensure that a fair process is followed in the resolution of disputes
21 concerning the provision of services and supports to individuals
22 with intellectual or developmental disabilities receiving services
23 from the Division of Children's System of Care or the Division of
24 Developmental Disabilities, as appropriate;
25 (5) to identify any patterns of complaints that emerge regarding
26 rights and services of individuals with intellectual or developmental
27 disabilities, and to recommend strategies for improvement to the
28 Division of Children's System of Care and the Division of
29 Developmental Disabilities or the Department of Children and
30 Families and the Department of Human Services; and
31 (6) to assist the Division of Children's System of Care and the
32 Division of Developmental Disabilities in creating public
33 information programs designed to acquaint and educate individuals
34 with intellectual or developmental disabilities, their families, and
35 the public about the duties of the ombudsman.
36 b. The ombudsman shall treat communications received in the
37 course of the ombudsman's duties, including personally identifiable
38 information regarding individuals with intellectual or
39 developmental disabilities and their families, and others from whom
40 information is acquired, as confidential, except when disclosure is
41 necessary to enable the ombudsman to perform the duties of the
42 office and consent for disclosure is obtained. Upon receipt of
43 information that by law is confidential or privileged, the
44 ombudsman shall maintain the confidentiality of the information
45 and shall not disclose or disseminate the information except as
46 provided by applicable State or federal law.

1 3. a. The Ombudsman for Individuals with Intellectual or
2 Developmental Disabilities and their Families shall issue a written
3 report annually to the Commissioner of Human Services and the
4 Commissioner of Children and Families. The report shall include a
5 summary of the services the ombudsman provided during the year,
6 and any specific recommendations the ombudsman deems
7 appropriate and necessary concerning the State's implementation of
8 procedures with respect to providing individuals with intellectual or
9 developmental disabilities with services and supports.

10 b. The ombudsman also shall issue the report prepared pursuant
11 to subsection a. of this section to the Governor, and pursuant to
12 section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature.

13

14 4. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill establishes the Office of the Ombudsman for
20 Individuals with Intellectual or Developmental Disabilities and their
21 Families in but not of the Department of the Treasury and,
22 accordingly, the office is to be independent of any supervision or
23 control by this department or any board or officer thereof, or any
24 other cabinet-level department, board, or officer thereof.

25 Under the provisions of the bill, the Governor would appoint an
26 Ombudsman for Individuals with Intellectual or Developmental
27 Disabilities and their Families, who is to be qualified by training
28 and experience to perform the duties of the office, and be a person
29 of recognized judgment, integrity, and objectivity who is skilled in
30 communication, conflict resolution, and professionalism. The
31 ombudsman would organize and direct the work of the office.

32 The duties of the ombudsman would include, but not be limited
33 to, the following: 1) to serve as a source of information for
34 individuals with intellectual or developmental disabilities and their
35 families and interested members of the public, to help them better
36 understand State and federal laws and regulations governing
37 individuals with intellectual or developmental disabilities; 2) to
38 provide, in coordination with the State Council on Developmental
39 Disabilities: information and support to individuals with
40 intellectual or developmental disabilities and their families in
41 navigating and understanding the process for obtaining services and
42 supports from the Division of Developmental Disabilities (DDD) in
43 the Department of Human Services (DHS) and the Division of
44 Children's System of Care (CSOC) in the Department of Children
45 and Families (DCF), including information and support for those
46 who transition from receiving services and supports from CSOC to
47 DDD; and assistance in obtaining from CSOC or DDD, as
48 appropriate, services, supports, and opportunities that focus on

1 personal goals and help those goals become a reality; 3) to provide
2 information and communication strategies with regard to resolution
3 of a disagreement with CSOC, DDD, DCF, or DHS regarding the
4 evaluation, placement, or provision of services and supports to an
5 individual with an intellectual or developmental disability; and to
6 educate individuals with intellectual or developmental disabilities
7 and their families on the available options for resolving these
8 disputes; 4) to work neutrally and objectively to help ensure that a
9 fair process is followed in the resolution of disputes concerning the
10 provision of supports and services to individuals with intellectual or
11 developmental disabilities receiving services from CSOC or DDD;
12 5) to identify patterns of complaints regarding rights and services of
13 individuals with intellectual or developmental disabilities, and to
14 recommend strategies for improvements; and 6) to assist CSOC and
15 DDD in creating public information programs designed to acquaint
16 and educate individuals with intellectual or developmental
17 disabilities, their families, and the public about the duties of the
18 ombudsman.

19 Communications received in the course of the ombudsman's
20 duties are to be kept confidential, except when disclosure is
21 necessary to enable the ombudsman to perform the duties of the
22 office and consent for disclosure is obtained.

23 The bill requires the ombudsman to issue a written report
24 annually to the Commissioner of Human Services and the
25 Commissioner of Children and Families. The report would include
26 a summary of the services the ombudsman provided during the year,
27 and any specific recommendations the ombudsman deems
28 appropriate and necessary concerning the implementation of
29 procedures with respect to providing individuals with intellectual or
30 developmental disabilities with services and supports. This report
31 would also be issued to the Governor and the Legislature.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2392 and 2472

STATE OF NEW JERSEY

DATED: NOVEMBER 3, 2016

The Senate Health, Human Services and Senior Citizens Committee reports favorably a Senate Committee Substitute combining Senate Bill No. 2392 and Senate Bill No. 2472.

This substitute bill establishes the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families in but not of the Department of the Treasury and, accordingly, the office is to be independent of any supervision or control by this department or any board or officer thereof, or any other cabinet-level department, board, or officer thereof.

Under the provisions of the substitute, the Governor would appoint an Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families, who is to be qualified by training and experience to perform the duties of the office, and be a person of recognized judgment, integrity, and objectivity who is skilled in communication, conflict resolution, and professionalism. The ombudsman would organize and direct the work of the office.

The duties of the ombudsman would include, but not be limited to, the following: 1) to serve as a source of information for individuals with intellectual or developmental disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities; 2) to provide, in coordination with the State Council on Developmental Disabilities: information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) and the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF), including information and support for those who transition from receiving services and supports from CSOC to DDD; and assistance in obtaining from CSOC or DDD, as appropriate, services, supports, and opportunities that focus on personal goals and help those goals become a reality; 3) to provide information and communication strategies with

regard to resolution of a disagreement with CSOC, DDD, DCF, or DHS regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental disability; and to educate individuals with intellectual or developmental disabilities and their families on the available options for resolving these disputes; 4) to work neutrally and objectively to help ensure that a fair process is followed in the resolution of disputes concerning the provision of supports and services to individuals with intellectual or developmental disabilities receiving services from CSOC or DDD; 5) to identify patterns of complaints regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvements; and 6) to assist CSOC and DDD in creating public information programs designed to acquaint and educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

Communications received in the course of the ombudsman's duties are to be kept confidential, except when disclosure is necessary to enable the ombudsman to perform the duties of the office and consent for disclosure is obtained.

The substitute requires the ombudsman to issue a written report annually to the Commissioner of Human Services and the Commissioner of Children and Families. The report would include a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports. This report would also be issued to the Governor and the Legislature.

As reported, this substitute bill is identical to Assembly Bill No. 3824, which the committee also reported favorably on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2392 and 2472**

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill Nos. 2392 and 2472 (SCS).

This bill establishes the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families in but not of the Department of the Treasury.

The bill directs the Governor to appoint an Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families, who is to be qualified by training and experience to perform the duties of the office, and be a person of recognized judgment, integrity, and objectivity who is skilled in communication, conflict resolution, and professionalism. The bill calls for the ombudsman to organize and direct the work of the office, including the work of such professional and clerical staff as may be necessary to carry out the ombudsman's duties.

The bill provides that the duties of the ombudsman include, but are not limited to, the following:

(1) to serve as a source of information for individuals with intellectual or developmental disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities;

(2) to provide, in coordination with the State Council on Developmental Disabilities: (a) information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) and the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF); and (b) assistance in obtaining from CSOC or DDD, as appropriate, services, supports, and opportunities that focus on personal goals and help those goals become a reality;

(3) to provide information and communication strategies with regard to resolution of a disagreement with CSOC, DDD, DCF, or DHS regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental disability; and to educate individuals with intellectual or

developmental disabilities and their families on the available options for resolving these disputes;

(4) to work neutrally and objectively to help ensure that a fair process is followed in the resolution of disputes concerning the provision of supports and services to individuals with intellectual or developmental disabilities receiving services from CSOC or DDD;

(5) to identify patterns of complaints regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvements; and

(6) to assist CSOC and DDD in creating public information programs designed to acquaint and educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

The bill requires communications received in the course of the ombudsman's duties to be kept confidential, except when disclosure is necessary to enable the ombudsman to perform the duties of the office and consent for disclosure is obtained.

The bill requires the ombudsman to issue a written report annually to the Commissioner of Human Services and the Commissioner of Children and Families. The bill specifies that the report is to include a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports. The bill also requires the report to be issued to the Governor and the Legislature.

As reported, this bill is identical to Assembly Bill No. 3824, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the bill will result in an indeterminate increase in annual State expenditures to establish and operate the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

The position count and expenditures of the office will largely depend on the office's organizational structure, caseload, and the nature of any collaboration with any existing programs and organizations tasked with protecting and advocating the rights of individuals with intellectual or developmental disabilities. The OLS, however, has no information that allows for a forecast of the office's likely caseload, organizational structure, operations, and staffing level.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2392 and 2472
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: DECEMBER 18, 2017

SUMMARY

Synopsis: Establishes Office of Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

Type of Impact: Annual State expenditure increase, General Fund.

Agencies Affected: Department of Treasury.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost	Indeterminate increase

- The Office of Legislative Services (OLS) estimates that this bill will result in an indeterminate increase in annual State expenditures to establish and operate the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.
- The position count and expenditures of the office will largely depend on the office’s organizational structure, caseload, and the nature of any collaboration with any existing programs and organizations tasked with protecting and advocating the rights of individuals with intellectual or developmental disabilities. The OLS, however, has no information that would allow for a forecast of the office’s likely caseload, organizational structure, operations, and staffing level.

BILL DESCRIPTION

This bill establishes the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families in but not of the Department of the Treasury and, accordingly, the office is to be independent of any supervision or control by this department.

The Governor would appoint an ombudsman to organize and direct the work of the office, including the work of any professional or clerical staff. The ombudsman’s duties would include: 1) to serve as a source of information for individuals with intellectual or developmental



disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities; 2) to provide, in coordination with the State Council on Developmental Disabilities: information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS) and the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF); and assistance in obtaining from CSOC or DDD services, supports, and opportunities that focus on realizing personal goals; 3) to provide information and communication strategies with regard to resolution of a disagreement with CSOC, DDD, DCF, or DHS regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental disability; and to educate individuals with intellectual or developmental disabilities and their families on the available options for resolving these disputes; 4) to help ensure that a fair process is followed in the resolution of disputes concerning the provision of supports and services to individuals with intellectual or developmental disabilities receiving services from CSOC or DDD; 5) to identify patterns of complaints regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvements; and 6) to assist CSOC and DDD in creating public information programs designed to educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

The bill requires the ombudsman to issue a written report annually to the DHS, DCF, Governor, and Legislature. The report would include a summary of the services the ombudsman provided during the year and any recommendations the ombudsman deems appropriate and necessary concerning the implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS is not able to quantify the annual State expenditure increase that will result from the establishment and operation of the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

The bill requires the appointment of an ombudsman who is to direct the work of the office, including the work of any professional or clerical staff. The position count and expenditures of the office will largely depend on the office's organizational structure, caseload, and the nature of any collaboration with any existing programs and organizations tasked with protecting and advocating the rights of individuals with intellectual or developmental disabilities. For example, the bill requires the office to work in coordination with the State Council on Developmental Disabilities to provide services. The OLS, however, has no information that would allow for a forecast of the office's likely caseload, organizational structure, operations, and staffing level.

FE to SCS for S2392

3

Section: Human Services

*Analyst: Robin Ford
Lead Fiscal Analyst*

*Approved: Frank W. Haines III
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.).

SENATE, No. 2472

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JULY 29, 2016

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)

SYNOPSIS

Establishes Office of Ombudsman for Navigating Services and Supports for Individuals with Intellectual or Developmental Disabilities.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the Office of the Ombudsman for Navigating
2 Services and Supports for Individuals with Intellectual or
3 Developmental Disabilities and supplementing Title 30 of the
4 Revised Statutes.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. a. There is established in but not of the Department of the
10 Treasury the Office of the Ombudsman for Navigating Services and
11 Supports for Individuals with Intellectual or Developmental
12 Disabilities. For the purpose of complying with the provisions of
13 Article V, Section IV, paragraph 1 of the New Jersey Constitution, the
14 Office of the Ombudsman for Navigating Services and Supports for
15 Individuals with Intellectual or Developmental Disabilities is hereby
16 allocated within the Department of the Treasury, but notwithstanding
17 this allocation, the office shall be independent of any supervision or
18 control by the department or any board or officer thereof, or any other
19 cabinet-level department, board, or officer thereof. The purpose of the
20 ombudsman is to assist individuals with intellectual or developmental
21 disabilities and their families or guardians, as appropriate, to navigate
22 the various systems for services and supports available to these
23 individuals, including, but not limited to, those for health care,
24 transportation, housing and employment, and any financial assistance
25 available to secure these services and supports.

26 b. The Governor shall appoint an Ombudsman for Navigating
27 Services and Supports for Individuals with Intellectual or
28 Developmental Disabilities who shall be qualified by training and
29 experience to perform the duties of the office. The ombudsman shall
30 be a person of recognized judgment, integrity and objectivity, and
31 shall be skilled in communication and professionalism.

32 c. The ombudsman shall organize and direct the work of the
33 office, including the work of professional and clerical staff as may be
34 necessary to carry out the ombudsman's duties.

35

36 2. a. The duties of the Office of the Ombudsman for Navigating
37 Services and Supports for Individuals with Intellectual or
38 Developmental Disabilities shall include, but not be limited to, the
39 following:

40 (1) to serve as a source of information for individuals with
41 intellectual or developmental disabilities and their families or
42 guardians and help them better understand available services and
43 supports for health care, transportation, housing and employment, and
44 any financial assistance available to secure these services and
45 supports;

46 (2) to provide information and support to individuals with
47 intellectual or developmental disabilities and their families or
48 guardians in understanding and navigating the process for obtaining
49 these services and supports; and

1 (3) to assist the Division of Developmental Disabilities in the
2 Department of Human Services in providing informational programs
3 designed to acquaint and educate individuals with intellectual or
4 developmental disabilities and their families or guardians, as
5 appropriate, and the public about the duties of the ombudsman.

6 b. The ombudsman shall coordinate its duties with other federal
7 or State entities authorized to provide services or supports to
8 individuals with intellectual or developmental disabilities, as necessary
9 to help these individuals navigate the systems for obtaining services,
10 supports, and financial assistance.

11 c. The ombudsman shall treat communications received in the
12 course of the ombudsman's duties, including personally identifiable
13 information regarding individuals with intellectual or developmental
14 disabilities and their families or guardians, and others from whom
15 information is acquired, as confidential, except when disclosure is
16 necessary to enable the ombudsman to perform the duties of the office
17 and consent for disclosure is obtained. Upon receipt of information
18 that by law is confidential or privileged, the ombudsman shall
19 maintain the confidentiality of the information and shall not disclose
20 or disseminate the information except as provided by applicable State
21 or federal law.

22

23 3. a. The Office of the Ombudsman for Navigating Services and
24 Supports for Individuals with Intellectual or Developmental
25 Disabilities shall issue a written annual report to the Commissioners of
26 Human Services, Children and Families, Labor and Workforce
27 Development, and Community Affairs, and to the Executive Director
28 of New Jersey Transit, which includes a summary of the services the
29 ombudsman provided during the year, and any specific
30 recommendations the ombudsman deems appropriate and necessary
31 concerning the navigation of systems that provide services or supports
32 to individuals with intellectual or developmental disabilities in the
33 State.

34 b. The ombudsman also shall issue the report prepared pursuant to
35 subsection a. of this section to the Governor, and pursuant to section 2
36 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

37

38 4. This act shall take effect immediately.

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STATEMENT

42

43 This bill establishes the Office of the Ombudsman for
44 Navigating Services and Supports for Individuals with Intellectual
45 or Developmental Disabilities. The ombudsman is to assist
46 individuals with intellectual or developmental disabilities and their
47 families or guardians, as appropriate, to navigate the various systems
48 for services and supports available for these individuals, including, but
49 not limited to, those for health care, transportation, housing and
50 employment, and any financial assistance available to secure these

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1 services and supports. The Governor would appoint the ombudsman,
2 who is to be qualified by training and experience to perform the duties
3 of the office, and be a person of recognized judgment, integrity, and
4 objectivity.

5 The duties of the ombudsman are to: serve as a source of
6 information for individuals with intellectual or developmental
7 disabilities and their families or guardians and help them better
8 understand available services and supports for health care,
9 transportation, housing and employment, and any financial assistance
10 available to secure these services and supports; provide information
11 and support in understanding and navigating the process for obtaining
12 these services and supports; and assist the Division of Developmental
13 Disabilities in the Department of Human Services in providing
14 informational programs to acquaint and educate individuals with
15 intellectual or developmental disabilities, their families or guardians,
16 and the public about the duties of the ombudsman.

17 The office also is required to coordinate its duties with other federal
18 or State entities authorized to provide services or supports to
19 individuals with intellectual or developmental disabilities, as necessary
20 to help these individuals navigate the systems for obtaining services
21 and supports.

22 The bill further requires that communications be kept
23 confidential, except when disclosure is necessary to perform the
24 duties of the office and consent is obtained for disclosure. The
25 ombudsman is to issue an annual report to the Commissioners of
26 Human Services, Children and Families, Labor and Workforce
27 Development, and Community Affairs, and to the Executive Director
28 of New Jersey Transit on the services provided by the office, and
29 include recommendations the ombudsman deems appropriate and
30 necessary concerning the navigation of systems that provide services
31 and supports to individuals with intellectual or developmental
32 disabilities.