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[Olmstead plan: path to progress/New Jersey Department of Human Services, Division of Developmental Disabilities. \[Trenton, NJ: The Department, 2007\].](#)

LAW/RWH 3/10/09

P.L. 2008, CHAPTER 128, *approved January 12, 2009*
Assembly, No. 2259

1 AN ACT concerning support services for persons with
2 developmental disabilities, supplementing P.L.1977, c.82
3 (C.30:6D-1 et seq.), and amending P.L.1983, c.524.
4

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

8 1. (New section) Sections 1 through 6 of this act shall be known
9 as the “Self-Directed Support Services for Persons with
10 Developmental Disabilities Rights Act.”
11

12 2. (New section) The Legislature finds and declares that:

13 a. There is a need for innovative approaches to meet the needs
14 of persons with developmental disabilities;

15 b. While there are many fine group homes, supervised
16 apartments and other supervised living arrangements for persons
17 with developmental disabilities, there is a need for not only an
18 expansion of the availability of such programs, but also the
19 development of innovative programs that are self-directed by
20 persons with developmental disabilities and their families and
21 guardians;

22 c. The availability of innovative self-directed programs will
23 expand the capacity of the Department of Human Services to serve
24 the needs of persons with developmental disabilities; and

25 d. It is important to emphasize that persons with developmental
26 disabilities who participate in these highly desirable self-directed
27 approaches to care retain the rights guaranteed to them under the
28 “Developmentally Disabled Rights Act,” P.L.1977, c.82 (C.30:6D-1
29 et seq.).
30

31 3. (New section) As used in this act:

32 “Commissioner” means the Commissioner of Human Services.

33 “Department” means the Department of Human Services.

34 “Developmental disability” means developmental disability as
35 defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

36 “Self-directed support services” means an arrangement in which
37 funding is made available by the department, through the Division
38 of Developmental Disabilities or any other division in the
39 department, to a person with a developmental disability or person

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.

1 who has been authorized to serve as a fiduciary of the person with a
2 developmental disability, who is living in his own home, the home
3 of a family member or guardian, or some other similar living
4 environment. The purpose of the arrangement is to support the
5 needs of the person with a developmental disability by allowing the
6 person, or his family or guardian, or both, to determine the nature
7 and scope of services to be provided, in lieu of the department
8 placing the person with a developmental disability in a residential
9 program operated by the department directly or by contracting with
10 a residential provider of services for persons with developmental
11 disabilities.

12 “Services” means services as defined in section 3 of P.L.1977,
13 c.82 (C.30:6D-3).

14

15 4. (New section) The commissioner shall ensure that:

16 a. the provisions of section 9 of P.L.1977, c.82 (C.30:6D-9),
17 concerning the design of services to maximize the developmental
18 potential of persons with developmental disabilities with full
19 recognition and respect for their dignity, individuality and legal
20 rights, apply to persons with developmental disabilities receiving
21 self-directed support services;

22 b. a written, individualized habilitation plan, as provided for in
23 sections 10 and 11 of P.L.1977, c.82 (C.30:6D-10 and 11), is
24 developed and placed into effect for each person receiving self-
25 directed support services no later than the 30th day following the
26 initial receipt of such services. In the case of persons receiving
27 such services at the time of enactment of P.L. , c. (C.)
28 (pending before the Legislature as this bill), the plan shall be
29 effected no later than the 60th day following enactment; and

30 c. each person’s individualized habilitation plan is reviewed
31 annually pursuant to section 12 of P.L.1977, c.82 (C.30:6D-12).

32

33 5. (New section) a. A right recognized in section 4 of
34 P.L.1977, c.82 (C.30:6D-4), shall apply to persons receiving self-
35 directed support services pursuant to P.L. , c. (C.)(pending
36 before the Legislature as this bill).

37 b. A person receiving self-directed support services shall be
38 entitled to enforce a right provided for in P.L. , c. (C.)
39 (pending before the Legislature as this bill) or section 4 of
40 P.L.1977, c.82 (C.30:6D-4), by civil action or other remedy
41 otherwise available by common law or statute.

42

43 6. (New section) a. Except in the case of a short-term pilot
44 program, the commissioner shall, to the extent feasible, develop and
45 expand the use of self-directed support services throughout the
46 State, and eliminate obstacles to the use of such services. The
47 services shall be made available without regard to the severity of a
48 person’s disability, except to the extent that the person’s disability

1 would prevent that person from being safely accommodated with
2 self-directed support services.

3 b. In the event that two or more divisions in the department are
4 funding self-directed support services for the same person, the
5 commissioner shall designate one division as the lead division for
6 the purpose of enforcing a right guaranteed by section 4 of
7 P.L.1977, c.82 (C.30:6D-4) or P.L. , c. (C.)(pending before
8 the Legislature as this bill).

9
10 7. Section 2 of P.L.1983, c.524 (C.30:6D-14) is amended to read
11 as follows:

12 As used in this act:

13 a. "Department" means the Department of Human Services.

14 b. "Community residential facility" means any residential
15 arrangement, public or private, other than an institution, in which
16 one or more developmentally disabled persons reside under the
17 sponsorship of the department. A family home in which all of the
18 developmentally disabled persons residing within are related to the
19 head of the household by blood, marriage or adoption is not a
20 community residential facility.

21 c. "Transfer" means moving a developmentally disabled person
22 from an institution to a community residential facility, from one
23 community residential facility to another, **[or]** from a community
24 residential facility to an institution, or from receiving self-directed
25 support services as defined in section 3 of P.L. , c. (C.)
26 (pending before the Legislature as this bill) to a community
27 residential facility as defined in this section or a facility as defined
28 in section 3 of P.L.1977, c.82 (C.30:6D-3). The placement of a
29 person who has never before received services from the department
30 directly into a community residential facility is a transfer.
31 (cf: P.L.1983, c. 524, s.2)

32

33 8. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill, which is designated the "Self-Directed Support
39 Services for Persons with Developmental Disabilities Rights Act,"
40 concerns services provided to persons with developmental
41 disabilities who live in their own home, the home of a family
42 member or guardian, or some other similar living environment.
43 Self-directed support services, which currently include the Real
44 Life Choices and Self-Determination programs administered by the
45 Division of Developmental Disabilities in the Department of
46 Human Services (DHS), provide for arrangements in which funding
47 is made available to the person with a developmental disability or
48 another person who has been authorized to serve as the fiduciary of

1 the person with a developmental disability, who would determine
2 the nature and scope of services to be provided. These
3 arrangements and services are provided in lieu of DHS placing the
4 person in a residential program.

5 Under the provisions of the bill, the Commissioner of Human
6 Services must provide similar rights available under the
7 “Developmentally Disabled Rights Act,” P.L.1977, c.82 (C.30:6D-1
8 et seq.) to persons receiving self-directed support services.
9 Specifically, the commissioner must ensure that:

- 10 • a written, individual habilitation plan, as provided for in
11 sections 10 and 11 of P.L.1977, c.82 (C.30:6D-10 and 11) is
12 developed and placed in effect no later than the 30th day
13 following the initial receipt of these services. If a person is
14 receiving these services when this bill is enacted, the plan
15 must be effected no later than the 60th day following
16 enactment. The plan must also be reviewed annually
17 pursuant to section 12 of P.L.1977, c.82 (C.30:6D-12); and
- 18 • the requirement to design services to maximize the
19 developmental potential of persons with developmental
20 disabilities with full recognition and respect for their dignity,
21 individuality and legal rights, provided for in section 9 of
22 P.L.1977, c.82 (C.30:6D-9), will apply to persons with
23 developmental disabilities receiving self-directed support
24 services.

25 The bill also specifies that all rights recognized in section 4 of
26 P.L.1977, c.82 (C.30:6D-4), (which prohibits discrimination,
27 deprivation of certain rights, or a presumption of incompetence by
28 reason of a person with developmental disabilities receiving
29 services from the division) shall apply to persons receiving self-
30 directed support services. In addition, a person receiving self-
31 directed support services is entitled to enforce a right provided for
32 in this bill or section 4 of P.L.1977, c.82 (C.30:6D-4), by civil
33 action or other remedy otherwise available by common law or
34 statute.

35 The bill requires the commissioner, except in the case of a pilot
36 program, to develop and expand to the extent feasible the use of
37 self-directed support services throughout the State, and to eliminate
38 obstacles to the use of these services. These services must be made
39 available without regard to the severity of a person’s disability,
40 except to the extent that the person’s disability would prevent that
41 person from being safely accommodated with self-directed support
42 services.

43 If two or more divisions in DHS fund self-directed support
44 services for the same person, the commissioner is required to
45 designate one division as the lead division for the purpose of
46 enforcing a right.

47 Lastly, the bill amends section 2 of P.L.1983, c.524 (C.30:6D-
48 14) (which concerns transferring persons with developmental

1 disabilities into community residential facilities from institutions),
2 to include as a “transfer” persons with developmental disabilities
3 who move from receiving self-directed support services into
4 community residential facilities or State developmental centers.

5

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7

8

9 “Self-Directed Support Services for Persons with Developmental
10 Disabilities Rights Act.”

ASSEMBLY, No. 2259

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

Sponsored by:

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman GARY S. SCHAER

District 36 (Bergen, Essex and Passaic)

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Co-Sponsored by:

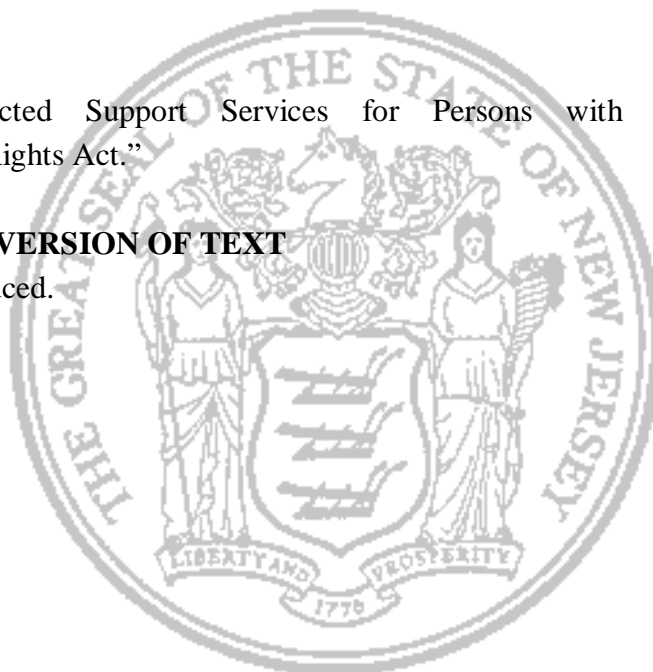
Assemblyman McKeon, Assemblywoman Pou, Assemblymen Johnson, Scalera, Coutinho, Assemblywoman Vainieri Huttle, Assemblymen Diegnan, Chivukula, Senators Vitale, Allen, Gordon and Madden

SYNOPSIS

“Self-Directed Support Services for Persons with Developmental Disabilities Rights Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/25/2008)

1 AN ACT concerning support services for persons with
2 developmental disabilities, supplementing P.L.1977, c.82
3 (C.30:6D-1 et seq.), and amending P.L.1983, c.524.

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14 of persons with developmental disabilities;

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16 apartments and other supervised living arrangements for persons
17 with developmental disabilities, there is a need for not only an
18 expansion of the availability of such programs, but also the
19 development of innovative programs that are self-directed by
20 persons with developmental disabilities and their families and
21 guardians;

22 c. The availability of innovative self-directed programs will
23 expand the capacity of the Department of Human Services to serve
24 the needs of persons with developmental disabilities; and

25 d. It is important to emphasize that persons with developmental
26 disabilities who participate in these highly desirable self-directed
27 approaches to care retain the rights guaranteed to them under the
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29 et seq.).

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37 funding is made available by the department, through the Division
38 of Developmental Disabilities or any other division in the
39 department, to a person with a developmental disability or person
40 who has been authorized to serve as a fiduciary of the person with a
41 developmental disability, who is living in his own home, the home
42 of a family member or guardian, or some other similar living
43 environment. The purpose of the arrangement is to support the
44 needs of the person with a developmental disability by allowing the

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not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 person, or his family or guardian, or both, to determine the nature
2 and scope of services to be provided, in lieu of the department
3 placing the person with a developmental disability in a residential
4 program operated by the department directly or by contracting with
5 a residential provider of services for persons with developmental
6 disabilities.

7 “Services” means services as defined in section 3 of P.L.1977,
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10 4. (New section) The commissioner shall ensure that:

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15 rights, apply to persons with developmental disabilities receiving
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23 (pending before the Legislature as this bill), the plan shall be
24 effected no later than the 60th day following enactment; and

25 c. each person’s individualized habilitation plan is reviewed
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3 the Legislature as this bill).

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9 b. "Community residential facility" means any residential
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13 developmentally disabled persons residing within are related to the
14 head of the household by blood, marriage or adoption is not a
15 community residential facility.

16 c. "Transfer" means moving a developmentally disabled person
17 from an institution to a community residential facility, from one
18 community residential facility to another, **[or]** from a community
19 residential facility to an institution, or from receiving self-directed
20 support services as defined in section 3 of P.L. , c. (C.)
21 (pending before the Legislature as this bill) to a community
22 residential facility as defined in this section or a facility as defined
23 in section 3 of P.L.1977, c.82 (C.30:6D-3). The placement of a
24 person who has never before received services from the department
25 directly into a community residential facility is a transfer.

26 (cf: P.L.1983, c. 524, s.2)

27

28 8. This act shall take effect immediately.

29

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31

STATEMENT

32

33 This bill, which is designated the "Self-Directed Support
34 Services for Persons with Developmental Disabilities Rights Act,"
35 concerns services provided to persons with developmental
36 disabilities who live in their own home, the home of a family
37 member or guardian, or some other similar living environment.
38 Self-directed support services, which currently include the Real
39 Life Choices and Self-Determination programs administered by the
40 Division of Developmental Disabilities in the Department of
41 Human Services (DHS), provide for arrangements in which funding
42 is made available to the person with a developmental disability or
43 another person who has been authorized to serve as the fiduciary of
44 the person with a developmental disability, who would determine
45 the nature and scope of services to be provided. These
46 arrangements and services are provided in lieu of DHS placing the
47 person in a residential program.

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2 Services must provide similar rights available under the
3 “Developmentally Disabled Rights Act,” P.L.1977, c.82 (C.30:6D-1
4 et seq.) to persons receiving self-directed support services.
5 Specifically, the commissioner must ensure that:

- 6 • a written, individual habilitation plan, as provided for in
7 sections 10 and 11 of P.L.1977, c.82 (C.30:6D-10 and 11) is
8 developed and placed in effect no later than the 30th day
9 following the initial receipt of these services. If a person is
10 receiving these services when this bill is enacted, the plan
11 must be effected no later than the 60th day following
12 enactment. The plan must also be reviewed annually
13 pursuant to section 12 of P.L.1977, c.82 (C.30:6D-12); and
- 14 • the requirement to design services to maximize the
15 developmental potential of persons with developmental
16 disabilities with full recognition and respect for their dignity,
17 individuality and legal rights, provided for in section 9 of
18 P.L.1977, c.82 (C.30:6D-9), will apply to persons with
19 developmental disabilities receiving self-directed support
20 services.

21 The bill also specifies that all rights recognized in section 4 of
22 P.L.1977, c.82 (C.30:6D-4), (which prohibits discrimination,
23 deprivation of certain rights, or a presumption of incompetence by
24 reason of a person with developmental disabilities receiving
25 services from the division) shall apply to persons receiving self-
26 directed support services. In addition, a person receiving self-
27 directed support services is entitled to enforce a right provided for
28 in this bill or section 4 of P.L.1977, c.82 (C.30:6D-4), by civil
29 action or other remedy otherwise available by common law or
30 statute.

31 The bill requires the commissioner, except in the case of a pilot
32 program, to develop and expand to the extent feasible the use of
33 self-directed support services throughout the State, and to eliminate
34 obstacles to the use of these services. These services must be made
35 available without regard to the severity of a person’s disability,
36 except to the extent that the person’s disability would prevent that
37 person from being safely accommodated with self-directed support
38 services.

39 If two or more divisions in DHS fund self-directed support
40 services for the same person, the commissioner is required to
41 designate one division as the lead division for the purpose of
42 enforcing a right.

43 Lastly, the bill amends section 2 of P.L.1983, c.524 (C.30:6D-
44 14) (which concerns transferring persons with developmental
45 disabilities into community residential facilities from institutions),
46 to include as a “transfer” persons with developmental disabilities
47 who move from receiving self-directed support services into
48 community residential facilities or State developmental centers.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2259

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 2008

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 2259.

This bill, which is designated the “Self-Directed Support Services for Persons with Developmental Disabilities Rights Act,” concerns services provided to persons with developmental disabilities who live in their own home, the home of a family member or guardian, or some other similar living environment.

Self-directed support services, which currently include the Real Life Choices and Self-Determination programs administered by the Division of Developmental Disabilities in the Department of Human Services (DHS), provide for arrangements in which funding is made available to the person with a developmental disability or another person who has been authorized to serve as the fiduciary of the person with a developmental disability, who would determine the nature and scope of services to be provided. These arrangements and services are provided in lieu of DHS placing the person in a residential program.

The bill provides specifically as follows:

- The Commissioner of Human Services must provide similar rights available under the “Developmentally Disabled Rights Act,” P.L.1977, c.82 (C.30:6D-1 et seq.) to persons receiving self-directed support services. Specifically, the commissioner must ensure that:
 - a written, individual habilitation plan, as provided for in sections 10 and 11 of P.L.1977, c.82 (C.30:6D-10 and 11) is developed and placed in effect no later than the 30th day following the initial receipt of these services. If a person is receiving these services when this bill is enacted, the plan must be effected no later than the 60th day following enactment. The plan must also be reviewed annually pursuant to section 12 of P.L.1977, c.82 (C.30:6D-12); and
 - the requirement to design services to maximize the developmental potential of persons with developmental disabilities with full recognition and respect for their dignity, individuality and legal rights, provided for in section 9 of P.L.1977, c.82 (C.30:6D-9), will apply to persons with developmental disabilities receiving self-directed support services.
- All rights recognized in section 4 of P.L.1977, c.82 (C.30:6D-4) (which prohibits discrimination, deprivation of certain rights, or a presumption of incompetence by reason of a person with

developmental disabilities receiving services from the division), are to apply to persons receiving self-directed support services. In addition, a person receiving self-directed support services is entitled to enforce a right provided for in this bill or section 4 of P.L.1977, c.82 (C.30:6D-4), by civil action or other remedy otherwise available by common law or statute.

- The commissioner, except in the case of a pilot program, is to develop and expand to the extent feasible the use of self-directed support services throughout the State, and to eliminate obstacles to the use of these services. These services must be made available without regard to the severity of a person's disability, except to the extent that the person's disability would prevent that person from being safely accommodated with self-directed support services.
- If two or more divisions in DHS fund self-directed support services for the same person, the commissioner is required to designate one division as the lead division for the purpose of enforcing a right.
- The bill amends section 2 of P.L.1983, c.524 (C.30:6D-14) (which concerns transferring persons with developmental disabilities into community residential facilities from institutions), to include as a "transfer" persons with developmental disabilities who move from receiving self-directed support services into community residential facilities or State developmental centers.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2259

STATE OF NEW JERSEY

DATED: OCTOBER 16, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 2259.

This bill, which is designated the “Self-Directed Support Services for Persons with Developmental Disabilities Rights Act,” concerns services provided to persons with developmental disabilities who live in their own home, the home of a family member or guardian, or some other similar living environment. Self-directed support services, which currently include the Real Life Choices and Self-Determination programs administered by the Division of Developmental Disabilities in the Department of Human Services (DHS), provide for arrangements in which funding is made available to the person with a developmental disability or another person who has been authorized to serve as the fiduciary of the person with a developmental disability, who would determine the nature and scope of services to be provided. These arrangements and services are provided in lieu of DHS placing the person in a residential program.

Under the provisions of the bill, the Commissioner of Human Services must provide similar rights available under the “Developmentally Disabled Rights Act,” P.L.1977, c.82 (C.30:6D-1 et seq.) to persons receiving self-directed support services. Specifically, the commissioner must ensure that:

- a written, individual habilitation plan, as provided for in sections 10 and 11 of P.L.1977, c.82 (C.30:6D-10 and 11) is developed and placed in effect no later than the 30th day following the initial receipt of these services. If a person is receiving these services when this bill is enacted, the plan must be effected no later than the 60th day following enactment. The plan must also be reviewed annually pursuant to section 12 of P.L.1977, c.82 (C.30:6D-12); and
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Lastly, the bill amends section 2 of P.L.1983, c.524 (C.30:6D-14) (which concerns transferring persons with developmental disabilities into community residential facilities from institutions), to include as a "transfer" persons with developmental disabilities who move from receiving self-directed support services into community residential facilities or State developmental centers.

This bill is identical to Senate No. 1650 (Vitale), which the committee also reported favorably on this date.

SENATE, No. 1650

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 5, 2008

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

Senators Gordon and Madden

SYNOPSIS

“Self-Directed Support Services for Persons with Developmental Disabilities Rights Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/25/2008)

S1650 VITALE, ALLEN

2

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17 with developmental disabilities, there is a need for not only an
18 expansion of the availability of such programs, but also the
19 development of innovative programs that are self-directed by
20 persons with developmental disabilities and their families and
21 guardians;

22 c. The availability of innovative self-directed programs will
23 expand the capacity of the Department of Human Services to serve
24 the needs of persons with developmental disabilities; and

25 d. It is important to emphasize that persons with developmental
26 disabilities who participate in these highly desirable self-directed
27 approaches to care retain the rights guaranteed to them under the
28 “Developmentally Disabled Rights Act,” P.L.1977, c.82 (C.30:6D-1
29 et seq.).

30
31 3. (New section) As used in this act:

32 “Commissioner” means the Commissioner of Human Services.

33 “Department” means the Department of Human Services.

34 “Developmental disability” means developmental disability as
35 defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

36 “Self-directed support services” means an arrangement in which
37 funding is made available by the department, through the Division
38 of Developmental Disabilities or any other division in the
39 department, to a person with a developmental disability or person
40 who has been authorized to serve as a fiduciary of the person with a
41 developmental disability, who is living in his own home, the home
42 of a family member or guardian, or some other similar living
43 environment. The purpose of the arrangement is to support the
44 needs of the person with a developmental disability by allowing the
45 person, or his family or guardian, or both, to determine the nature

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.

1 and scope of services to be provided, in lieu of the department
2 placing the person with a developmental disability in a residential
3 program operated by the department directly or by contracting with
4 a residential provider of services for persons with developmental
5 disabilities.

6 "Services" means services as defined in section 3 of P.L.1977,
7 c.82 (C.30:6D-3).

8

9 4. (New section) The commissioner shall ensure that:

10 a. the provisions of section 9 of P.L.1977, c.82 (C.30:6D-9),
11 concerning the design of services to maximize the developmental
12 potential of persons with developmental disabilities with full
13 recognition and respect for their dignity, individuality and legal
14 rights, apply to persons with developmental disabilities receiving
15 self-directed support services;

16 b. a written, individualized habilitation plan, as provided for in
17 sections 10 and 11 of P.L.1977, c.82 (C.30:6D-10 and 11), is
18 developed and placed into effect for each person receiving self-
19 directed support services no later than the 30th day following the
20 initial receipt of such services. In the case of persons receiving
21 such services at the time of enactment of
22 P.L. , c. (C.)(pending before the Legislature as this bill), the
23 plan shall be effected no later than the 60th day following
24 enactment; and

25 c. each person's individualized habilitation plan is reviewed
26 annually pursuant to section 12 of P.L.1977, c.82 (C.30:6D-12).

27

28 5. (New section) a. A right recognized in section 4 of
29 P.L.1977, c.82 (C.30:6D-4), shall apply to persons receiving self-
30 directed support services pursuant to P.L. , c. (C.)(pending
31 before the Legislature as this bill).

32 b. A person receiving self-directed support services shall be
33 entitled to enforce a right provided for in
34 P.L. , c. (C.)(pending before the Legislature as this bill) or
35 section 4 of P.L.1977, c.82 (C.30:6D-4), by civil action or other
36 remedy otherwise available by common law or statute.

37

38 6. (New section) a. Except in the case of a short-term pilot
39 program, the commissioner shall, to the extent feasible, develop and
40 expand the use of self-directed support services throughout the
41 State, and eliminate obstacles to the use of such services. The
42 services shall be made available without regard to the severity of a
43 person's disability, except to the extent that the person's disability
44 would prevent that person from being safely accommodated with
45 self-directed support services.

46 b. In the event that two or more divisions in the department are
47 funding self-directed support services for the same person, the
48 commissioner shall designate one division as the lead division for

1 the purpose of enforcing a right guaranteed by section 4 of
2 P.L.1977, c.82 (C.30:6D-4) or P.L. , c. (C.)(pending before
3 the Legislature as this bill).

4

5 7. Section 2 of P.L.1983, c.524 (C.30:6D-14) is amended to read
6 as follows:

7 As used in this act:

8 a. "Department" means the Department of Human Services.

9 b. "Community residential facility" means any residential
10 arrangement, public or private, other than an institution, in which
11 one or more developmentally disabled persons reside under the
12 sponsorship of the department. A family home in which all of the
13 developmentally disabled persons residing within are related to the
14 head of the household by blood, marriage or adoption is not a
15 community residential facility.

16 c. "Transfer" means moving a developmentally disabled person
17 from an institution to a community residential facility, from one
18 community residential facility to another, **[or]** from a community
19 residential facility to an institution, or from receiving self-directed
20 support services as defined in section 3 of
21 P.L. , c. (C.)(pending before the Legislature as this bill) to a
22 community residential facility as defined in this section or a facility
23 as defined in section 3 of P.L.1977, c.82 (C.30:6D-3). The
24 placement of a person who has never before received services from
25 the department directly into a community residential facility is a
26 transfer.

27 (cf: P.L.1983, c. 524, s.2)

28

29 8. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill, which is designated the "Self-Directed Support
35 Services for Persons with Developmental Disabilities Rights Act,"
36 concerns services provided to persons with developmental
37 disabilities who live in their own home, the home of a family
38 member or guardian, or some other similar living environment.
39 Self-directed support services, which currently include the Real
40 Life Choices and Self-Determination programs administered by the
41 Division of Developmental Disabilities in the Department of
42 Human Services (DHS), provide for arrangements in which funding
43 is made available to the person with a developmental disability or
44 another person who has been authorized to serve as the fiduciary of
45 the person with a developmental disability, who would determine
46 the nature and scope of services to be provided. These
47 arrangements and services are provided in lieu of DHS placing the
48 person in a residential program.

1 Under the provisions of the bill, the Commissioner of Human
2 Services must provide similar rights available under the
3 “Developmentally Disabled Rights Act,” P.L.1977, c.82 (C.30:6D-1
4 et seq.) to persons receiving self-directed support services.
5 Specifically, the commissioner must ensure that:

- 6 • a written, individual habilitation plan, as provided for in
7 sections 10 and 11 of P.L.1977, c.82 (C.30:6D-10 and 11) is
8 developed and placed in effect no later than the 30th day
9 following the initial receipt of these services. If a person is
10 receiving these services when this bill is enacted, the plan
11 must be effected no later than the 60th day following
12 enactment. The plan must also be reviewed annually
13 pursuant to section 12 of P.L.1977, c.82 (C.30:6D-12); and
- 14 • the requirement to design services to maximize the
15 developmental potential of persons with developmental
16 disabilities with full recognition and respect for their dignity,
17 individuality and legal rights, provided for in section 9 of
18 P.L.1977, c.82 (C.30:6D-9), will apply to persons with
19 developmental disabilities receiving self-directed support
20 services.

21 The bill also specifies that all rights recognized in section 4 of
22 P.L.1977, c.82 (C.30:6D-4), (which prohibits discrimination,
23 deprivation of certain rights, or a presumption of incompetence by
24 reason of a person with developmental disabilities receiving
25 services from the division) shall apply to persons receiving self-
26 directed support services. In addition, a person receiving self-
27 directed support services is entitled to enforce a right provided for
28 in this bill or section 4 of P.L.1977, c.82 (C.30:6D-4), by civil
29 action or other remedy otherwise available by common law or
30 statute.

31 The bill requires the commissioner, except in the case of a pilot
32 program, to develop and expand to the extent feasible the use of
33 self-directed support services throughout the State, and to eliminate
34 obstacles to the use of these services. These services must be made
35 available without regard to the severity of a person’s disability,
36 except to the extent that the person’s disability would prevent that
37 person from being safely accommodated with self-directed support
38 services.

39 If two or more divisions in DHS fund self-directed support
40 services for the same person, the commissioner is required to
41 designate one division as the lead division for the purpose of
42 enforcing a right.

43 Lastly, the bill amends section 2 of P.L.1983, c.524 (C.30:6D-
44 14) (which concerns transferring persons with developmental
45 disabilities into community residential facilities from institutions),
46 to include as a “transfer” persons with developmental disabilities
47 who move from receiving self-directed support services into
48 community residential facilities or State developmental centers.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1650

STATE OF NEW JERSEY

DATED: OCTOBER 16, 2008

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1650.

This bill, which is designated the “Self-Directed Support Services for Persons with Developmental Disabilities Rights Act,” concerns services provided to persons with developmental disabilities who live in their own home, the home of a family member or guardian, or some other similar living environment. Self-directed support services, which currently include the Real Life Choices and Self-Determination programs administered by the Division of Developmental Disabilities in the Department of Human Services (DHS), provide for arrangements in which funding is made available to the person with a developmental disability or another person who has been authorized to serve as the fiduciary of the person with a developmental disability, who would determine the nature and scope of services to be provided. These arrangements and services are provided in lieu of DHS placing the person in a residential program.

Under the provisions of the bill, the Commissioner of Human Services must provide similar rights available under the “Developmentally Disabled Rights Act,” P.L.1977, c.82 (C.30:6D-1 et seq.) to persons receiving self-directed support services. Specifically, the commissioner must ensure that:

- a written, individual habilitation plan, as provided for in sections 10 and 11 of P.L.1977, c.82 (C.30:6D-10 and 11) is developed and placed in effect no later than the 30th day following the initial receipt of these services. If a person is receiving these services when this bill is enacted, the plan must be effected no later than the 60th day following enactment. The plan must also be reviewed annually pursuant to section 12 of P.L.1977, c.82 (C.30:6D-12); and
- the requirement to design services to maximize the developmental potential of persons with developmental disabilities with full recognition and respect for their dignity, individuality and legal rights, provided for in section 9 of P.L.1977, c.82 (C.30:6D-9), will apply to persons with developmental disabilities receiving self-directed support services.

The bill also specifies that all rights recognized in section 4 of P.L.1977, c.82 (C.30:6D-4), (which prohibits discrimination, deprivation of certain rights, or a presumption of incompetence by reason of a person with developmental disabilities receiving services from the division) shall apply to persons receiving self-directed support services. In addition, a person receiving self-directed support services is entitled to enforce a right provided for in this bill or section 4 of P.L.1977, c.82 (C.30:6D-4), by civil action or other remedy otherwise available by common law or statute.

The bill requires the commissioner, except in the case of a pilot program, to develop and expand to the extent feasible the use of self-directed support services throughout the State, and to eliminate obstacles to the use of these services. These services must be made available without regard to the severity of a person's disability, except to the extent that the person's disability would prevent that person from being safely accommodated with self-directed support services.

If two or more divisions in DHS fund self-directed support services for the same person, the commissioner is required to designate one division as the lead division for the purpose of enforcing a right.

Lastly, the bill amends section 2 of P.L.1983, c.524 (C.30:6D-14) (which concerns transferring persons with developmental disabilities into community residential facilities from institutions), to include as a "transfer" persons with developmental disabilities who move from receiving self-directed support services into community residential facilities or State developmental centers.

This bill is identical to Assembly No. 2259 (Voss/Schaer/Wagner/Roberts), which the committee also reported favorably on this date.