

CHAPTER 143

AN ACT establishing the "Task Force on the Closure of State Developmental Centers."

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

1. The Legislature finds and declares that:
 - a. The closure of developmental centers advances New Jersey's efforts to comply with the decision by the Supreme Court of the United States in *Olmstead v. L.C.*, 527 U.S. 581 (1999), which requires states to provide community living options and other supports to individuals with developmental disabilities who do not require or want institutionalized care;
 - b. Continuing New Jersey's commitment to providing individuals with developmental disabilities the ability to live in the most integrated setting appropriate to their needs, consistent with the *Olmstead v. L.C.* decision, is critical to ensure a better quality of life;
 - c. It is our goal to reduce the number of developmental centers, while being consistent with federal Medicaid law, and that such centers shall be utilized primarily to provide specialty services for individuals with developmental disabilities who exhibit high-risk behaviors, have intense medical needs, or are court-ordered;
 - d. The State operates more developmental centers than necessary to support a declining population of individuals with developmental disabilities, which has decreased by approximately 1,200 individuals, or 33 percent, since 1998;
 - e. It is our goal to affirm the State's commitment to reducing reliance on institutional care, along with expanding community living options; and
 - f. It is important for the State to affirm its commitment to provide individuals with developmental disabilities who are institutionalized with the opportunity to live in the community, consistent with the *Olmstead v. L.C.* decision, and to realign fiscal, staffing, and operational resources to support community living.

2. There is established the "Task Force on the Closure of State Developmental Centers." The task force shall perform a comprehensive evaluation of all of the State developmental centers and provide recommendations for the closing of developmental centers.

3. a. The task force shall be comprised of five members who shall be appointed within 30 days of the effective date of this act, as follows:
 - (1) three members appointed by the Governor;
 - (2) one public member appointed by the Governor upon the recommendation of the President of the Senate; and
 - (3) one public member appointed by the Governor upon the recommendation of the Speaker of the General Assembly.Vacancies in the membership of the task force shall be filled in the same manner provided for the original appointments.
 - b. The task force shall organize within 30 days following the appointment of a majority of its members and shall select a chairperson and vice-chairperson from among the members.
 - c. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the task force.
 - d. The task force shall make recommendations by a majority vote of its members.
 - e. The Department of Human Services shall provide staff support to the task force.

4. The task force shall perform a comprehensive evaluation of the State developmental centers, and set forth recommendations for the closure of developmental centers in the State. The recommendations, which shall be binding on the Department of Human Services, may provide for the closure of one or more developmental centers. The recommendations for closure of a developmental center shall consider the following criteria in order of importance:

a. the number of individuals with developmental disabilities residing in a developmental center who want or do not oppose, or if applicable, whose guardians want or do not oppose, community placement and whose interdisciplinary teams have recommended such a placement;

b. the present capacity of the community to provide or develop specialized services and supports to individuals with developmental disabilities or the time required to allow for the development of the capacity to provide such specialized services;

c. the operational needs of the Department of Human Services in meeting the range of needs and preferences of all affected individuals served by the Division of Developmental Disabilities in the Department of Human Services;

d. the economic impact on the community in which the developmental center is located if that center were to close; and

e. the projected repair and maintenance costs of the developmental center as estimated by the Department of Human Services.

5. No sooner than 90 days but not later than 180 days after the task force organizes, the task force shall submit its closure recommendations, including, if applicable, a targeted date for closure of each developmental center recommended for closure, and make such other recommendations as the task force deems appropriate, to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

6. a. If applicable, the Department of Human Services shall close each of the developmental centers recommended by the task force as soon as practicable in accordance with a schedule that takes into account the needs of the residents of any developmental center to be closed and any appropriate operational concerns of the developmental centers and the community services system.

b. Nothing in this act shall limit the commissioner's authority pursuant to R.S.30:1-12 or the discretion to take the actions authorized by sections 1 and 2 of P.L.1996, c.150 (C.30:1-7.3 and C.30:1-7.4), as the commissioner may deem appropriate.

7. This act shall take effect immediately and shall expire upon the submission by the task force of its closure recommendations to the Governor and the Legislature or 180 days after the task force organizes, whichever is sooner.

Approved December 14, 2011.