

CHAPTER 192

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

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

C.30:6D-21.1 Transfers not mandatory.

1. The Division of Developmental Disabilities, except as provided in section 2 of this act, shall not transfer, or otherwise compel the transfer of, an individual with a developmental disability who is currently residing in an out-of-State placement to a residential placement in this State, if the individual or the guardian of the individual objects to such transfer in writing.

C.30:6D-21.2 Inapplicability of C.30:6D-21.1.

2. The provisions of section 1 of this act shall not apply if:

a. The United States Department of Justice, the Centers for Medicare & Medicaid Services, or a federally-designated state protection and advocacy organization has deemed the out-of-State placement facility unsafe for individuals with developmental disabilities residing in the facility.

b. The individual does not continue to be served by the same out-of-State provider after the effective date of this act as the out-of-State provider who served the individual prior to the effective date of this act; provided, however, that this subsection shall not apply if:

(1) the change of provider is due solely to corporate or other organizational restructuring; or

(2) the division is unable to provide the individual with equivalent necessary services and supports in-State as the individual received out-of-State and such services and supports are available at another out-of-State provider;

c. The individual or the guardian of the individual, as applicable, is not in compliance with the provisions of State regulations at N.J.A.C.10:46D-1.1 et seq., concerning contribution to care and maintenance requirements, within 90 days of the effective date of this act, or the individual or guardian fails to continue to comply with these regulations for the duration of the out-of-State care of the individual; provided, however, that:

(1) the division shall provide a payment schedule with reasonable minimum payments to each non-compliant individual or guardian within 60 days of the effective date of this act; and

(2) if the individual or guardian agrees in writing to the payment schedule, compliance within 90 days of the effective date of this act shall be presumed;

d. The individual is not enrolled in, or has not applied for enrollment in, the State Medicaid program, established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), within 90 days of the effective date of this act; or

e. The out-of-State provider fails to transmit to the division written reports of life safety oversight and copies of all relevant incident reports required by the law. The division shall provide notice to providers if the reporting requirements change. In the event a provider fails to transmit any relevant required report, the division shall give notice to the provider of the deficiency and the provider shall have 30 days from the date of the notice to cure the deficiency.

C.30:6D-21.3 Certain obligations unaffected.

3. Nothing in this act shall alleviate the obligations of the department under section 9 of P.L.1977, c.82 (C.30:6D-9) or section 9 of P.L.1983, c.524 (C.30:6D-21).

4. This act shall take effect immediately.

Approved January 11, 2016.