

## CHAPTER 304

AN ACT concerning individuals with developmental disabilities, amending P.L.1995, c.155, and supplementing Title 30 of the Revised Statutes.

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

1. Section 5 of P.L.1995, c.155 (C.30:4-25.9) is amended to read as follows:

C.30:4-25.9 Conditions of eligibility for functional services participation.

5. a. An applicant for functional services from the Division of Developmental Disabilities, any person acting on the applicant's behalf pursuant to section 14 of P.L.1965, c.59 (C.30:4-25.2), or the applicant's chargeable relatives, as appropriate, shall agree, if the applicant is determined eligible for functional services pursuant to section 15 of P.L.1965, c.59 (C.30:4-25.3), to comply with the following conditions of eligibility and continued functional services participation:

(1) The applicant for residential services or other person listed in this subsection shall assign to the Commissioner of Human Services any rights of the applicant to support or payment from a third party under any law, regulation, court order, or administrative order unless specifically prohibited by federal law or regulation;

(2) The applicant or other person listed in this subsection shall apply for and maintain all current and future benefits for which the applicant may be eligible, including, but not limited to, Medicare, Medicaid, any other State or federal benefits, and any third party support pursuant to statute, rule, court order, or contract; and

(3) The applicant or other person listed in this subsection shall make payments as required pursuant to R.S.30:4-60.

b. The Division of Developmental Disabilities may, in accordance with the provisions of section 2 of P.L.2015, c.304 (C.30:4-25.9a), terminate any services received by, or the placement of, the eligible person with a developmental disability within 90 days if the conditions of eligibility set forth in this section are not complied with by the eligible person with a developmental disability or other person listed in subsection a. of this section. During any appeals process period, services to a person with a developmental disability shall not be terminated.

c. Nothing in this section or Title 30 of the Revised Statutes shall be construed to deny functional services to any person who meets the eligibility conditions and criteria for functional services, but does not have the ability to pay the full per capita costs or payments required pursuant to R.S.30:4-60.

C.30:4-25.9a Required notifications.

2. a. The Division of Developmental Disabilities, in accordance with the provisions of this section, shall notify:

(1) a person with a developmental disability or the person's guardian, as applicable, if the division plans to terminate any services received by, or the placement of, the person due to the person's ineligibility for benefits under the Medicaid program or ineligibility for services or a placement from the division;

(2) a provider of services to a person with a developmental disability, if the division plans to terminate any services received by, or the placement of, the person due to the person's ineligibility for benefits under the Medicaid program or ineligibility for services or a placement from the division; and

(3) a provider of services to a person with a developmental disability eligible for services from the division, if the division plans to discontinue funding for a service provided by the provider to the person.

b. The division shall provide notification to a person with a developmental disability or the person's guardian, pursuant to paragraph (1) of subsection a. of this section, at least 90 days prior to terminating any services received by, or a placement of, the person.

c. The division shall provide notification to a provider, pursuant to paragraph (2) or (3) of subsection a. of this section, at least 90 days prior to terminating any services received by, or a placement of, a person with a developmental disability or discontinuing funding for a service provided by the provider to the person, as applicable.

3. This act shall take effect immediately.

Approved January 19, 2016.