

“Assistant Director” means an employee of the Division with administrative authority over community services.

“Bureau of Guardianship” (BGS) means the unit within the Department of Human Services which has the responsibility and authority to provide guardian of the person services to individuals in need of such services in accordance with N.J.A.C. 10:45.

“Residential placement funded by the Division of Developmental Disabilities” means a living arrangement that is operated by the Division and certified by the Department of Human Services, licensed by the Department of Human Services under N.J.A.C. 10:44A, 10:44B, 10:44C, or 10:47.

SUBCHAPTER 2. ADMINISTRATION

10:46B-2.1 General standards for administration of placements

- (a)-(f) (No change.)
- (g) The Division shall make every effort to return individuals placed out-of-State to an in-State residence as soon as possible, except where the conditions stipulated in P.L. 2015, c. 192 exist or N.J.A.C. 10:46B-4.3 have been satisfied, as applicable.
- (h)-(k) (No change.)

SUBCHAPTER 3. PLACEMENTS

10:46B-3.1 Availability of placements

- (a) Residential placement is a waiver service. In order to receive placement, the individual and/or representative payee is responsible to make application for all benefits, comply with the requirements for all benefits and comply with the requirements of N.J.A.C. 10:46-2.1(g) and (h).
- (b) Only when the need for placement is indicated in the IHP and when the individual can be reached on the waiting list, in accordance with N.J.A.C. 10:46C, the Division shall plan with the individual, his or her legal guardian and, where appropriate, interested family members, to identify an appropriate, available, out-of-home placement.

- (c)-(e) (No change.)
- (f) Approval by the Assistant Commissioner shall be required for all admissions to developmental centers, in accordance with the provisions of N.J.A.C. 10:46B-4.2.

10:46B-3.2 Waiting lists

- (a)-(b) (No change.)

10:46B-3.3 Emergencies

- (a) (No change.)
- (b) When the Division has determined that an emergency exists, the Division shall offer emergency services, if available. Emergency services shall meet the individual’s basic needs.
 - 1.-5. (No change.)
 - (c) When the Division determines that an emergency exists and no emergency services are available, the individual shall be offered a placement in a funded vacancy which can meet his or her basic needs as defined in N.J.A.C. 10:46B-1.3. The Division may provide additional supports in the funded vacancy to meet the individual’s basic needs.
 - 1.-8. (No change.)

10:46B-3.4 (Reserved)

SUBCHAPTER 4. PLACEMENT DECISIONS

10:46B-4.1 General standards for placement decisions

- (a)-(b) (No change.)
- (c) When a person has been placed outside the State of New Jersey by the Division, a caregiver, family member, legal guardian, or another state or county entity, the Division shall make every effort to return him or her to the State of New Jersey as soon as possible unless the conditions of P.L. 2015, c. 192 or N.J.A.C. 10:46B-4.3 have been met, as applicable. The Division shall not be responsible to return the individual to New Jersey until such time as the individual has been found eligible for services and the Division has assumed responsibility for funding.

- (d)-(f) (No change.)
- (g) When a placement is offered, the individual, legal guardian, and/or family shall be notified by telephone and in writing. Alternate forms of communication shall be provided as appropriate. The written notification shall ask that the individual or legal guardian respond in writing within 14 calendar days of receipt, whether the offer is accepted or rejected. When the Division agrees that the individual is in need of guardianship services and a family member or the Bureau of Guardianship is pursuing guardianship, the Division shall recognize the proposed guardian as the decision-maker.
 - (h)-(i) (No change.)
 - (j) An IHP shall be developed by the IDT at least 30 days prior to the projected date of placement, except in an emergency. Family members may attend the IHP meeting unless there is an objection by the individual or legal guardian.

1.-2. (No change.)

10:46B-4.2 Placements in private institutions

(a) Placements in private institutions shall not be made on a routine basis and shall only be approved by the Assistant Commissioner when the Assistant Commissioner determines that the following criteria have been met:

- 1.-3. (No change.)
- 4. Funding is available and authorized by the Assistant Commissioner.

(b) All requests for funding shall be made through the Assistant Director. If the Assistant Director supports the request, he or she shall forward the request to the Assistant Commissioner. If the Assistant Director does not support the request, he or she shall document the reasons for lack of his or her support in the client record. The individual may appeal this decision in accordance with N.J.A.C. 10:46B-5.1.

(c) The Assistant Commissioner shall communicate his or her decision to the Assistant Director in writing.

(d)-(f) (No change.)

SUBCHAPTER 5. APPEALS

10:46B-5.1 Placement appeals

- (a)-(c) (No change.)
- (d) Except in emergencies, the appellant may request the Assistant Commissioner defer the placement of an individual pending resolution of an administrative appeal when the following circumstances apply:
 - 1. (No change.)
 - 2. If the Assistant Commissioner agrees to defer the placement, the Division shall not be responsible to maintain the status quo unless the Division was funding the placement prior to the request to defer.

(a)

**DIVISION OF FAMILY DEVELOPMENT
Provisional Housing - Awaiting SSI/SSDI Eligibility
(PHASE) Pilot Program**

**Adopted Repeals: N.J.A.C. 10:90-6.9 and 6.10
Adopted New Rule: N.J.A.C. 10:90-6.9**

Proposed: March 6, 2017, at 49 N.J.R. 399(a).
Adopted: October 30, 2017, by Elizabeth Connolly, Acting Commissioner, Department of Human Services.
Filed: November 20, 2017, as R.2017 d.242, , **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 30:1-12, and 44:10-53.
Effective Date: December 18, 2017.
Expiration Date: January 24, 2021.

Summary of Public Comment and Agency Response:

The following is a summary of the comments received and the Division’s responses. Each commenter is identified at the end of the comment by number that corresponds to the following list:

1. Jean Public
2. Charles J. Gillon, Director, Union County Division of Social Services
3. Christine Hellyer, Division Head, Hunterdon County Division of Social Services
4. Meredith Sheehan, Asst. Admin. Supervisor of Social Work, Ocean County Board of Social Services
5. Stuart Weiner, Managing Attorney, Community Health Law Project
6. Melville D. Miller, Jr., President and General Counsel, Legal Services of New Jersey

COMMENT: A commenter stated that consideration should be given to requesting a second party medical review or the ability to request documentation from a specialist in efforts to support a general doctor's diagnosis of a recipient having a medical condition to prevent misuse of the Provisional Housing - Awaiting SSI/SSDI Eligibility (PHASE) pilot. The commenter also recommends the Division put a provision in the regulations that requires the recipient be receiving current treatment for their ailments. (3)

RESPONSE: The Division shares the commenter's concern regarding minimizing program misuse; however, the Division believes that the requirement to retain an attorney will ensure that the application for SSI/SSDI and the underlying condition have merit, and alleviate the need for a second party medical review.

COMMENT: A commenter sought clarification on whether or not a recipient's eligibility is three full years after he or she applies for the PHASE pilot or only from the time the recipient applies to the time in which the program expires. (4)

RESPONSE: The PHASE pilot will be in place until December 18, 2020, 36 months from the effective date of the rule. At the end of that 36 months, PHASE will cease to exist and no PHASE assistance will be provided after that date. The Division will make a determination of a recipient's eligibility for other services and programs upon the expiration of the PHASE pilot.

COMMENT: A commenter recommended that prioritization for services from the PHASE pilot be given to disabled American citizens. The commenter also believes the Division should put measures in place to ensure that all individuals benefiting from the PHASE pilot have proven they are citizens by providing a Social Security number. (1)

RESPONSE: The PHASE pilot is specifically geared towards individuals with disabilities within New Jersey. The Division provides its services to all individuals and families that meet the eligibility requirements. A Social Security number is collected when required by law.

COMMENT: A commenter requested clarity on whether or not a recipient would be eligible for the PHASE pilot during a recipient's appeal of the loss of Section 8 and/or any other subsidized housing. (2)

RESPONSE: A recipient appealing his or her loss of Section 8 and/or another subsidized housing program would not be eligible for the PHASE pilot.

COMMENT: A commenter inquired about the Division of Family Development (DFD) creating a new "Release of Information" form that allows the county welfare agency (CWA)/municipal welfare agency (MWA) to obtain information on the status of the attorney-recipient relationship. The commenter would also like to know the procedure for notifying DFD that the recipient does not have legal representation. (2)

RESPONSE: The Division may or may not create a universal release form for use by the counties. There is no requirement in this proposed rule that the CWA/MWA notify DFD when a recipient does not have an attorney. Maintaining legal counsel is a program requirement; therefore, the agencies should act accordingly. Any special notification requirements would be communicated through a DFD Instruction or other method of communication as appropriate.

COMMENT: A commenter seeks clarity on what information on the caregiver's status form (WFNJ 5S-DEP) would prompt the CWA/MWA or DFD to require corroborating information to confirm that a certain caregiver is the only person who can provide care to the disabled adult or child and what corroborating information could be used. (2)

RESPONSE: This proposed rule provides flexibility where there is an indication that an alleged caregiver is not actually providing full-time

care to the PHASE applicant or recipient. There are a variety of situations that may trigger the need for additional corroboration and a variety of ways that a client can corroborate. The agency is to use discretion in recognizing those facts and request appropriate additional information as needed.

COMMENT: Three commenters express concern about the CWA/MWA or DFD retaining discretion, where good cause exists, to terminate eligibility to the PHASE program when a recipient's Social Security Income/Social Security Disability Income (SSI/SSDI) application and/or appeals have been denied or withdrawn due to the complexity of these types of cases. (2, 5, and 6)

RESPONSE: The Division's intent is to ensure that services through the PHASE pilot program are provided to individuals with SSI/SSDI disabilities in need of assistance. The expectation is that the recipient pursues the application diligently, through counsel. The Division will provide guidance to guard against any potential abuse of discretion.

COMMENT: A commenter wanted to know if a recipient will be responsible to pay the required 30 percent portion of his or her housing cost during the three-month transition period after the recipient has been awarded SSI/SSDI. (2)

RESPONSE: The recipient will be required to pay the 30 percent of their housing cost during the three-month transition period in order to maintain housing.

COMMENT: A commenter advises DFD to include language referencing DFD Instruction 05-6-1, "Providing Services to People with Disabilities" to ensure the PHASE pilot is administered in compliance with the Americans with Disabilities Act (ADA) of 1990 and Rehabilitation Act of 1973. (5)

RESPONSE: The nondiscrimination provisions currently in effect at N.J.A.C. 10:90-1.7(g), specifically mention the ADA, the Rehabilitation Act, and other State law and govern all aspects of the Work First New Jersey (WFNJ) Program; therefore, those nondiscrimination provisions cover this proposed pilot.

COMMENT: A commenter advocated for DFD to extend the PHASE pilot program beyond 36 months if a recipient has not received a final decision regarding his or her SSI/SSDI claim. (5)

RESPONSE: Pursuant to N.J.S.A. 44:10-53, the Commissioner's pilot programs must be limited to three years. The PHASE pilot will be in place until December 18, 2010, 36 months from the effective date of the rule. At the end of those 36 months, PHASE will cease to exist. The Division will make a determination of a recipient's eligibility for other services and programs upon the expiration of PHASE pilot.

COMMENT: Two commenters request that DFD extend the PHASE pilot program beyond three months upon the award of a recipient's SSI/SSDI claim to give the recipient additional time to transition to self-sufficiency. (5 and 6)

RESPONSE: The Division appreciates the commenters' input. The Division will provide additional guidance to the CWAs/MWAs to clarify the appropriate benefit commencement dates in the Social Security Administration Notice of Award.

COMMENT: Two commenters request the Division consider providing temporary rental assistance (TRA) for recipients participating in the PHASE pilot without regard to fair market rental (FMR) rates and exclude the cost of utilities. (5 and 6)

RESPONSE: The Division thanks the commenters for their input. CWAs/MWAs will remain barred from approving TRA above FMR; however, DFD's authority to approve emergency assistance (EA) above the fair market rent as provided in N.J.A.C. 10:90-6.3(a)7i continues to exist for this pilot program.

COMMENT: Two commenters recommend that the 60-day limit for payment on behalf of a recipient to stay in a hotel, motel, or shelter be flexible, especially if there is a lack of sufficient appropriate and affordable housing in the community. (5 and 6)

RESPONSE: The Division considers hotel, motel, and shelter placements as a last resort for recipients. The CWAs/MWAs are committed to working with recipients to find more suitable permanent housing.

COMMENT: A commenter recommends providing recipients with 60 days to obtain legal representation or 60 days to retain new legal representation. Additionally, the commenter suggests clients only be

required to execute releases for the CWA/MWA to confirm representation, confirm an award of SSI/SSDI, and the state of the application prior to award or denial. (6)

RESPONSE: The Division understands the commenter's concern. The time frame to obtain counsel may vary based on a household's particular circumstances or the county where the household resides; therefore, the Division will provide additional guidance to CWAs/MWAs regarding the time that a client will be allowed to retain new or replacement counsel.

COMMENT: The commenters suggest that a provision for "good cause" exceptions be added to the requirement for recipients to accept a permanent housing arrangement outside of their current county/community. This exception would be only in circumstances when it is necessary, when it is accessible and affordable within the anticipated SSI/SSDI benefit amount and other resources. This exception would allow individuals with disabilities to maintain irreplaceable relationships with programs, medical providers, and relatives etc., that is in the least restrictive environment. (5 and 6)

RESPONSE: The CWA/MWA and DFD will work with each recipient to secure affordable housing in any geographic area, while still considering the specific needs or barriers faced by a recipient. As a reminder, under traditional EA regulations at N.J.A.C. 10:90-6.3(g), good cause provisions exist for individuals with additional barriers.

COMMENT: Two commenters propose the elimination of using "credible documentary evidence" that suggest that the recipient failed to abide by program rules when determining a recipient ineligible for the PHASE pilot based upon two factors: the recipient's functional incapacity and the recipient's appointed representative being ineffective in his or her representation. (5 and 6)

RESPONSE: The Division's intent is to ensure that services through the PHASE pilot program are provided to individuals with disabilities in need of assistance. The expectation is that the recipient pursues the application diligently, through counsel. As a reminder, under traditional EA regulations at N.J.A.C. 10:90-6.3(g), good cause provisions exist for individuals with additional barriers.

COMMENT: A commenter requested that the PHASE pilot be extended to all recipients whose EA benefits have been exhausted as opposed to just those recipients who are awaiting a SSI/SSDI award. (6)

RESPONSE: The PHASE pilot is geared towards individuals with disabilities. The Division provides various other services to families and individuals without disabilities to help them achieve self-sufficiency and will consider other pilot programs and initiatives.

COMMENT: A commenter expressed concern about a recipient being ineligible for the PHASE pilot if he or she resides in a household that contains an employable adult if the employable adult may be a reasonable accommodation for the disabled person or the removal of the employable adult will result in a family separation. (6)

RESPONSE: An adult family member who has been deemed unable to work because he or she cares for a recipient with a disability full-time as evidenced by a WFNJ 5S-DEP is not a cause for ineligibility of assistance through the PHASE pilot program because the caregiver is considered unemployable pursuant to N.J.A.C. 10:90-4.10(a)10.

COMMENT: A commenter suggests that a recipient receive 36 months of assistance through the PHASE pilot without regard to discovery of the recipient not fully exhausting all of his or her EA benefits and applicable extensions. (6)

RESPONSE: The Division thanks the commenter for his feedback. However, the purpose of the PHASE pilot is to assist recipients that have exhausted all EA benefits. The assistance unit must fully exhaust all EA benefits before it is eligible to receive assistance through the PHASE pilot.

COMMENT: A commenter does not agree with deeming a recipient ineligible for the PHASE pilot if the recipient lost Section 8 or some other subsidized housing due to non-compliance with Section 8 or some other housing rules and regulations. (6)

RESPONSE: Consistent with traditional EA rules, a client who has lost Section 8 or any other subsidized housing due to non-compliance will not be eligible for the PHASE program.

COMMENT: A commenter does not support a recipient being deemed ineligible for the PHASE pilot if the recipient caused his or her

own homelessness, particularly if the recipient's disability or barriers were a factor that contributed to the homelessness. (6)

RESPONSE: The Division requires recipients to cooperate with program rules that are necessary to maintain eligibility, especially situations in which a person has caused his or her homelessness. As a reminder, under traditional EA rules at N.J.A.C. 10:90-6.3(g), good cause provisions exist for individuals with additional barriers.

Federal Standard Statement

The Division has reviewed the applicable Federal laws and regulations and that review indicates that the adopted new rules do not exceed Federal standards. Therefore, a Federal standards analysis is not required.

Full text of the adopted new rule follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

10:90-6.9 Provisional Housing — Awaiting Supplemental Security Income/Social Security/Disability Insurance (SSI/SSDI) Eligibility (PHASE) Pilot Program

(a) The PHASE pilot is established pursuant to N.J.S.A. 44:10-53, wherein the Commissioner of the Department of Human Services is authorized to waive, for a period not to exceed three years, compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent that the Commissioner deems it necessary to conduct an experimental pilot that is likely to help promote the objectives of the WFNJ program, which are client empowerment and self-sufficiency.

1. Eligibility for PHASE shall be no more than 36 months and is limited to WFNJ General Assistance (GA) or Temporary Assistance for Needy Families (TANF) assistance units that are otherwise eligible for emergency assistance (EA) pursuant to this subchapter. To be eligible, the assistance unit shall:

i. Contain an adult member who is permanently disabled, as evidenced by presenting and maintaining a current WFNJ Med 1, indicating a medical condition expected to last 12 months, or contain adult or child members who are disabled and are being cared for by another member of the assistance unit full time, such that the caregiver is unable to work as evidenced by a WFNJ 5S-DEP, indicating a condition expected to last 12 months. The physician's signature on the WFNJ 5S-DEP shall constitute proof of the disability; however, the caregiver's status as the only person who can provide the care shall require additional corroboration, if deemed necessary by the agency or DFD;

ii. Have exhausted its applicable EA benefits pursuant to the time limits provided in N.J.S.A. 44:10-51 and N.J.A.C. 10:90-6.4;

iii. Remain in imminent danger of homelessness; and

iv. Have applications or appeals pending for SSI or SSDI for all disabled members of the assistance unit.

2. A client must exhaust the traditional EA time limit and hardship extensions prior to being enrolled in PHASE. If it is later discovered that an assistance unit was somehow determined eligible for PHASE prior to exhausting the traditional EA time and extensions, the unit's remaining EA time will be reduced immediately to reflect each month that the recipient received assistance through PHASE. When the traditional EA time is fully exhausted, then all subsequent months of EA shall count against the PHASE clock.

3. PHASE recipients who remain otherwise eligible for EA, may continue to receive PHASE assistance for a period of up to three full months from the date of the SSI or SSDI awards. The three-month transition period shall start in the month after the date on the Notice of Award. WFNJ cash assistance eligibility is not a factor that will prevent the assistance unit from receiving the three months of transitional assistance, unless WFNJ eligibility was terminated for a reason other than the increased income from the SSI or SSDI award.

4. Temporary housing assistance benefit payments made under this section may include security deposits, rent, mortgage, moving expenses, and utilities for living arrangements. Additional payments may be authorized for emergency food and clothing as provided for under the traditional EA program rules.

5. Payment of retroactive rent, mortgage, and utilities is permitted as guided by N.J.A.C. 10:90-6.3(a)5. Payment of retroactive rent,

mortgage, or utilities is limited to a maximum of three months, unless additional time is approved by the DFD after a written request by the county welfare agency (CWA) or municipal welfare agency (MWA).

6. Rental units must be at or below the fair market rent for the area in which the housing is situated.

7. Payments authorized for recipients to stay in a hotel, motel, or shelter living arrangements are limited to 60 cumulative days during a recipient's lifetime on PHASE.

(b) Continued eligibility for the PHASE program shall be contingent upon the following:

1. Recipients are required to retain and keep legal representation for the duration of his or her SSI or SSDI application or the appeal process. If not already represented by counsel, recipients will be referred to a pre-paid legal services agency contracted by the Department that will assess the merits of the application or appeal and, if appropriate, will represent the recipient throughout the process. In the alternative, the recipient can retain a private attorney, as selected by and paid for by the recipient.

2. Recipients shall execute any releases necessary to allow the CWA/MWA to obtain information confirming the status of the attorney-client relationship, the reason(s) for the dissolution of the relationship, or the reason(s) they were unable to utilize the contracted legal services agency. DFD retains the discretion to continue eligibility despite the lack of legal representation.

3. Recipients shall contribute 30 percent of the total household income towards their housing costs throughout their time on PHASE. While receiving WFNJ cash assistance, the recipients shall agree to a mandatory vendor-restricted payment, directly from the CWA/MWA to the landlord, from the WFNJ grant.

4. PHASE recipients shall comply with an EA service plan, which includes, among other things, the requirement that the recipient search for, apply for, and agree to accept permanent housing arrangements that will be accessible and affordable with the anticipated SSI/SSDI benefit amount and other available resources, including shared living arrangements and/or housing arrangements outside of the recipients' current county of residence. The EA service plan shall be reviewed and updated by the CWA/MWA, as appropriate, but at least every three months.

5. When recipients' current monthly housing costs exceed the anticipated SSI or SSDI benefit amount, PHASE recipients shall continue to explore more affordable housing arrangements that they discover or that are suggested by the CWA/MWA. The recipient shall accept such an affordable housing arrangement, unless there is good cause to reject. Among other things, a desire to remain in one's present community, aversion to living with a roommate, or aversion to living in another type of shared living arrangement shall not alone form the basis of good cause to reject an affordable housing arrangement.

(c) In concurrence with, or in addition to, the factors set forth in N.J.A.C. 10:90-6.1, the following recipients, when otherwise eligible for EA, shall not be eligible for the PHASE program or will lose eligibility, unless they can demonstrate good cause for their actions or inactions, as appropriate:

1. Credible documentary evidence suggests that the unit failed to abide by SSI/SSDI application or appeals deadlines and other basic steps that the recipient was required to meet in the application or appeals process. Among other things, evidence that a case was closed due to missed appointments or evidence that a case is stagnant due to a failure by the recipient to provide documents, could be examples of the failures under this subsection. Upon request, a recipient shall obtain from the Social Security Administration (SSA) documents that confirm the nature of any delays in the application or the appeals process and provide those documents to the CWA/MWA or DFD or sign a consent allowing the CWA/MWA or DFD to obtain such documents from the SSA;

2. The Appeals Council of the SSA has refused to review the recipient's SSI/SSDI decision or has affirmed the denial of the application. The CWA/MWA or DFD retains the discretion, where good cause exists, to terminate eligibility to the PHASE program when a recipient is making a subsequent application for SSI/SSDI, after an earlier application was withdrawn or denied, or terminate eligibility to the PHASE program, when a recipient is making a subsequent appeal at the same level, after the initial appeal was withdrawn or the initial decision was affirmed. Factors that the CWA/MWA should consider

prior to rendering a recipient ineligible under this subsection include, but are not limited to, the reasons for the denials or withdrawals, the number of denials or withdrawals, and the circumstances presented as the basis for a new application to the SSA. At no time shall a recipient be allowed to apply more than two times or appeal at the same level more than two times and remain eligible for PHASE;

3. The recipient lost Section 8 or other subsidized housing due to non-compliance with Section 8 or other subsidized housing rules and regulations;

4. The household contains an employable adult;

5. The recipient previously incurred a six-month EA penalty due to non-compliance, including non-compliance with the EA service plan, within the 12-month period prior to applying for PHASE; and/or

6. An adult in the assistance unit has caused his or her own homelessness.

(d) A circumstance not addressed by this section shall continue to be governed by existing EA rules when those rules are relevant and not in conflict with this section.

(e) The PHASE program will expire on *[(three years from the effective date of this section)]* **December 18, 2020***. Applications will be accepted up to *[(one month prior to the expiration date)]* **November 18, 2020***. Applications that are submitted through *[(one month prior to the expiration date)]* **November 18, 2020*** shall be considered for the program and if determined eligible shall receive assistance. Assistance units deemed eligible for the PHASE pilot prior to *[(the expiration date)]* **December 18, 2020*** will continue to receive assistance through the month the program expires, as long as they remain otherwise eligible for EA and continue to comply with the additional PHASE program criteria.

(a)

DIVISION OF DISABILITY SERVICES

Personal Preference Program

Adopted New Rules: N.J.A.C. 10:142

Proposed: August 21, 2017, at 49 N.J.R. 2715(a).

Adopted: November 3, 2017, by Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Filed: November 15, 2017, as R.2017 d.232, **with non-substantial changes** not requiring additional public notice and opportunity for comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 30:6E-1 and the 1115 Comprehensive Medicaid Waiver Section 1915(j).

Effective Date: December 18, 2017.

Expiration Date: December 18, 2024.

Summary of Public Comments and Agency Responses:

There were 68 comments received from 10 commenters:

1. Gail Frizzell
2. Dinah Fox
3. Dawn Miller
4. Lisa Weinstein
5. Stuart Weiner, Community Health Law Project
6. Susan Sidel, Esq., Disability Rights New Jersey
7. Thomas Baffuto, The Arc of New Jersey
8. Anonymous
9. Diana MTK Autin and Lauren Agoratus, Statewide Parent Advocacy Network
10. Beth Barnhard, Esq., National Academy of Elder Law Attorneys-NJ Chapter

1. COMMENT: The Division received several comments directly related to the performance of the Vendor Fiscal Employer Agent for the Personal Preference Program ("Program" or "PPP").

RESPONSE: The Division of Disability Services ("Division" or "DDD") thanks all commenters for their input and feedback. While all remarks are important and the feedback will be shared with the appropriate parties, such comments are not germane to the rules or this rulemaking and are, therefore, beyond the scope of this rulemaking.