ASSEMBLY, No. 4943

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 21, 2024

Sponsored by:
Assemblywoman SHANIQUE SPEIGHT
District 29 (Essex and Hudson)
Assemblywoman CLEOPATRA G. TUCKER
District 28 (Essex and Union)

SYNOPSIS

Mandates certain licensed mental health professionals are qualified to provide behavioral health care supports through home and community-based services program administered by Division of Developmental Disabilities.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 11/14/2024)

AN ACT concerning home and community care programs and supplementing Title 45 of the Revised Statutes.

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

1. The Legislature finds and declares the following:

a. In 2014, the federal Centers for Medicare and Medicaid Services (CMS) issued the Home and Community Based Services Setting Rules to ensure that home and community based services programs establish minimum service standards for choice, integration, access to community living, autonomy, and other protections. As result of the rules, the Division of Developmental Disabilities in the Department of Human Services uses a person-centered approach to listen, discover, and understand the needs of each person receiving services and supports through the program.

b. In waiver agreements established between the State of New Jersey and the CMS, the most recent definition of the qualifications for the provision of behavioral supports through the home and community-based services program is to be determined by the division and the service provider is Medicaid approved.

c. The home and community based services program administered by the Division of the Children's System of Care in the Department of Children and Family requires behavioral support plans for children and youth with co-occurring intellectual and developmental disabilities and mental health diagnosis to be created, evaluated, and supervised by child and adolescent psychiatrists, clinical psychologists, psychiatric advanced practice nurses, clinical social workers, or board certified behavioral analysts.

d. However, the home and community based services program administered by the Division of Developmental Disabilities requires the mental health professionals who provide behavioral supports through the program to also be supervised by a doctoral-level board certified behavioral analyst.

e. In light of recent anecdotal reports by behavioral health care service provider agencies that highlight the difficulty of hiring board certified behavioral analysts and research showing that the mental health needs of individuals with developmental disabilities often go unaddressed, the division's policy to require doctoral-level board certified behavioral analysts to supervise mental health professionals providing behavioral supports may make it more difficult to provide behavioral health supports to individuals with developmental disabilities.

f. Therefore, it is in the best interest of the State to require that all licensed mental health professionals for which the provision of behavioral supports is included in their scope of practice be considered to have met the qualifications to provide such supports

without supervision by a doctoral-level board certified behavioral analyst in home and community-based services program administered by the Division of Developmental Disabilities.

2. Notwithstanding any law, rule, or regulation to the contrary, a licensed mental health professional for which the provision of behavioral supports is included in their scope of practice shall be considered to have met the qualifications to provide such supports to individuals with developmental disabilities through the home and community-based services program administered by the Division of Developmental Disabilities in the Department of Human Services.

3. This act shall take effect immediately.

STATEMENT

This bill mandates that a licensed mental health professional for which the provision of behavioral supports is included in their scope of practice be considered to have met the qualifications to provide such supports to individuals with developmental disabilities through the home and community-based services program administered by the Division of Developmental Disabilities in the Department of Human Services.