

LEGAL NOTICE

STATE OF NEW JERSEY DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Behavioral Health Program Service Standards

TAKE NOTICE that the Department of Human Services, Division of Medical Assistance and Health Services (DMAHS) intends to seek approval from the United States Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS), for any necessary amendments to the New Jersey Medicaid (Title XIX) State Plan and Alternative Benefit Plan (ABP) in order to align with new regulations effective April 6, 2026, at N.J.A.C. 10:36 (Behavioral Health Program Service Standards) and N.J.A.C. 8:43K (Manual of Standards for Licensure of Outpatient and Integrated Care Facilities). This state plan amendment is expected to be budget neutral because any changes required of the state plan to align with the regulations are not expected to result in any increased costs.

The fee schedule for Behavioral Health Program Services will be published on the Department's fiscal agent's website at <https://www.njmms.com> under "rate and code information" when available.

By way of background, in 2017, New Jersey enacted the "Single License Law" (P.L. 2017, c.107; N.J.S.A. 26:2H-5.1g et seq.), which requires that the New Jersey Department of Health ("DOH") establish a "single license" to promote the integration of primary and behavioral healthcare by simplifying the licensing process, and removing the need to secure a primary care license from DOH and a behavioral health license from the New Jersey Department of Human Services (DHS). In response to the Single License Law, there were reorganizations between DOH and DHS intended to create the infrastructure to support implementation of the Single License Law. Consistent with the Single License Law and Reorganization Plan 001-2018, DOH and DHS/DMHAS created companion regulations with the goal of promoting a system of integrated care: DOH adopted N.J.A.C. 8:43K, Manual of Standards for Licensure of Outpatient

and Integrated Care Facilities, and DHS/DMHAS adopted N.J.A.C. 10:36, Behavioral Health Program Service Standards. N.J.A.C. 8:43K sets forth facility and clinical standards for the licensure of several service categories (e.g., primary care, behavioral health care, mental health, OTP, SUD services), and allows for the licensure of services in combination under a single license. N.J.A.C. 10:36 sets forth behavioral health program service and clinical standards that apply to the provision of behavioral health services (e.g., outpatient mental health service standards; outpatient addictive disorder service standards; addictive disorder intensive outpatient service standards; mental health partial care service standards; addictive disorder partial care standards; and opioid treatment program service standards) in outpatient facilities licensed by DOH under N.J.A.C. 8:43K.

The ABP was established in accordance with the Patient Protection and Affordable Care Act (ACA) when New Jersey expanded Medicaid effective January 1, 2014 to parents, caretaker relatives, and childless adults with income up to and including 133% of the federal poverty level. The ACA requires the establishment of an Alternative Benefit package for the Medicaid Expansion populations. The ABP must cover 10 Essential Health Benefits as described in section 1302(b) of the ACA and the State assures that there will be full access to Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services for people under 21 years of age. A list of services can be found on the DHS website at the site listed below. This Notice is intended to satisfy the requirements of Federal law and regulations, specifically 42 C.F.R. 440.386, 42 CFR 447.205, and 42 U.S.C. 1396a(a)(13). A copy of this Notice is available for public review at the Medical Assistance Customer Centers, County Welfare Agencies, and the Department's website at:

<https://www.nj.gov/humanservices/notices/grants/public-notices/>

Comments or inquiries must be submitted in writing within 30 days of the date of this notice to:

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