

NEW JERSEY



REGISTER

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RULE PROPOSALS

BANKING

(a)

DIVISION OF CONSUMER COMPLAINTS LEGAL AND ECONOMIC RESEARCH

Procedural Rules

State Chartered Savings and Loan Associations: Limited Facility Branch Office

Proposed Amendment: N.J.A.C. 3:1-2.20

Authorized By: Angelo R. Bianchi, Commissioner, Department of Banking.

Authority: N.J.S.A. 17:12B-24(4) and 17:1-8.1.

The agency proposal follows:

Summary

The Legislature in N.J.S.A. 17:12B-24B(4) has given the Commissioner of Banking the power to set limits on State associations' powers to operate limited facility branch offices. The proposed regulations will accomplish this goal by limiting the size and number of teller stations of such facilities.

Social Impact

Adoption of this regulation will provide State-chartered associations with the opportunity to provide the public with additional, convenient services in keeping with the spirit and intent of the statute. It will further provide them with the opportunity to offer additional services which will aid them in serving the public and at the same time provide them with the ability to generate increased deposits.

Economic Impact

The adoption of this regulation will provide service to the public in areas where it would be practical for institutions to provide services in inexpensive, convenient facilities. The oversight of limited facility branch offices will ensure that such facilities are economically feasible.

Full text of the proposal follows (additions indicated in bold face thus; deletions indicated in brackets [thus]).

3:1-2.20 [Sharing limited facility branch offices; notice; fee] Limited facility branch office

(a) Applications for limited facility branch offices will be subject to the following provisions and any other conditions, requirements and limitations the Commissioner of Banking may specify in a particular case:

1. A limited facility branch office shall not occupy more than 500 square feet of floor space, unless upon good cause shown this space limitation is waived by the Commissioner.

i. The applicant shall have the burden of establishing that 500 or less square feet will be used;

ii. Occupied space shall not include outside facilities such as drive-up or walk-up windows, apparatus or space; common entrance ways or areas which are shared with one or more other business entities; or restroom facilities.

2. The limited facility branch office shall not provide more than four manned teller stations.

3. The Commissioner will consider the following factors to determine whether the needs and convenience of the public is being served to advantage:

i. Number and type of personnel to be used;

ii. Amount of capital investment in the proposed office;

iii. Physical size and characteristics of the proposed office;

iv. Type of activities proposed by the applicant;

v. Total number of banking hours and banking days;

vi. Any other factors the Commissioner determines to be relevant and material.

(b) Applications for the removal of limitations imposed upon a limited facility branch office shall include the following:

1. A completed current application form;

2. The required application filing fee;

3. A certified copy of the resolution authorizing the application;

4. A copy of the facility's indicia of title as defined in N.J.A.C. 3:1-2.1(a)(4);

5. A pro forma profit and loss statement which shall project the net income or loss of the savings and loan association for a

NEW JERSEY REGISTER

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period of three years and shall indicate the anticipated breakeven date; and

6. Any and all other documentation, including feasibility reports, the applicant wishes the Department to consider.

(c) Applications which do not include all of the above information will not be accepted for filing.

(d) The provisions of this section shall not apply to limited facility branch offices approved or accepted prior to the effective date of this amendment.

(e) Sharing limited facility branch office.

[(a)] 1. (No change in text.)

[1.-4.] i.-iv. (No change in text.)

[(b)-(c)] 2.-3. (No change in text.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Adrenee G. Freeman, Deputy Commissioner
Department of Banking
Division of Banking
CN 040
Trenton, NJ 08625

The Department of Banking thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-280.

(a)

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Mortgage Loans

Variable Rate Mortgage

Proposed Repeal: N.J.A.C. 3:27-6

Authorized By: Angelo R. Bianchi, Commissioner, Department of Banking.

Authority: N.J.S.A. 17:12B-152 and 17:1-8.1.

The agency proposal follows:

Summary

Regulations of the Federal Home Loan Bank Board for Adjustable Rate Mortgages, 12 C.F.R. 545, adequately cover the subject matter of this regulation proposed for repeal. State chartered savings and loan associations are empowered to make the same investments as federal savings and loan associations and are subject to the rules of the Federal Home Loan Bank Board. See N.J.S.A. 17:12B-48(21) and N.J.A.C. 3:27-4.2. Consequently, the Department of Banking regulation on variable rate mortgages is unnecessary.

Social Impact

This repeal will in no way affect the availability of variable rate mortgage loans, therefore it should have no social impact.

Economic Impact

The repeal of this regulation should result in a savings of administration costs to State chartered savings and loan associations since they will no longer have to submit variable rate mortgage plans to the Department. Similarly, the Department of Banking should realize a savings in staff time, since it will no longer have to review these plans.

Full text of the proposal follows (additions indicated in bold face thus; deletions indicated in brackets [thus]).

SUBCHAPTER 6. [VARIABLE INTEREST RATE MORTGAGE LOANS] (RESERVED)

[3:27-6.1 General provisions

(a) No State-chartered savings and loan association may offer a variable interest rate mortgage under the Savings and Loan Act of 1963 until and unless they have forwarded to the Commissioner of Banking, for approval, the plan they desire to use in the issuance of same.

(b) No variable interest rate mortgage loan may be written for a maximum term to exceed a period of 40 years and it may not require a maximum amount of interest chargeable to exceed the applicable usury ceiling in effect at the time the loan, written contract or commitment for such loan was made.

(c) All variable interest rate mortgage loan plans approved by the commissioner will be available for the use and guidance of all State-chartered savings and loan associations.]

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William B. Lewis
Deputy Commissioner
Division of Savings and Loan Associations
Department of Banking
PO Box CN 040
Trenton, NJ 08625

The Department of Banking thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-281.

CIVIL SERVICE

(b)

CIVIL SERVICE COMMISSION

Awarding Back Pay

Determining Back Pay Awards

Proposed Repeal: CSPM (State) 7-3.110

Proposed New Rule: N.J.A.C. 4:1-5.17

Authorized By: Civil Service Commission, S. Howard Woodson, Jr., President.

Authority: N.J.S.A. 11:15-6 and 11:5-1.

The agency proposal follows:

Summary

CSPM (State) 7-3.110, proposed for repeal, delineates the information to be submitted to the Department of Civil Service for the consideration of back pay awards. The proposed new rule, N.J.A.C. 4:1-5.17, states that the appointing authority has the primary responsibility for determining a back pay award. If the parties cannot agree on the amount of the award, either or both may request that the Civil Service Commission determine the amount of the award.

N.J.A.C. 4:1-5.17, subsections (b) through (h), itemizes the factors that the appointing authority shall consider when

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calculating back pay. They include the information delineated in CSPM (State) 7-3.110 and expand the considerations to reflect current case law stating that overtime pay, vacation days, holidays, administrative leave or any other leave dependent upon service in employment shall not be included in back pay awards.

Social Impact

This codification of regulation and case law will inform all employees of their rights concerning back pay awards. As such it will add to the employees' body of knowledge enabling them to act in an informed manner.

Economic Impact

Since this new rule is informational and simply a codification of existing regulations and case law, it has no economic impact.

Full text of the proposed repeal and new rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

4:1-5.17 Awarding back pay

(a) **The Civil Service Commission may consider back pay awards for persons who have been improperly suspended, removed, laid off, demoted or fined and are restored to employment by order of the Commission.**

(b) **Unless otherwise ordered, an award of back pay shall be calculated from the effective date of the appointing authority's improper action to the date of the employee's actual reinstatement to the payroll.**

(c) **An award of back pay shall include but not be limited to unpaid salary, including salary and cost of living increments, that the employee would have received if not disciplined.**

(d) **The award of back pay may be reduced by the amount of taxes, social security payments, dues, pension payments, and any other sums normally withheld by the appointing authority.**

(e) **The award of back pay shall be reduced by the amount of money which was actually earned or could have been earned during the separation.**

1. **If an employee held two jobs at the time of the disciplinary action, the back pay award shall be reduced only by the increase in income resulting from the additional amount of work time available to him/her as a result of the disciplinary action.**

2. **Compensation that must be repaid shall not be considered when calculating back pay.**

(f) **An award of back pay shall not include overtime pay, interest, overlap shift time, vacation time, holiday time, administrative leave or any other leave dependent upon service in employment.**

(g) **Back pay awards shall, if possible, be settled between the parties. If agreement cannot be reached, either party may request that the Civil Service Commission determine the amount of the award. Such request shall be in writing and include the following:**

1. **The appointing authority shall submit the salary the employee was earning at the time of the disciplinary action plus across the board adjustments and increments that the employee would have received during the time of the disciplinary action.**

2. **The employee shall submit an affidavit delineating all income received during the separation except as excluded in (e) above.**

[Subpart 7-3.110 Back Pay For Employees Reinstated Subsequent to Adjudication or Settlement

7-3.110a Subject:

This subpart shall state the procedure for filing and processing requests for back pay in conformance with Court or Civil Service Commission orders or because of the appointing authority's determination and directive.

7-3.110b Procedure:

In cases involving the payment of back pay, the following information must be submitted to the Department of Civil Service:

- (1) a final copy of the disciplinary action from CS-31B,
- (2) a form CS-21 requesting reinstatement and indicating the salary rate or rates for the pertinent periods,
- (3) an affidavit from the parties involved:
 - a. enumerating all income during the period for consideration in mitigation; and/or
 - b. stating that certain income (such as welfare payments) must be repaid and has not been considered in mitigation; or
 - c. stating that there was no income during the period,
- (4) a statement clearly identifying the amount due the employee,
- (5) any other documentation required by the Court or Commission order.

7-3.110c Limitations:

The Department of Civil Service will accept responsibility for the legality of a Commission or Court order, but not for any determination by an appointing authority.

In every case, the Department of Civil Service action will verify the accuracy of the salary for the period indicated, but will not pass upon the earnings declared for purposes of mitigation.

The Department of Civil Service action will state: "In recognition of the reinstatement by the appoint authority, the Department of Civil Service approves the salary for the period indicated subject to the mitigation as documented in the attached."

Wherever warranted, The Department of Civil Service will investigate the particulars.]

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative
Practices and Labor Relations
CN 312
Trenton, New Jersey 08625

The Civil Service Commission thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-266.

(a)

CIVIL SERVICE COMMISSION

**Time and Place of Examinations
Cancellation of Examinations**

Proposed Amendment: N.J.A.C. 4:1-8.11

Authorized By: Civil Service Commission.
Authority: N.J.S.A. 11:9-7, 11:23-8 and 11:5-1.

The agency proposal follows:

Summary

The present system of providing examination cancellation notices to all applicants is administratively burdensome and costly. Recently, due to the backlog of examinations over extended periods, more examinations are being cancelled. Due to the number of applicants, the individual notices of cancellation have numbered in the thousands during some workweeks.

This amendment provides that notice of cancellations be provided in an appropriate manner. The intention presently is to provide notice of cancellation in the Job Opportunities Bulletin for three consecutive months.

Social Impact

Since notice of cancellation is still being provided, albeit in a different manner, this amendment should have minimal social impact. Applicants who are awaiting the scheduling of an examination are traditionally readers of the Job Opportunities Bulletin.

Economic Impact

This amendment will result in decreased postal costs, e.g., \$180.00 will be saved for every 1,000 notices not sent. Additionally, this amendment will permit reallocation of staff time to more pressing matters. Savings will also be made in paper, printing, EDP time, etc.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

4:1-8.11 Time and place of examinations

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

(c) The administration of all or any part of an examination may be postponed or cancelled at anytime[,] for sufficient reason[.], [and] [n]Notice of such postponement or cancellation shall be [sent to the applicants] **provided** in [the most] **an** appropriate manner.

(d) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
Division of Administrative
Practices and Labor Relations
Department of Civil Service
CN 310
Trenton, New Jersey 08625

The Civil Service Commission thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-263.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING

**Uniform Construction Code
Premanufactured Construction**

**Proposed Amendments: N.J.A.C. 5:23-1.4,
2.8, 4.6, 4.8 and 4.10**

Proposed Repeal: N.J.A.C. 5:21

**Proposed New Rules: N.J.A.C. 5:23-3.9 and
4.10A**

Authorized By: Joseph A. LeFante, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

The agency proposal follows:

Summary

1. N.J.A.C. 5:21, the Uniform Standards Code for Mobile Homes, which has been superseded by the Federal Manufactured Housing Construction and Safety Standards Act of 1974, is repealed.

2. "Manufactured home" is defined in conformity with Federal law. "Premanufactured system" or "premanufac-

tured construction" is defined to make it clear that the term includes manufactured homes.

3. 5:23-2.8 is amended to make it clear that municipal fees are only to be charged for work related to premanufactured construction which is done at the site.

4. A manufactured home subcode, consisting of standards established in Part 3280 of Title 24 of the Code of Federal Regulations, is established to cover those types of structures and components, such as add-ons to manufactured homes, for which the manufactured home standards are most appropriate but which are excluded from Federal jurisdiction.

5. N.J.A.C. 5:23-4.6 is amended to clarify the licensing requirement for technical personnel. The in-plant agency is also required to make available a copy of each approved documentation and compliance assistance manual, with all amendments.

6. N.J.A.C. 5:23-4.8 is amended to provide that fees charged in connection with premanufactured construction be based upon cost rather than volume and that the insignia fees are increased from \$25.00 to \$100.00 per unit and from \$12.50 to \$50.00 per certified component. A fee of \$12.50 is established for each element or group of 25 or fewer elements.

7. N.J.A.C. 5:23-4.10 is amended to make clear the relationship between Federal and State regulation of manufactured homes. Provision is made for recognition of certifications by nationally-reorganized laboratories or licensed engineers. Certain technical changes are also made.

8. A new section, N.J.A.C. 5:23-4.10A, sets forth administrative procedures required by the U.S. Department of Housing and Urban Development as a precondition to full approval of the Department of Community Affairs as a State Administrative Agency authorized to enforce Federal manufactured home construction and safety standards. The procedures deal with the handling of consumer complaints, compliance by manufacturers, fees and administrative hearings for aggrieved persons.

Social Impact

The proposed changes will insure that the State regulatory system for premanufactured construction complements and does not conflict with the applicable Federal requirements. Elimination of confusion will allow purchasers of premanufactured construction to receive protection equivalent to that given to purchasers of other types of structures. Enacting the regulations necessary to allow the department to qualify as a State Administrative Agency in the Federal regulatory system will allow the department, which is already involved in the regulation of construction, to make sure that any defects in manufactured homes are promptly corrected.

Economic Impact

To the extent that these regulations encourage greater use of manufactured homes, there will be an increase in the supply of moderate-cost housing.

Full text of the chapter proposed for repeal concerning the Uniform Standards Code for Mobile Homes, appears in the New Jersey Administrative Code at N.J.A.C. 5:21. **Full text** of the proposed new rules and amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

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CHAPTER 21

[UNIFORM STANDARDS CODE FOR MOBILE HOMES] (RESERVED)

5:23-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

.....
 ["Mobile home"] **"Manufactured home"** means a structure, transportable in one or more sections, **which, in the traveling mode, is eight body feet or more in width, [and is 32] or 40 [or more] body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall also include any structure which meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer has voluntarily filed a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under 42 U.S.C. Section 5401 et seq.**

.....
"Premanufactured system" or "premanufactured construction" means an assembly of materials or products that is intended to comprise all or part of a building or structure, exclusive of a public school facility, and that is assembled off-site by a repetitive process under circumstances intended to insure uniformity of quality and material content. **The term shall include, but not be limited to, manufactured homes.**

5:23-2.8 Fees

(a)-(d) (No change.)

(e) **No fee shall be required for premanufactured construction, assembly or components transported to a construction site. A fee shall be required for work performed at the site, including, but not limited to, foundation systems, structural installations and external utility connections.**

5:23-3.9 Manufactured home subcode

(a) Pursuant to authority of P.L. 1975, c.217, as amended, the commissioner hereby adopts the Federal Manufactured Home Construction and Safety Standards, as set forth in Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, as the manufactured home subcode for New Jersey.

1. Copies of the volume of the Code of Federal Regulations containing Part 3280 of Title 24 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20420.

2. Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, may be known and cited as the manufactured home subcode.

(b) The following sections of Subpart A of Part 3280 are deemed to be administrative in nature and are therefore excluded from the manufactured home subcode:

1. Section 3280.1, entitled "Scope";
2. Section 3280.5, entitled "Data plate";
3. Section 3280.6, entitled "Serial number";
4. Section 3280.7, entitled "Modular homes"; and
5. Section 3280.8, entitled "Certification label".

(c) Any manufactured home construction or safety issue not covered under the manufactured home subcode which is, however, covered under another subcode adopted pursuant to this subchapter shall be determined in accordance with such other subcode.

(d) **The adoption of a manufactured home subcode shall not be construed as in any way limiting the power or duty of the Department of Community Affairs to enforce and comply with all applicable provisions of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and the regulations promulgated pursuant thereto, including all subsequent revisions and amendments thereto, when authorized to do so by the Secretary of the United States Department of Housing and Urban Development.**

5:23-4.6 Enforcing agencies: private

(a) (No change.)

(b) Rules concerning organization are:

1. (No change.)

2. Private inplant inspection agencies:

i. (No change.)

ii. All [officers] **technical personnel, including, without limitation, plan reviewers, engineers, architects** and inspectors, shall be [qualified to perform their assigned tasks] **licensed by the department in accordance with N.J.A.C. 5:23-5.** The inplant inspection agency shall hire sufficient personnel to adequately discharge its obligations under its authorization by the department.

iii. (No change.)

(c) Rules concerning administration and enforcement are:

1. (No change.)

2. Private inplant inspection agencies:

i. (No change.)

ii. The inplant agency shall provide the following:

(1)-(4) (No change.)

(5) A copy of each approved premanufactured system documentation and compliance assistance manual and all amendments thereto.

iii.-iv. (No change.)

(d)-(e) (No change.)

5:23-4.8 Fees

(a) (No change.)

(b) Rules concerning standards for municipal fees are:

1.-2. (No change.)

3. Basic construction fee: The basic construction fee shall be computed on the basis of the volume of the building, or in the case of alterations, the estimated construction cost, and the number and type of plumbing and electrical fixtures or devices as herein provided.

i. Volume or cost: Fees for new construction or alterations shall be as follows:

(1) (No change.)

(2) Fees for renovations, alterations, reroofing and repairs, **and for the installation and foundation systems of premanufactured construction and the external utility connections for premanufactured construction**, shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per \$1,000 of estimated cost.

(3)-(6) (No change.)

ii.-iii. (No change.)

4.-12. (No change.)

(c)-(e) (No change.)

(f) Rules concerning fees for premanufactured construction are:

1. [Insignia] **Premanufactured insignia** of certification fee: Each inspection agency requesting the department [under section 10 of this subchapter] to issue insignia of certification **for premanufactured construction** shall pay a fee of [\$25.00] **\$100.00** for each unit [or premanufactured construction];

2. Premanufactured **component insignia** of certification fee: Each agency requesting the department [under section 10 of this subchapter] to issue insignia of certification for premanufactured components shall pay a fee of [\$12.50] **\$50.00** for each component which will bear insignia of certification[s].

3. **In the case of premanufactured building elements such as,**

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without limitation, wall panels, trusses and pre-stressed concrete wall units, the fee for each element shall be \$12.50. For such building elements inspected and grouped in one lot of not more than 25 elements, the fee shall be \$12.50 for each lot.

(g) (No change.)

5:23-4.10 Premanufactured construction

(a) [These regulations] **This chapter** governs the design, manufacture, storage, transportation and installation of premanufactured construction, components and assemblies which are sold, leased or installed, or are intended for sale, lease or installation, for use on a site in the State of New Jersey. [These regulations apply] **This chapter applies** to premanufactured construction, components and assemblies manufactured in facilities within or outside the State; provided, however, that nothing herein shall conflict with any provision of the Federal [Mobile Home] **Manufactured Housing Construction and Safety Standards Act of 1974** and regulations promulgated thereunder. Whenever a provision of this subchapter shall conflict with any Federal standard or requirement under such act or regulations, [it shall be void] **Federal law shall govern.**

(b) Rules concerning requirement of premanufactured [insignia of] certification are:

1. Except as otherwise provided in **this chapter**, [after January 1, 1977.] no person may sell, lease or install for use on any site in the State of New Jersey any premanufactured construction, component or assembly unless such premanufactured construction, component or assembly is approved and bears **an** insignia of certification issued by an inplant inspection agency approved by the department **or, in the case of a manufactured home, by the United States Department of Housing and Urban Development. Premanufactured building elements such as wall panels, trusses and pre-stressed concrete wall units certified by nationally-recognized laboratories or by a licensed New Jersey professional engineer shall also be acceptable.** The insignia of certification issued by an inplant inspection agency shall be attached to the premanufactured construction component or assembly in accordance with [these regulations], **this chapter** and [they] **it** shall be subject to subsequent removal from the premanufactured construction, component or assembly in accordance with [these regulations] **in this chapter.**

2.-3. (No change.)

(c) Rules concerning applicability of local enforcement agency inspections are:

1.-2. (No change.)

3. Premanufactured construction and assemblies in which components have been installed shall comply with the requirements of the State Uniform Construction Code, **except that construction of manufactured homes shall comply with all applicable provisions of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and the regulations promulgated pursuant thereto and the manufactured home subcode shall apply to add-ons and to any other manufactured homes or components or assemblies thereof which are not subject to the Federal Manufactured Housing Construction and Safety Standards Act of 1974.**

4. **The plans for each premanufactured structure on file with the Construction Code Enforcing Agency shall be approved and sealed in accordance with N.J.A.C. 5:23-4.**

5. **The plans for foundation and utility systems shall be approved and sealed in accordance with N.J.A.C. 5:23-2.**

(d)-(g) (No change.)

(h) An inplant inspection agency shall approve [a] **the manufacturer's** compliance assurance program **for the facility** [by the department to the inplant inspection agency under the procedures outlined in the compliance control program, described in the compliance control manual,] **which** meets the requirements of **this chapter** [these regulations]. [, and the] **This compliance assurance [control] program** will be monitored by the inplant inspection

agency. The inplant inspection agency [shall review the manufacturer's premanufactured system documentation, the manufacturer's compliance control manual and] shall inspect each of the [manufacturer's] manufacturing facilities **as required by this chapter.** [where the premanufactured construction, components or assemblies are the department may specify such alternate forms of insignia as may be appropriate such other data and information as the inplant inspection agency or the department may deem necessary.]

(i) Basic requirements for a compliance control program are:

1.-3. (No change.)

4. For approval, except as modified under [these regulations] **this chapter**, the compliance control program [should] **shall** include requirements on the following items:

i. (No change.)

ii. [Procedures pursuant to which employees of the manufacturer inspect and approve each significant process in every significant phase in the production, transportation and installation of the premanufactured construction, components or assemblies] **A list of quality control inspectors required by the manufacturer at each station and identification by title of each person who will be accountable for each quality control inspection;**

iii. Procedures for marking identified deficiencies (such as [,for example,] fabrication checklists to accompany each item being manufactured) and for assuring their correction or the disposal of the deficient item;

iv.-x. (No change.)

(j) (No change.)

(k) Each certified premanufactured [construction, component] **structure** and assembly shall bear an insignia of certification. Such insignia of certification shall be furnished by the department to the inplant inspection agency under the procedures outlined in this section. The manufacturer shall permanently locate the insignia of certification in a **readily accessible and** visible location [such as the utility room or other area] identified in the premanufactured system documentation. Each insignia of certification shall bear an insignia serial number furnished by the department [and] **which** cannot be removed without destroying it. **If the size, shape or other physical characteristic of the premanufactured component makes impractical the use of such insignia of certification, the department may specify such alternative forms of insignia as may be appropriate. Only one department insignia shall be required for premanufactured construction which is comprised of two or more modules. However, each such module shall be properly identified by manufacturer's serial number and in-plant inspection agency's insignia serial number.**

(l) (No change.)

(m) Each certified premanufactured unit, construction, assembly or component shall contain a data plate. The data plate shall be furnished by the manufacturer and shall be permanently attached by the manufacturer in a visible location in the utility room or utility area, if feasible, and otherwise in such other area identified in the premanufactured system documentation. The data plate shall contain the following information:

1.-15. (No change.)

16. [Manufacture date] **Date of manufacture**

17. (No change.)

(n) (No change.)

(o) Rules concerning modification of premanufactured construction, and so forth, after certification are:

1. (No change.)

2. Modification of certified premanufactured units, construction, assembly of components are not prohibited **under**[these regulations] **this chapter** if such modifications are made after the issuance of a certificate of occupancy by the municipal enforcing agency. Such modifications shall be subject to the provisions of the State Uniform Construction Code;

3. (No change.)

(p) (No change.)

(q) Rules concerning inspections and right-of-entry are:

1. The department and inplant inspection agency are authorized to inspect during normal business hours without prior notice any manufacturing facilities of any manufacturer with approved pre-manufactured system documentation, the transportation systems utilized for the transport of certified premanufactured construction, components or assemblies, the construction sites on which pre-manufactured construction, components or assemblies have been or are intended to be installed, the books and records (wherever maintained) of any manufacturer with approved premanufactured system documentation which relates to the manufacture, sale, lease or installation of premanufactured construction, components or assemblies for use on a site in the State, and the facilities and the books and records of any [third-party] **inplant inspection** agency which relate to the discharge of its responsibilities under these regulations. Every manufacturer with approved building system documentation and every approved inplant inspection agency shall be deemed to grant to all authorized representatives of the department the right of entry on its property at any reasonable time (including, without limitation, during all normal business hours), without prior notice, for the purpose of conducting such inspections and examinations as are authorized to the department under these regulations. Persons selling, acquiring or leasing such premanufactured construction, components or assemblies, and persons engaged in its transportation to and installation at the construction site, shall be deemed to grant to all authorized representatives of the department the same right-of-entry on their property as the manufacturer is required to grant under [these regulations] **this chapter**;

2. (No change.)

(r) (No change.)

5:23-4.10A Enforcement of Federal manufactured home standards

(a) **Complaints concerning noncompliance with applicable standards of any manufactured home manufactured, sold, leased, introduced, imported or delivered in this State may be made by the Bureau of Construction Code Enforcement, CN 805, Trenton, New Jersey 08625. The authority of the Department of Community Affairs to enforce Federal manufactured home construction and safety standards is hereby delegated to the said Bureau.**

(b) **The Bureau shall thoroughly investigate all complaints or other information received by it involving alleged non-compliance with applicable standards and shall provide a copy of the complaint or other information to the manufacturer of the manufactured home in question.**

1. **When the Bureau shall deem it necessary to do so as part of any investigation, the Bureau may, upon notice to all interested parties, conduct an investigative hearing into all relevant aspects of the matter.**

2. **All interested parties shall be given an opportunity to present their views at any such investigative hearing.**

(c) **In scheduling complaint investigations and investigative hearings, priority shall be given by the Bureau to complaints and other information alleging the existence of serious defects and imminent safety hazards.**

(d) **Every manufacturer who produces manufactured homes in this State who receives notice from the Bureau or from any other source of the possible existence of a noncompliance, defect, serious defect or imminent safety hazard shall comply with all applicable requirements of 24 C.F.R. section 3282.401 et seq. including future amendments, (Subpart I) which is hereby incorporated by reference as a rule.**

(e) **The Bureau shall monitor manufacturers compliance with the requirements of 24 C.F.R. section 3282.401 et seq. (Subpart I) and, to that end, shall check the records required to be kept by manufacturers in this State pursuant to 24 C.F.R. section 3282.404(b) at least once annually.**

(f) **If, pursuant to 24 C.F.R. section 3282.404(c), a manufacturer is required to submit a plan for notification meeting the requirements set forth in 24 C.F.R. section 3282.409 to the Bureau:**

1. **Within 20 days of the determination by the manufacturer that notification is required; or**

2. **Within five days of notice to the manufacturer by the Bureau of the denial of a request for a waiver of formal plan approval and notification requirements; or**

3. **Within such time as the Bureau may direct in the event that investigation by the Bureau indicates the existence of a non-compliance, defect, serious defect or imminent hazard.**

(g) **Manufacturers shall make such modifications in the plan for notification, and shall make such corrections, as the Bureau may direct in accordance with 24 C.F.R. section 3282.401 et seq. (Subpart I) and applicable subcodes established pursuant to N.J.A.C. 5:23-3.**

(h) **The Bureau shall exercise the powers and shall discharge the duties as set forth in 24 C.F.R. section 3282.401 et seq. (Subpart I) of the Department as a State Administrative Agency when authorized to do so by the Secretary of the United States Department of Housing and Urban Development.**

(i) **Every manufacturer who produces a manufactured home in New Jersey shall pay to the Bureau a monitoring inspection fee in the amount established by the Secretary of the United States Department of Housing and Urban Development pursuant to 24 C.F.R. section 3282.307.**

(j) **Any person refused Department approval or receiving a notice of violation, or who feels aggrieved by application of [these regulations], this section may request and shall be granted a hearing on the matter, pursuant to the Administrative Procedure Act, (P.L. 1968, c.410, as amended and supplemented) before the Office of Administrative Law.**

1. **Such person shall file a written petition requesting such hearing, which shall set forth a brief statement of the grounds therefor, with the Hearing Coordinator of the Division of Housing, CN 804, Trenton, New Jersey 08625.**

2. **In the event that an administrative hearing is requested in response to an order of the Department requiring immediate correction of any serious defect or imminent safety hazard, such administrative hearing shall be held, and a final decision issued, within 48 hours.**

3. **The final decision in each case shall be issued by the Director of the Division of Housing.**

(k) **This section shall be effective immediately upon approval of the Department as a State Administrative Agency by the Secretary of the United States Department of Housing and Urban Development.**

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael L. Ticktin, Esq.
Administrative Practice Officer
Division of Housing
CN 804
Trenton, New Jersey 08625

The Department of Community Affairs thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-290.

EDUCATION

(a)

STATE BOARD OF EDUCATION

Adult and Community Education; High School Equivalency (State Issued Diploma for Adults)

State Approved Adult High Schools, (Locally Issued, State Endorsed, Diplomas for Adults)

Proposed Amendment and Recodification: N.J.A.C. 6:44-6 and 7

Proposed New Rules: N.J.A.C. 6:30

Authorized By: New Jersey State Board of Education, Fred G. Burke, Secretary.

Authority: N.J.S.A. 18A:4-15, 18A:48-1, 18A:50-12-14, and 18A:7C-8.

The agency proposal follows:

Summary

The proposed changes for high school equivalency extend the new high school graduation requirements to adult applicants for the New Jersey high school diploma issued by the State or a State-endorsed diploma issued by a district board of education. These amendments establish high school graduation requirements for adults and out-of-school youth which are comparable to those required by N.J.S.A. 18A:7C-1 et seq., and require that each adult applicant for a high school diploma meets academic standards comparable to those established for pupils graduating from high school.

Social Impact

These changes will affect an undetermined proportion of the 1,925,517 New Jersey adults who did not finish high school and who wish to pursue this goal. Recipients of State-issued diplomas and State-endorsed diplomas issued by a district board, under these revised rules will be able to ensure themselves, an employer or a post secondary educational institution that their diplomas represent a higher level of academic proficiency than is currently required and one that will be comparable to any other diploma endorsed by the State.

These rules will take effect upon promulgation, except for those applicants seeking a State-endorsed diploma issued by a district board of education. Such applicants would not be affected until October 15, 1983. Applicants for the diploma based on college work would not be permitted to submit courses that do not lead to a degree. Applicants who are out-of-school youth above age 16, would be required to obtain approval to apply for the diploma from the school district in which they reside. Applicants taking the test of General Educational Development (GED) would be required to score at least 40 in each test rather than 35, as is now required. The rules also prohibited the use of State funds in providing instruction for out-of-State residents. Given the current level performance on the test of General Educational Development, this amendment would increase failures by about 7%. The current failure rate for those who complete the entire test is 39%. About 31,000 adults and out-of-school youth take the GED test in New Jersey each year.

Economic Impact

Candidates for the GED test will be required to pay a single \$10.00 fee rather than two five dollar fees. This will reduce their total cost for testing by \$2.80 for charges for certified check and mailing. Based on the current level of testing, candidates will save approximately \$59,000, while State revenues used to support the testing program will not be affected adversely. Applicants using college or high school credits as the basis for their application may be required to pay a small fee (estimate \$2.00) to take basic skills examinations. These examinations will be offered at 128 high school equivalency instructional programs and 39 GED Testing Centers throughout the State. The adult high school proposed amendments will have impact on only eight of the 56 districts with adult high schools whose course and credit requirements are less than those proposed by this amendment. For those eight districts, the total cost of providing four new required courses will be \$4,800 annually, as adult education teachers are paid about \$10.00 an hour. The total cost to all eight districts would therefore be \$38,400. Since these revisions will not go into effect until 1983, the eight districts would have adequate time to plan for the increased cost through their normal budgeting cycle.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

SUBTITLE [H.] F. DIVISION OF [VOCATIONAL EDUCATION] CURRICULUM AND INSTRUCTION

CHAPTER [44.] 30. ADULT AND [CONTINUING] COMMUNITY EDUCATION

SUBCHAPTER [6.] 1. HIGH SCHOOL EQUIVALENCY (STATE ISSUED DIPLOMA FOR ADULTS)

SUBCHAPTER [7.] 2. STATE APPROVED ADULT HIGH SCHOOLS [(ACCREDITED EVENING HIGH SCHOOLS)] (LOCALLY ISSUED, STATE ENDORSED, DIPLOMAS FOR ADULTS)

[6:44-6.1] 6:30-1.1 Functions

(a) The Office of High School Equivalency [works] **functions** under the supervision of the Director of the Bureau of Adult [, Continuing] and Community Education within the Division of [Field Services] **School Programs**.

(b) The [staff] **office** is responsible for [supervision of all] **the allocation of categorical aid** [high school equivalency instructional] **to adult secondary** programs operating in local school districts, county community colleges, **and** county and State institutions [, and private nonprofit education agencies]. **The office is responsible for the provision of technical assistance for high school equivalency instructional programs and to adult high school and supervision of the General Educational Development Testing Centers.**

(c) The office is also responsible for the evaluation of secondary school **and college** transcripts of persons applying **to the State** for a high school [equivalency] diploma, and for the administration of all examinations taken to qualify for a State high school [equivalency] diploma.

[6:44-6.3] 6:30-1.2 Age and out-of-school requirements

(a) All persons applying [to take the] **for the State** high school [equivalency examinations] **diploma** must be 18 years of age and out of school for one year. Exceptions to this rule may be made in special cases for [students] **out-of-school youth** who are 16 years **old** or over.

(b) Requests for exceptions to this section must be approved by **either a parent, guardian, probation or parole officer, state**

rehabilitation counselor or judge and one of the following representatives of the school district in which the applicant resides:

- [1. A guidance counselor;]
- [2.] **1.** A high school principal[;] **or**
- [3.] **2.** Superintendent of schools[;].
- [4. Probation or parole officer;
5. State rehabilitation counselor; or
6. A judge.]

(c) The [statement] **request for exception** should state why the individual should be tested before meeting the age and/or out of school for a year requirements. **The school district representative shall certify that the applicant has been given the opportunity to enroll in school and has been offered available program options provided by the district.**

(d) Persons age 18 and over are exempt from the requirement of approval by a parent, guardian, probation or parole officer, state rehabilitation counselor or judge.

[6:44-6.4] **6:30-1.3 Certification by examination or [college] course credit**

(a) Any one of the following methods may be used by eligible adults to qualify for the State high school diploma.

(b) [(a)] The General Educational Development Test[s] Battery of the American Council on Education will be used as [a] the basis for qualifying for a State high school [equivalency] diploma if the applicant scores at least [35] **40 on each individual test and totals at least 225 points.**

[(b) Subject-matter examinations developed through or by the Office of High School Equivalency staff shall be administered to those persons applying for certification on the basis of high school course credits.]

(c) The State high school diploma shall be awarded to applicants demonstrating basic skills mastery as determined by the Commissioner of Education and by presenting an official high school transcript showing not less than 92 credits of which no more than 20 may be in physical education, health and safety, and must include 20 credits in communication, 10 credits in compulation 10 credits in social studies and history, five credits in fine, practical and/or performing arts, five credits in natural or physical science and 2.5 credits in career exploration or development.

(d) Persons not meeting these requirements may qualify by taking subject matter and basic skill examinations developed or approved by the Commissioner of Education.

(e) [(c)] Persons completing the equivalent of one full year of college may apply for a State high school [equivalent] diploma by presenting evidence of minimum basic skill mastery as determined by the Commissioner of Education and an official transcript [of such work] showing the equivalent of one full year of successful college work in courses leading to a degree. Each applicant must have completed successfully at least 24 credits or the equivalent college credits, toward a degree, at an accredited institution of higher education. [Each official transcript will be evaluated to assure that the applicant has achieved equivalent of a high school education.]

[6:44-6.5] **6:30-1.4 Fees**

(a) Persons submitting applications for a State high school [equivalency certification] diploma [either] by examination [or by evaluation of secondary school credit or college work] must pay [\$5.00] **\$10.00 in the form of a bank money order or a certified check payable to the Commissioner of Education.**

(b) Persons requesting the issuance of a State high school [equivalency] diploma based on reexamination, evaluation of secondary school credit or college work must pay \$5.00 to the Commissioner of Education in the form of a bank money order or certified check.

[6:44-6.6] **6:30-1.5 [Public school districts] Eligibility for instructional program funding**

(a) [Authorization and application for funds are as follows:

1.] School districts, county community colleges, and county and State institutions may apply to the Commissioner of Education for funds equal to the amount of annual anticipated costs to operate high school equivalency instructional programs for out-of-school youth and adults who meet [State age] the eligibility requirements for the high school equivalency examinations. Adults and out-of-school youth not possessing a high school diploma are eligible to attend instructional programs provided they are residents of New Jersey and meet the age and out-of-school provisions of N.J.A.C. 6:30-1.2. [2.] Eligible agencies may contract with and delegate responsibility to other nonprofit educational agencies with the approval of the Commissioner of Education.

(b) [3.] In order that the Commissioner may estimate by November 15 the amount necessary to be appropriated to carry out the provisions of the Act, [for the succeeding fiscal year,] the amount of funds to be requested and all plans for the succeeding fiscal year, shall be received by September [1] **30. Specific plans for the utilization of funds requested shall then be submitted no later than June 15 of the pre-budget year. All such plans when received will be reviewed within [a reasonable time] **90 days**. No plan will be rejected in whole or in part without prior consultation with the Chief Administrative Officer of the applying agency.**

(c) [(b)] Plan requirements [are as follows] shall include, but not be limited to, the following information:

- 1. Staffing [pattern] which adheres to local requirements;**
- 2. [Schedule of proposed classes together with stated instructional objectives for each class] Curriculum;**
- 3. Budget detailing the following reimbursable costs: [teachers'] salaries, fringe benefits [materials, consummable supplies] and all other materials, supplies and equipment necessary to operate the program;**
- 4. Description of [recruiting and] student diagnostic [testing] assessment program[.];**
- 5. Plan for program assessment.**

(d) [(c)] [Fiscal control and program management:

1.] Eligible agencies will be reimbursed for program costs at the same time and in the same manner as other State aid under N.J.S.A. 18A:58-15. [2.] The eligible agency shall maintain such records and accounts, including personnel, financial, and students' information and evaluation records, as are deemed necessary by the Commissioner of Education. Such records shall be submitted to the Department of Education on prescribed forms on a [monthly] quarterly basis.

SUBCHAPTER [7] 2. STATE APPROVED ADULT HIGH SCHOOLS [ACCREDITED EVENING HIGH SCHOOLS] (LOCALLY ISSUED, STATE ENDORSED, DIPLOMAS FOR ADULTS)

[6:44-7.1] **6:30-2.1 General provisions**

(a) Regulations applicable to public evening high schools should be geared toward the adult student. [The] Adults often brings[s] with [him] them a wealth of experiences to a degree not possible for the school age youth. This can mean that options such as accelerated courses, credit by examination, home study and educational experiences on the job should be considered in [his] their high school program design.

(b) High schools which meet the standards set by the State Board of Education shall be [classified] identified as "Adult High Schools". A list of these schools shall be kept on file in the Office of the Commissioner of Education.

[6:44-7.2] **6:30-2.2 Approval [period]**

(a) A visit for evaluation [to] of the school by an authorized representative of the Commissioner of Education shall be a prerequisite to final approval by the State Board of Education.

(b) Such schools may be [conditionally] provisionally approved by the Commissioner of Education until such time as [a visit can be arranged] the State Board of Education has given final approval.

(c) [The maximum approval period of a high school shall be five years.] **After provisional approval, the school approval status is determined in a manner comparable to other secondary schools, where appropriate.**

[(d) Conditional approval may be granted for a shorter period of time.]

[(c)] **(d) Approval of [a] an adult high school by the State Board of Education shall constitute approval of the curriculum and certifies that the school meets applicable standards for schools serving adult students on the effective date of the action by the State Board.**

[6:44-7.3] 6:30-2.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Adult” means a student [over 16 years of age] **18 years of age or older.**

“Credit” means the value assigned to the demonstration of proficiency in a curricular activity, either course or program. **The basis for assigning credit should be the proportional value of the curricular activity relative to the completion of the district’s graduation requirements.**

“Curricular activity” means a learning activity approved by the [local] district board of education for individuals or groups of students and expressed in terms of [specific instructional objectives or class periods] **proficiencies.**

“Proficiency” means an explicitly stated and demonstrable knowledge and/or skill used to define a desired learning outcome.

“School year” means that there shall be at least 64 sessions of at least two hours each and at least three evening sessions each week. **For the purpose of determining resident enrollment, adult high schools meeting this requirement shall be considered part-time and those conducting 180 sessions of at least four hours each and at least three evening sessions each week shall be considered full time.** [(N.J.S.A. means any day on which courses or curricular activities are offered.)]

“Session” means any day on which courses or curricular activities are offered.

[6:44-7.5] 6:30-2.4 Curriculum

The curriculum shall comply with the statutory requirements of [N.J.S.A. 18A:48-1] **law and regulation** and shall be that which has been adopted by the [local] district board of education and approved by the State Board of Education.

[6:44-7.5] 6:30-2.5 Graduation

(a) Each high school shall establish graduation requirements on the basis of **minimum basic skill mastery and demonstrated proficiency** through either course credits, program completion, or a combination of course credits and program completion:

1. Course credits: **By October 15, 1983, each high school shall establish [a minimum set number of credits to be required for graduation, to be not less than 80. In addition to course work credits will also be obtainable in any of the following areas] graduation requirements on the basis of minimum basic skill mastery and a minimum number of credits to be not less than 92, of which no more than 20 may be in physical education, health and safety, and must include 20 credits in communication, 10 credits in computation, 10 credits in social studies and history, five credits in natural or physical science, five credits in career exploration or development. Course credits may be obtained in any of the following ways:**

- i. Credits transferred from other accredited schools or institutions;
- ii. Basic military training [(Military)]: A maximum of 10 credits;

iii. College courses at accredited schools: Amount of credit determined by [local] **the district board of education;**

iv. Previous work experience: [ten credits maximum] Amount of credit determined by [local board] **the district board of education, not to exceed 10 credits;**

v. Apprenticeship and on-the-job training: Amount of credit determined by [local] **the district board of education, not to exceed 30 credits;**

vi. Credit by examination: All tests used for credit by examination will be [approved by] **kept on file for review by** the [Bureau of Adult and Community Education and Division of Field Services] **Department of Education.** A maximum of five credits per examination will be allowed;

vii. Independent study: Amount of credit to be determined by **the district [local] board of education** and [approved by] **kept on file for review by** the [Bureau of Adult and Community Education] **Department of Education;**

viii. **Class participation: Successful completion of course instruction based on proficiencies which meet the state required number of class hours per credit awarded.**

2. Program completion: [local] **District** boards of education may determine and establish a set number of curricular activities or programs for promotion, **credit** and graduation purposes:

i. Programs shall be planned for individuals and/or a group based on specific [instructional objectives] **proficiencies;**

ii. The principal shall certify completion of curricular activities or programs based upon specific [instructional objectives] **proficiencies;**

iii. Group programs based on specific [instructional objectives] **proficiencies** shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district subject to review by the Commissioner or his/her representative.

[6:44-7.6] 6:30-2.6 Student records

(a) Records shall be kept for all students [showing] **documenting all transcript entries to include** subjects taken, marks received, credits awarded and achievement levels.

(b) All records shall be safeguarded.

(c) The school shall maintain a plan for the measurement of its own effectiveness through the use of such measures as standardized tests, studies of dropout rates, follow-up of graduates and other evaluation procedures.

6:30-2.7 Financial records

All financial records shall be kept in accordance with law and regulation.

6:30-2.8 Participation of school-age youth

Out-of-school youth below the age of 18 may participate in an adult high school, provided there is approval by either a parent, guardian, probation or parole officer, state rehabilitation counselor or judge and the chief school administrator. The chief school administrator shall certify that the pupil has been offered available program options provided by the district.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Lorraine L. Colavita
Executive Assistant for Administrative
Practice and Procedure
Department of Education
225 West State Street
Trenton, New Jersey 08625

The State Board of Education thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-286.

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES AND DIVISION OF ENVIRONMENTAL QUALITY

Pollutant Discharge Elimination System Hazardous Waste Management

**Proposed New Rule: N.J.A.C. 7:14A-11.12,
11.13, 7:26-1.8**

**Proposed Amendment: N.J.A.C. 7:14A-11.1-
11.3, 11.5, 11.8, 11.9, 11.11, 13.1, 7:26-2.12**

Authorized By: Jerry Fitzgerald English, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 58:11-51 (58:11-49 et seq.) and
N.J.S.A. 58:10A-2, 4-7, 9 and 10 (N.J.S.A. 58:10A-1
et seq.) and N.J.S.A. 13:1E-1 et seq.

The agency proposal follows:

Summary

The purpose of the proposed regulatory amendments is to comply with requirements which have been established by the United States Environmental Protection Agency (hereinafter "USEPA"). The Department of Environmental Protection (hereinafter "NJDEP") is mandated to comply with the USEPA requirements in order to receive state program approval for the National Pollutant Discharge Elimination System (NPDES) program pursuant to the "Clean Water Act" 33 U.S.C. 1251 et seq. and interim authorization under the "Resource Conservation and Recovery Act" 42 USC 6901 et seq.

The proposed amendments enable the Department to comply with procedures established concerning the use and treatment of confidential information in enforcement, permitting, and rulemaking proceedings under the New Jersey Pollutant Discharge Elimination System permit program and the Hazardous Waste Management program.

The proposed amendments also clearly establish that the Department has fully adopted all of the federal pretreatment requirements for all users of domestic treatment works which are mandated by the Clean Water Act.

Social Impact

The proposed amendments concerning the use and treatment of confidential information in enforcement, permitting, and rulemaking proceedings affect any person who makes a claim of confidentiality in relation to any proceeding under the New Jersey "Water Pollution Control Act" N.J.S.A. 58:10A-1 et seq. and under the "Solid Waste Management Act," N.J.S.A. 13:1E-1 et seq. concerning the regulation of hazardous waste. This affects all persons who make a claim of confidentiality and who discharge pollutants to the surface or groundwaters of the State or who treat, store or dispose of hazardous waste. Persons who may be affected are primarily industry, due to an interest in protecting trade secrets. However, municipalities, sewerage authorities, commercial facilities haulers, etc. may also choose to make a claim. Neither the Department nor USEPA receive many claims of confidentiality. The proposed amendments allow Department disclosure of the information claimed to be confidential in order for the State to administer the federal NPDES program and receive interim authorization of the RCRA program and implement the purposes of the relevant statutory authority.

Economic Impact

The purpose in making a claim of confidentiality is usually to protect "trade secrets". Often it is a particular unique process or product which gives one company an economic advantage. The interests of those persons making a claim of confidentiality is protected to the extent that specific procedures are provided for a departmental determination of relevancy and notice and comment prior to disclosing any information claimed to be confidential. In addition, such disclosure may be limited to the parties of record, which in most cases does not include competing industry. Also, in judicial and adjudicatory proceedings there are provisions for protective measures concerning the use of confidential information. Due to the limited number of persons who will be affected the economic impact of this proposed amendment has been determined to be insignificant.

Full text of the proposal follows (additions indicated in boldface **thus**, deletions indicated in brackets [thus]).

7:14A-11.1 Public access to information.

All permit applications, documented information concerning actual and proposed discharges, comments received from the public, and draft and issued permits shall be made available to the public for inspection and duplication in accordance with Section 9 of the State Act[.] **and pursuant to N.J.S.A. 3:1E-1 et seq.**

7:14A-11.2 Confidentiality

(a) (No change.)

(b) Included among those items for which claims of confidentiality will be denied are the following:

1.-4. (No change.)

5. Information required by NJPDES application forms provided by the Department under N.J.A.C. 7:14A-2.1 **and required in application forms pursuant to N.J.A.C. 7:26-12.** This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

7:14A-11.3 Procedures for asserting or reasserting confidentiality

(a) Reasserting a confidentiality claim. With regard to NPDES or RCRA permits issued by EPA and taken over by the Department upon the date of EPA approval of the State NPDES program (NJPDES/DSW) or **RCRA program (including interim authorization of Phase I)**: any person who has made a confidentiality claim under 40 CFR Part 2 shall reassert such claim as follows:

1. Within 60 days of the effective date of [these regulations] **program approval and/or interim authorization of Phase I**, a NPDES or RCRA permittee shall submit the appropriate fee in accordance with N.J.A.C. 7:14A-11.4 if the permittee desires to maintain the claim of confidentiality which was previously made to EPA. Failure to submit such fee as required shall not entitle the permittee to such claim of confidentiality in accordance with the State Act and [these regulations] **this chapter**.

2. (No change.)

(b)-(g) (No change.)

7:14A-11.5 Procedure for confidentiality determinations

(a) Information for which a confidentiality claim has been asserted will be treated by the Department as entitled to confidential treatment [.] unless:

1. The Department determines that the information is not entitled to confidential treatment as provided in this section[.]; or

2. **A claim of confidentiality has been made in an IWMF permit application or an application required pursuant to N.J.A.C. 7:26-12.**

i. **The following procedures apply to such a claim:**

(1) **Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions.**

(2) If a submitter does not provide substantiation, the Department will notify it by certified mail of the requirement to do so. If the Department does not receive the substantiation within 10 days after the submitter receives the notice the Department shall place the unsubstantiated information in the public file.

(b) (No change.)

(c) The [1]initial determination of entitlement to confidential treatment is as follows:

1.-2. (No change.)

(d) Notice of affected person; opportunity to comment.

1.-2. (No change.)

3. Confidential treatment of comments. If information submitted to the Department by an affected person as part of his or her comments under this section[,] pertains to the person's claim, is not otherwise possessed by the Department, and is marked when received in accordance with N.J.A.C. 7:14A-11.3, it will be regarded by the Department as entitled to confidential treatment, **except as proved in N.J.A.C. 7:14A-11.5(a)2**, and will not be disclosed by the Department without the person's consent, unless its disclosure is duly ordered by a court, notwithstanding other provisions of this subchapter to the contrary.

(e) (No change.)

(f) Determination that information is entitled to confidential treatment:

1. If, in accordance with the criteria listed in N.J.A.C. 7:14A-11.6, the Department determines that the information is entitled to confidential treatment, it shall maintain the information in confidence (subject to court order, any applicable court rules, N.J.A.C. 7:14A-11.9, 11.10, **11.12**, and **11.13** or other provisions of this subchapter which authorize disclosure in specified circumstances), and the Department shall so inform the affected person. If any person's request for the release of the information is then pending under N.J.S.A. 47:1A-1 et seq., the Department shall issue a determination denying that request, which shall state the basis for the determination and that it constitutes final agency action.

(g) (No change.)

(h) Emergency situations. If the Department finds that disclosure of information covered by a confidentiality claim would serve to alleviate a situation posing an imminent and substantial danger to public health or safety, it may:

1. Prescribe and make known to interested persons such shorter comment period ((d)[i and ii] above), post-determination waiting period ((g)2 above), or both, as it finds necessary under the circumstances; or

2.-3. (No change.)

(i) If the Department receives a request under the Right to Know Law, N.J.S.A. 47:1A-1 et seq., for information submitted to the EPA regarding a NPDES or RCRA (including Part A and/or Part B) permit which the Department has since taken over, and, in the Department's opinion, the person might be expected to assert a claim if he or she knew that the Department proposed to disclose the information, but no claim of confidentiality was asserted, the Department shall contact the person to learn whether he or she asserts a claim covering the information.

7:14A-11.8 Access to and safeguarding of confidential information.

Unless specifically provided for by Federal law, State law, court order, or applicable court rule, no person shall have access to information which has been determined to be entitled to confidential treatment, other than: the designated Department personnel; Federal or other State agencies, subject to the provisions of N.J.A.C. 7:14A-11.9 or **11.12**; or authorized representatives of the Department, subject to the provisions of N.J.A.C. 7:14-11.10.

7:14A-11.9 Disclosure of confidential information to [Federal, Interstate, and other State agencies] State, Interstate, and Federal agencies, with the exception of EPA and the U.S. Department of Justice

(a) The Department may disclose information which has been determined to be entitled to confidential treatment to [Federal, Interstate, and other State agencies] State, Interstate, and Federal agencies with the exception of EPA and the U.S. Department of Justice if:

1.-5. (No change.)

(b) Except as provided in N.J.A.C. 7:14A-11.5(h) (emergency disclosure) and **N.J.A.C. 7:14A-11.12** the Department shall notify the affected person in writing of its intention to disclose information which has been determined to be entitled to confidential treatment, [it] to any other governmental agency at least 10 working days in advance of the disclosure.

7:14A-11.12 Access to Information for EPA and the U.S. Department of Justice

Notwithstanding any other provision of this subchapter, any information obtained or used in the administration of the NJPDES and RCRA programs shall be available to EPA and U.S. Department of Justice upon request without restriction. If the information has been submitted to the Department under a claim of confidentiality, the Department shall submit that claim to EPA when providing information as required in this section.

7:14A-11.13 Use of confidential information in rulemaking, permitting, and enforcement proceedings

(a) Notwithstanding any other provisions of this subchapter, the Department may use confidential information in rulemaking, permitting and enforcement proceedings.

(b) Where the Department determines that there shall be an adjudicatory hearing information determined to be eligible for confidential treatment pursuant to N.J.A.C. 7:14A-11.5 and 11.6 may be used in any enforcement and permitting proceeding subject to the protection from making the information available to the public as provided in N.J.A.C. 1:1-1.

(c) Where the Department determines that there shall not be an adjudicatory hearing information determined to be eligible for confidential treatment pursuant to N.J.A.C. 7:14A-11.5 and 11.6 may be used in any enforcement, permitting, or rulemaking proceeding provided the procedures set forth below are followed:

1. The affected person shall be informed that the Department is considering using the information in connection with the proceeding and shall afford the person a reasonable period for comment; and

2. The Department, after consideration of any timely comments submitted by the person, determines that the information is relevant to the subject of the proceeding; and

3. The Department determines that the public interest shall be served by use of the information in the proceeding; and

4. The Department shall give the affected person at least 5 days notice prior to using the information which may result in the information being made available to the public.

7:14A-13.1 Purpose and Scope

(a) (No change.)

(b) The Department herein provides further notice that the Department adopts the National Pretreatment Standards for existing and new sources of pollution, 40 CFR 403.5 and Chapter I, Subchapter N (including all subsequent amendments and supplements). All users shall comply with these requirements.

[(b)] (c) This subchapter also provides the specific NJPDES permit requirements for a significant industrial user (SIU), as defined in N.J.A.C. 7:14A-1.9.

7:26-1.8 [Reserved] **Public access to information and requirements for Department determination of confidentiality**

Any confidential information obtained or used in the administration of the state hazardous waste program, as provided in Section 3006 The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 3251 et seq., and amendments thereto, shall be treated in accordance with N.J.A.C. 7:14A-11.

7:26-12.2 Permit Application

(a) Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign and submit an application to the Department as described in this section. Procedures for applications, issuance and administration of emergency permits are found exclusively in N.J.A.C. 7:26-12.9. **Procedures for claiming confidentiality are found in N.J.A.C. 7:14A-11.1 et seq.**

(b)-(g) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Dr. Marwan M. Sadat, P.E.
Assistant Director, Water Quality Management
Division of Water Resources
CN 029
Trenton, New Jersey 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-292.

(a)

PINELANDS COMMISSION

Notice Concerning Proposal: N.J.A.C. 7:50 (13 N.J.R. 509(a))

Take notice that the Pinelands Commission will accept written comments on the 17 proposed amendments to the New Jersey Pinelands Comprehensive Management Plan through November 15, 1981.

The amendments were published as proposed rules in the New Jersey Register on September 10, 1981 at 13 N.J.R. 569(a) and a public hearing was held on September 29, 1981.

To submit comments or for more information please contact the Pinelands Commission office, P.O. Box 7, New Lisbon, New Jersey 08064 or call 609-894-9342.

This notice is published as a matter of public information.

HEALTH

(b)

HEALTH ECONOMIC SERVICES

**Hospital Rate Setting
Diagnostic Related Groups**

Proposed New Rules: N.J.A.C. 8:31B-5.1-5.3

Authorized By: Dr. Joanne E. Finley, Commissioner, Department of Health (With the approval of the Health Care Administrative Board.

Authority: N.J.S.A. 26:2H-5.

The agency proposal follows:

Summary

The proposed amendment to the Chapter 83, P.L. 1978, Procedural and Methodological Regulations, provides the specific set of DRGs to be used in establishing hospital rates.

Social Impact

The proposed regulation along with the Rules on Hospital Reporting of Uniform Bill-Patients Summaries (N.J.A.C. 8:31B-2), the Procedural and Methodological Regulations (N.J.A.C. 8:31B-3) and the Financial Elements and Reporting Regulations (N.J.A.C. 8:31B-4) constitute the minimum necessary steps for implementing Chapter 83, P.L. 1978 which provides for the protection and promotion of the health of the inhabitants of New Jersey.

Economic Impact

This regulation in conjunction with those noted above promotes the financial solvency of New Jersey hospitals and contains the rising costs of health care services.

Full text of the proposed new rule follows.

SUBCHAPTER 5. DIGNOSTIC RELATED GROUPS

OFFICE OF ADMINISTRATIVE LAW NOTE: Rules concerning "utilization review" which are presently codified in this subchapter were proposed for recodification as N.J.A.C. 8:31B-3.48-3.48F at 13 N.J.R. 486(b). That proposal had not been adopted at the time of the preparation of this proposal.

8:31B-5.1 Diagnosis Related Groups

(a) Diagnosis Related Groups represent categories of hospital inpatients with similar clinical characteristics; and, except for outliers defined below, patients in each DRG can be expected to consume similar amounts of hospital resources. Assignment of a patient to a DRG requires the following information:

1. Principal diagnosis;
2. Secondary diagnoses;
3. Principal and other procedures;
4. Age;
5. Sex;
6. Discharge status.

(b) Each of these data items are defined in the Rules on Hospital Reporting of Uniform Bill-Patient Summaries (N.J.A.C. 8:31B-2) and/or the Uniform Hospital Discharge Data Set developed by the U.S. Department of Health and Human Services. The appropriate definitions are repeated here and these are the only definitions allowable for DRG assignment.

1. Principal diagnosis: The condition established after study to be chiefly responsible for occasioning the admission of a patient to the hospital for care. The principal diagnosis must be coded using the International Classification of Diseases, 9th Revision, with Clinical Modifications (ICD-9-CM).

2. Secondary diagnoses: Conditions that exist at the time of admission or develop subsequently which affect the treatment received and/or the length of stay. (Diagnoses which have no bearing on the treatment received during a current hospital stay are not appropriate for use in DRG assignment.) All secondary diagnoses must be coded using ICD-9-CM.

3. Principal and other procedures: Diagnostic and therapeutic procedures performed during a patient stay. All procedures must be coded using ICD-9-CM.

4. Age: Patient's chronological age at admission in years.

5. Sex: Patient's sex as male or female.

6. Discharge Status: The circumstances under which a patient left the hospital, coded as routine discharge to home, discharged against medical advice, transferred or died.

8:31B-5.2 Outliers

(a) Outliers are patients displaying atypical characteristics relative

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to other patients in a DRG. Payment for outliers is based on the methodology established in the Procedural and Methodological regulations (N.J.A.C. 8:31B-3).

(b) Outliers are defined as:

1. Patients assigned to a DRG but whose length of stay (LOS) is beyond the trim points established for the DRG (shorter than the low LOS trim points or longer than the high LOS trim point);

2. Patients who discharge themselves against medical advice;

3. Patients who died;

4. Patients admitted and discharged on the same date;

5. Patients assigned to DRGs defined as "clinical outlier" DRGs in Section III of this regulation. Clinical outlier DRGs are DRGs with poorly defined clinical characteristics precluding valid comparison of patients within the DRG. Clinical outlier DRGs are generally those reserved for patients whose clinical characteristics are not comparable to any other established DRGs. Patients identified as having unrelated surgery are also considered clinical outliers.

8:31B-5.3 List of Diagnosis Related Groups

(a) The following are major diagnostic categories (Organ System Approach):

1. Diseases and Disorders of the Nervous System.
 2. Diseases and Disorders of the Eye.
 3. Diseases and Disorders of the Ear, Nose and Throat.
 4. Diseases and Disorders of the Respiratory System.
 5. Diseases and Disorders of the Circulatory System.
 6. Diseases and Disorders of the Digestive System.
 7. Diseases and Disorders of the Hepatobiliary System and Pancreas.
 8. Diseases of Musculoskeletal System and Connective Tissue.
 9. Diseases of the Skin, Subcutaneous and Breast.
 10. Endocrine, Nutritional, and Metabolic Diseases.
 11. Diseases and Disorders of the Kidney and Urinary Tract.
 12. Diseases and Disorders of the Male Reproductive System.
 13. Diseases and Disorders of the Female Reproductive System.
 14. Pregnancy, Childbirth, and the Puerperium.
 15. Normal Newborns and other Neonates with Certain Conditions Originating in the Perinatal Period.
 16. Diseases and Disorders of the Blood and Blood-Forming Organs and Immunity.
 17. Myeloproliferative Disorders and Poorly Differentiated Malignancy, and other Neoplasms NEC.
 18. Infectious and Parasitic Diseases (Systemic).
 19. Mental Disorders.
 20. Substance Use Disorders and Substance Induced Organic Disorders.
 21. Injury, Poisoning, and Toxic Effects of Drugs.
 22. Burns.
 23. Selected Factors Influencing Health Status and Contact with Health Services.
- (b) The following are abbreviations used in ICD-9CM DRG English descriptors in (c) below.
1. W AGE 70 CC: Patients who are over age 70 and/or have a substantial complication or comorbidity.
 2. WO AGE 70 CC: Patients who are age 0-70 and have no substantial complication or comorbidity.
 3. W CC: Patients with a substantial complication or comorbidity.
 4. WO CC: Patients without a substantial complication or comorbidity.
 5. O.R. Procedures: Therapeutic or diagnostic procedures generally performed in a fully equipped operating room (O.R.).
 6. URI: Upper Respiratory Infection.
 7. AMI: Acute Myocardial Infarction.
 8. CHF: Congestive Heart Failure.
 9. D&C: Dilation and Curettage.
 10. FUO: Fever of Unknown Origin.
 11. NEC: Not Elsewhere Classifiable.
- (c) A table of Diagnosis Related Groups follows:

OFFICE OF ADMINISTRATIVE LAW NOTE: The table begins on page 728 of this New Jersey Register.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Hub, Director
Health Economics Services
N.J. State Department of Health
CN 360
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-291.

(a)

HEALTH PLANNING

Certificate of Need: Regional Hemophilia Care Regional Hemophilia Care Center Standards

**Proposed Amendments: N.J.A.C. 8:33D-1.3,
1.4, 1.7**

Proposed Repeal: N.J.A.C. 8:33D-1 (Appendix)

Authorized By: Joanne E. Finley, M.D., M.P.H., Commissioner, Department of Health (with approval of the Health Care Administration Board).

Authority: N.J.S.A. 26:2H-5 and 26:2H-8.

The agency proposal follows:

Summary

The statewide health coordinating council periodically reviews current Department of Health rules based on the changing requirements for hospital and related health care services throughout the State. Based upon its review of N.J.A.C. 8:33D, the statewide health coordinating council has recommended the retention of Department of Health policy, standards, and criteria, as reflected in the existing rules, with the following proposed changes:

1. Identification of the PSRO, referenced in N.J.A.C. 8:33D-1.7(a)(5), as the professional standards review organization rather than the professional service review organization currently used.

2. Deletion of the appendix and its reference in N.J.A.C. 8:33D-1.7(a)(11) and replacement with a new standardized data form.

3. Addition of a requirement, hereby referenced as N.J.A.C. 8:33D-1.7(b) that this subchapter be reviewed and evaluated within three years by the statewide health coordinating council.

Social Impact

N.J.S.A. 26:2H-1 (as amended) recognizes as "public policy of the State that hospitals and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health. In order to provide for the protection and promotion of the health of inhabitants of the State, promote the financial solvency of hospitals and similar health care facilities and contain the rising cost of health care services, the State Department of Health... shall have the central, comprehensive responsibility for the development and ad-

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**MAJOR DIAGNOSTIC CATEGORY 01: DISEASES AND DISORDERS
OF THE NERVOUS SYSTEM**

- (009) SPINAL DISORDERS AND INJURIES, MEDICAL
- (010) NEOPLASM, W AGE 70 CC, MEDICAL
- (011) NEOPLASM, WO AGE 70 CC, MEDICAL
- (012) DEGENERATIVE, MEDICAL
- (013) MULTIPLE SCLEROSIS AND CEREBELLAR ATAXIA, MEDICAL
- (015) SPECIFIC CEREBROVASCULAR, W PRINCIPAL DIAGNOSIS OF TRANSIENT ISCHEMIC ATTACK, MEDICAL
- (014) SPECIFIC CEREBROVASCULAR, WO PRINCIPAL DIAGNOSIS OF TRANSIENT ISCHEMIC ATTACK, MEDICAL
- (016) NON SPECIFIC CEREBROVASCULAR, W CC, MEDICAL
- (017) NON SPECIFIC CEREBROVASCULAR, WO CC, MEDICAL
- (018) CRANIAL AND PERIPHERAL NERVE DISORDERS, W AGE 70 CC, MEDICAL
- (019) CRANIAL AND PERIPHERAL NERVE DISORDERS, WO AGE 70 CC, MEDICAL
- (021) INFECTIONS, W PRINCIPAL DIAGNOSIS OF VIRAL MENINGITIS, MEDICAL
- (020) INFECTIONS, WO PRINCIPAL DIAGNOSIS OF VIRAL MENINGITIS, MEDICAL
- * (022) HYPERTENSIVE ENCEPHALOPATHY, MEDICAL
- (023) NON TRAUMATIC STUPOR OR COMA, MEDICAL
- (024) SEIZURE AND HEADACHE, AGE 18+, W AGE 70 CC, MEDICAL
- (025) SEIZURE AND HEADACHE, AGE 18+, WO AGE 70 CC, MEDICAL
- (026) SEIZURE AND HEADACHE, AGE 0-17, MEDICAL
- (027) TRAUMATIC STUPOR AND COMA, W PRINCIPAL DIAGNOSIS OF COMA GREATER THAN ONE HOUR, MEDICAL
- (028) TRAUMATIC STUPOR AND COMA, WO PRINCIPAL DIAGNOSIS OF COMA GREATER THAN ONE HOUR, AGE 18+, W AGE 70 CC, MEDICAL
- (029) TRAUMATIC STUPOR AND COMA, WO PRINCIPAL DIAGNOSIS OF COMA GREATER THAN ONE HOUR, AGE 18+, WO AGE 70 CC, MEDICAL
- (030) TRAUMATIC STUPOR AND COMA, WO PRINCIPAL DIAGNOSIS OF COMA GREATER THAN ONE HOUR, AGE 0-17, MEDICAL
- (031) CONCUSSION, AGE 18+, W AGE 70 CC, MEDICAL
- (032) CONCUSSION, AGE 18+ WO AGE 70 CC, MEDICAL
- (033) CONCUSSION, AGE 0-17, MEDICAL
- * (034) OTHER DIAGNOSES, W AGE 70 CC, MEDICAL
- * (035) OTHER DIAGNOSES, WO AGE 70 CC, MEDICAL
- (002) CRANIOTOMY, AGE 18+, W PRINCIPAL DIAGNOSIS OF TRAUMA
- (001) CRANIOTOMY, AGE 18+, WO PRINCIPAL DIAGNOSIS OF TRAUMA
- (003) CRANIOTOMY, AGE 0-17
- (004) SPINAL O.R PROCEDURE
- (005) EXTRA-CRANIAL VASCULAR O.R. PROCEDURE
- (006) CARPAL TUNNEL O.R. PROCEDURE
- (007) PERIPHERAL AND CRANIAL NERVE AND OTHER O.R. PROCEDURE, W AGE 70CC
- (008) PERIPHERAL AND CRANIAL NERVE AND OTHER O.R. PROCEDURE, WO AGE 70CC

MAJOR DIAGNOSTIC CATEGORY 02: DISEASES AND DISORDERS OF THE EYE

- (043) HYPHEMA, MEDICAL
- (044) ACUTE MAJOR INFECTION, MEDICAL
- (045) NEUROLOGICAL DISORDERS, MEDICAL
- * (046) OTHER DIAGNOSES, W AGE 18+, W CC, MEDICAL
- * (047) OTHER DIAGNOSES, W AGE 18+, WO CC, MEDICAL
- * (048) OTHER DIAGNOSES, W AGE 0-17, MEDICAL
- (036) RETINA O.R. PROCEDURE
- (037) ORBIT O.R. PROCEDURE
- (038) PRIMARY IRIS O.R. PROCEDURE
- (039) LENS O.R. PROCEDURE
- (040) OTHER EXTRAOCULAR O.R. PROCEDURE, AGE 18+
- (041) OTHER EXTRAOCULAR O.R. PROCEDURE, AGE 0-17
- (042) OTHER INTRAOCULAR O.R. PROCEDURE

**MAJOR DIAGNOSTIC CATEGORY 03: DISEASES AND DISORDERS
OF THE EAR, NOSE AND THROAT**

- (064) MALIGNANCY, MEDICAL
- (065) DISEQUILIBRIUM, MEDICAL

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- (066) EPISTAXIS, MEDICAL
- (068) OTITIS MEDIA OR URI, AGE 18+, AGE 70 CC, MEDICAL
- (069) OTITIS MEDIA OR URI, AGE 18+, WO AGE 70 CC, MEDICAL
- (070) OTITIS MEDIA OR URI, AGE 0-17, MEDICAL
- (071) LARYNGOTRACHEITIS, MEDICAL
- (067) EPIGLOTTITIS, MEDICAL
- (072) NASAL TRAUMA AND DEFORMITY, MEDICAL
- *(073) OTHER DIAGNOSES, W AGE 18+, MEDICAL
- *(074) OTHER DIAGNOSES, W AGE 0-17, MEDICAL
- (049) MAJOR HEAD OR NECK O.R. PROCEDURE
- (050) SALIVARY GLAND O.R. PROCEDURE W SIALOADENECTOMY
- (051) SALIVARY GLAND O.R. PROCEDURE WO SIALOADENECTOMY
- (052) CLEFT LIP AND PALATE REPAIRS
- (053) SINUS AND MASTOID PROCEDURE, AGE 18+
- (054) SINUS AND MASTOID PROCEDURE, AGE 0-17
- (055) NOSE, THROAT AND EAR O.R. PROCEDURE
- (056) RHINOPLASTY O.R. PROCEDURE
- (059) TONSIL OR ADENOID O.R. PROCEDURE ONLY, AGE 18+
- (060) TONSIL OR ADENOID O.R. PROCEDURE ONLY, AGE 0-17
- (057) OTHER TONSIL OR ADENOID O.R. PROCEDURE, W AGE 18+
- (058) OTHER TONSIL OR ADENOID O.R. PROCEDURE, W AGE 0-17
- (061) MYRINGOTOMY O.R. PROCEDURE, W AGE 18+
- (062) MYRINGOTOMY O.R. PROCEDURE, W AGE 0-17
- *(063) OTHER O.R. PROCEDURE

**MAJOR DIAGNOSTIC CATEGORY 04: DISEASES AND DISORDERS
OF THE RESPIRATORY SYSTEM**

- (089) SIMPLE PNEUMONIA AND PLEURISY, W AGE 18+, W AGE 70CC, MEDICAL
- (090) SIMPLE PNEUMONIA AND PLEURISY, W AGE 18+, WO AGE 70CC, MEDICAL
- (091) SIMPLE PNEUMONIA AND PLEURISY, W AGE 0-17, MEDICAL
- (092) INTERSTITIAL LUNG DISEASE, W AGE 70CC, MEDICAL
- (093) INTERSTITIAL LUNG DISEASE, WO AGE 70CC, MEDICAL
- (094) PNEUMOTHORAX, W AGE 70CC, MEDICAL
- (095) PNEUMOTHORAX, WO AGE 70CC, MEDICAL
- (096) BRONCHITIS AND ASTHMA, AGE 18+, W AGE 70CC, MEDICAL
- (097) BRONCHITIS AND ASTHMA, AGE 18+, WO AGE 70CC, MEDICAL
- (098) BRONCHITIS AND ASTHMA, AGE 0-17, MEDICAL
- (078) PULMONARY EMBOLISM, MEDICAL
- (079) INFECTIONS AND INFLAMMATIONS, W AGE 18+, W AGE 70CC, MEDICAL
- (080) INFECTIONS AND INFLAMMATIONS, W AGE 18+, WO AGE 70CC, MEDICAL
- (081) INFECTIONS AND INFLAMMATIONS, W AGE 0-17, MEDICAL
- (082) NEOPLASM OF RESPIRATORY SYSTEM, MEDICAL
- (083) MAJOR CHEST TRAUMA, W AGE 70CC, MEDICAL
- (084) MAJOR CHEST TRAUMA, WO AGE 70CC, MEDICAL
- (085) PLEURAL EFFUSION, W AGE 70CC, MEDICAL
- (086) PLEURAL EFFUSION, WO AGE 70CC, MEDICAL
- (087) PULMONARY EDEMA AND RESPIRATORY FAILURE, MEDICAL
- (088) CHRONIC OBSTRUCTIVE PULMONARY DISEASE, MEDICAL
- (099) SIGNS AND SYMPTOMS, W AGE 70CC, MEDICAL
- (100) SIGNS AND SYMPTOMS, WO AGE 70CC, MEDICAL
- *(101) OTHER DIAGNOSES, W AGE 70CC, MEDICAL
- *(102) OTHER DIAGNOSES, WO AGE 70CC, MEDICAL
- (075) MAJOR CHEST O.R. PROCEDURE
- (076) MINOR CHEST OR OTHER O.R. PROCEDURES, W AGE 70CC
- (077) MINOR CHEST OR OTHER O.R. PROCEDURES, WO AGE 70CC

**MAJOR DIAGNOSTIC CATEGORY 05: DISEASES AND DISORDERS
OF THE CIRCULATORY SYSTEM**

- (121) ACUTE MYOCARDIAL INFARCTION, DISCHARGED ALIVE, WITH CARDIOVASCULAR COMPLICATIONS, MEDICAL
- (122) ACUTE MYOCARDIAL INFARCTION, DISCHARGED ALIVE, WO CARDIOVASCULAR COMPLICATIONS, MEDICAL
- (123) ACUTE MYOCARDIAL INFARCTION, DISCHARGED DEAD, MEDICAL
- (124) WO ACUTE MYOCARDIAL INFARCTION, W CARDIAC CATHETERIZATION, W COMPLEX DIAGNOSES, MEDICAL
- (125) WO ACUTE MYOCARDIAL INFARCTION, W CARDIAC CATHETERIZATION, WO COMPLEX DIAGNOSES, MEDICAL
- (126) ACUTE AND SUBACUTE ENDOCARDITIS, MEDICAL
- (135) CONGENITAL AND VALVULAR, W AGE 18+, W AGE 70CC, MEDICAL
- (136) CONGENITAL AND VALVULAR, W AGE 18+, WO AGE 70CC, MEDICAL
- (137) CONGENITAL AND VALVULAR, W AGE 0-17, MEDICAL

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- (127) HEART FAILURE AND SHOCK, MEDICAL
- (128) DEEP VEIN THROMBOPHLEBITIS, MEDICAL
- (130) PERIPHERAL VASCULAR, W AGE 70CC, MEDICAL
- (131) PERIPHERAL VASCULAR, WO AGE 70CC, MEDICAL
- (129) CARDIAC ARREST, MEDICAL
- (132) ATHEROSCLEROSIS, W AGE 70CC, MEDICAL
- (133) ATHEROSCLEROSIS, WO AGE 70CC, MEDICAL
- (134) HYPERTENSION, MEDICAL
- (138) ARRHYTHMIA AND CONDUCTIVE DISORDERS, W AGE 70CC, MEDICAL
- (139) ARRHYTHMIA AND CONDUCTIVE DISORDERS, WO AGE 70CC, MEDICAL
- (140) ANGINA, MEDICAL
- (141) SYNCOPE AND COLLAPSE, W AGE 70CC, MEDICAL
- (142) SYNCOPE AND COLLAPSE, WO AGE 70CC, MEDICAL
- (143) CHEST PAIN, MEDICAL
- *(144) OTHER DIAGNOSES, W CC, MEDICAL
- *(145) OTHER DIAGNOSES, WO CC, MEDICAL
- (103) HEART TRANSPLANT O.R. PROCEDURE
- (104) VALVE O.R. PROCEDURE WITH PUMP, W CARDIAC CATHETERIZATION
- (105) VALVE O.R. PROCEDURE WITH PUMP, WO CARDIAC CATHETERIZATION
- (106) CORONARY BYPASS O.R. PROCEDURE, W CARDIAC CATHETERIZATION
- (107) CORONARY BYPASS O.R. PROCEDURE, WO CARDIAC CATHETERIZATION
- (108) OTHER CARDIO-THORACIC O.R. PROCEDURE WITH PUMP
- (109) OTHER CARDIO-THORACIC O.R. PROCEDURE WITHOUT PUMP
- (110) VASCULAR O.R. PROCEDURE, W MAJOR RECONSTRUCTION, W AGE 70CC
- (111) VASCULAR O.R. PROCEDURE, W MAJOR RECONSTRUCTION, WO AGE 70CC
- (112) VASCULAR O.R. PROCEDURE, WO MAJOR RECONSTRUCTION
- (114) AMPUTATION, W UPPER LIMB AND TOE
- (113) AMPUTATION, WO UPPER LIMB AND TOE
- (115) PERMANENT PACEMAKER IMPLANTATION, W PRINCIPAL DIAGNOSIS OF AMI OR CHF
- (116) PERMANENT PACEMAKER IMPLANTATION, WO PRINCIPAL DIAGNOSIS OF AMI OR CHF
- (118) PACEMAKER REPLACEMENT AND/OR REVISION, W PULSE GENERATOR
- (117) PACEMAKER REPLACEMENT AND/OR REVISION, WO PULSE GENERATOR
- (119) VEIN LIGATION AND STRIPPING
- *(120) OTHER O.R. PROCEDURE

MAJOR DIAGNOSTIC CATEGORY 06: DISEASES AND DISORDERS
OF THE DIGESTIVE SYSTEM

- (172) MALIGNANCY, W AGE 70CC, MEDICAL
- (173) MALIGNANCY, WO AGE 70CC, MEDICAL
- (174) HEMORRHAGE, W AGE 70CC, MEDICAL
- (175) HEMORRHAGE, WO AGE 70CC, MEDICAL
- (176) ULCERS, W COMPLICATED PRINCIPAL DIAGNOSIS, MEDICAL
- (177) ULCERS, WO COMPLICATED PRINCIPAL DIAGNOSIS, W AGE 70CC, MEDICAL
- (178) ULCERS, WO COMPLICATED PRINCIPAL DIAGNOSIS, WO AGE 70CC, MEDICAL
- (179) INFLAMMATORY BOWEL DISEASE, MEDICAL
- (180) INTESTINAL OBSTRUCTION, W AGE 70CC, MEDICAL
- (181) INTESTINAL OBSTRUCTION, WO AGE 70CC, MEDICAL
- (182) GASTRO-INTESTINAL, AGE 18+, W AGE 70CC, MEDICAL
- (183) GASTRO-INTESTINAL, AGE 18+, WO AGE 70CC, MEDICAL
- (184) GASTRO-INTESTINAL, AGE 0-17, MEDICAL
- (187) DENTAL/ORAL DIAGNOSIS, W DENTAL ORAL PROCEDURE
- (185) DENTAL/ORAL DIAGNOSIS, WO DENTAL ORAL PROCEDURE, AGE 18+
- (186) DENTAL/ORAL DIAGNOSIS, WO DENTAL ORAL PROCEDURE, AGE 0-17
- *(188) OTHER DIAGNOSES, AGE 18+, W AGE 70CC, MEDICAL
- *(189) OTHER DIAGNOSES, AGE 18+, WO AGE 70CC, MEDICAL
- *(190) OTHER DIAGNOSES, AGE 0-17, MEDICAL
- (146) RECTAL RESECTION PROCEDURE, W AGE 70CC
- (147) RECTAL RESECTION PROCEDURE, WO AGE 70CC
- (148) MAJOR SMALL AND LARGE BOWEL PROCEDURES, W AGE 70CC
- (149) MAJOR SMALL AND LARGE BOWEL PROCEDURES, WO AGE 70CC
- (150) ADHESIOLYSIS, W AGE 70CC
- (151) ADHESIOLYSIS, WO AGE 70CC
- (152) MINOR SMALL AND LARGE BOWEL PROCEDURES, W AGE 70CC
- (153) MINOR SMALL AND LARGE BOWEL PROCEDURES, WO AGE 70CC
- (154) STOMACH, ESOPHAGUS AND DUODENUM PROCEDURES, AGE 18+, W AGE 70CC
- (155) STOMACH, ESOPHAGUS AND DUODENUM PROCEDURES, AGE 18+, WO AGE 70CC
- (156) STOMACH, ESOPHAGUS AND DUODENUM PROCEDURES, AGE 0-17

PROPOSALS

- (157) ANUS, STOMACH AND PERIANAL PROCEDURES, W AGE 70CC
- (158) ANUS, STOMACH AND PERIANAL PROCEDURES, WO AGE 70CC
- (159) HERNIA PROCEDURE, W AGE 18+, WO INGUINAL AND FEMORAL PROCEDURE, W AGE 70CC
- (160) HERNIA PROCEDURE, W AGE 18+, WO INGUINAL AND FEMORAL, WO AGE 70CC
- (161) HERNIA PROCEDURE, W AGE 18+, W INGUINAL AND FEMORAL, W AGE 70CC
- (162) HERNIA PROCEDURE, W AGE 18+, W INGUINAL AND FEMORAL, WO AGE 70CC
- (163) HERNIA PROCEDURES, AGE 0-17
- (164) APPENDECTOMY, W COMPLICATED DIAGNOSIS, W AGE 70CC
- (165) APPENDECTOMY, W COMPLICATED DIAGNOSIS, WO AGE 70CC
- (166) APPENDECTOMY, WO COMPLICATED DIAGNOSIS, W AGE 70CC
- (167) APPENDECTOMY, WO COMPLICATED DIAGNOSIS, WO AGE 70CC
- (168) ORAL PROCEDURES W AGE 70CC
- (169) ORAL PROCEDURES WO AGE 70CC
- *(170) W OTHER O.R. PROCEDURE W AGE 70CC
- *(171) W OTHER O.R. PROCEDURE, WO AGE 70CC

MAJOR DIAGNOSTIC CATEGORY 07: DISEASES AND DISORDERS
OF THE HEPATOBILIARY SYSTEM AND PANCREAS

- (202) CIRRHOSIS AND ALCOHOLIC HEPATITIS
- (203) MALIGNANCY, MEDICAL
- (204) PANCREAS, MEDICAL
- (205) LIVER, W AGE 70CC, MEDICAL
- (206) LIVER, WO AGE 70CC, MEDICAL
- (207) BILIARY TRACT, W AGE 70CC, MEDICAL
- (208) BILIARY TRACT, WO AGE 70CC, MEDICAL
- (191) MAJOR PANCREAS AND LIVER PROCEDURES
- (192) MINOR PANCREAS AND LIVER PROCEDURES
- (195) GALLBLADDER W TOTAL CHOLECYSTECTOMY, W COMMON BILE DUCT EXPLORATION, W AGE 70CC
- (196) GALLBLADDER W TOTAL CHOLECYSTECTOMY, W COMMON BILE DUCT EXPLORATION, WO AGE 70CC
- (197) GALLBLADDER W TOTAL CHOLECYSTECTOMY, WO COMMON BILE DUCT EXPLORATION, W AGE 70CC
- (198) GALLBLADDER W TOTAL CHOLECYSTECTOMY, WO COMMON BILE DUCT EXPLORATION, WO AGE 70CC
- (193) GALLBLADDER WO TOTAL CHOLECYSTECTOMY, W AGE 70CC
- (194) GALLBLADDER WO TOTAL CHOLECYSTECTOMY, WO AGE 70CC
- (199) EXPLORATORY PROCEDURE, W PRINCIPAL DIAGNOSES OF MALIGNANCY
- (200) EXPLORATORY PROCEDURE, WO PRINCIPAL DIAGNOSES OF MALIGNANCY
- *(201) OTHER O.R. PROCEDURES

MAJOR DIAGNOSTIC CATEGORY 08: DISEASE OF
MUSCULOSKELETAL SYSTEM AND CONNECTIVE TISSUE

- (235) FRACTURE OF FEMUR, MEDICAL
- (238) OSTEOMYELITIS, MEDICAL
- (236) FRACTURE OF HIP AND PELVIS, MEDICAL
- (239) MALIGNANCY, MEDICAL
- (240) DISEASES, DISORDER OF CONNECTIVE TISSUE, W AGE 70CC, MEDICAL
- (241) DISEASES, DISORDERS OF CONNECTIVE TISSUE, WO AGE 70CC, MEDICAL
- (242) SEPTIC ARTHRITIS, MEDICAL
- (243) BACK DISORDERS, MEDICAL
- (244) BONE DISEASE AND SPECIFIC ARTHROPATHIES, W AGE 70CC, MEDICAL
- (245) BONE DISEASE AND SPECIFIC ARTHROPATHIES, WO AGE 70CC, MEDICAL
- (246) NONSPECIFIC ARTHRITIS, MEDICAL
- (237) SPRAIN, STRAIN, DISLOCATION OF HIP AND THIGH, MEDICAL
- (247) SIGNS AND SYMPTOMS, MEDICAL
- (249) AFTERCARE, MEDICAL
- (253) FRACTURE, SPRAIN, STRAIN, DISLOCATION OF UPPER ARM AND LOWER LEG, AGE 18+ W AGE 70CC, MEDICAL
- (254) FRACTURE, SPRAIN, STRAIN, DISLOCATION OF UPPER ARM AND LOWER LEG, AGE 18+ WO AGE 70CC, MEDICAL
- (255) FRACTURE, SPRAIN, STRAIN, DISLOCATION OF UPPER ARM AND LOWER LEG, AGE 0-17, MEDICAL
- (248) TENDONITIS, MEDICAL
- (250) FRACTURE, SPRAIN, STRAIN, DISLOCATION OF FOREARM, HAND AND FOOT, AGE 18+, W AGE 70CC, MEDICAL
- (251) FRACTURE, SPRAIN, STRAIN, DISLOCATION OF FOREARM, HAND AND FOOT, AGE 18+, WO AGE 70CC, MEDICAL
- (252) FRACTURE, SPRAIN, STRAIN, DISLOCATION OF FOREARM, HAND AND FOOT,

HEALTH

- AGE 0-17, MEDICAL
- *(256) OTHER DIAGNOSES, MEDICAL
- (209) MAJOR JOINT PROCEDURE
- (210) OTHER HIP AND FEMUR PROCEDURE, W AGE 18+, W AGE 70CC
- (211) OTHER HIP AND FEMUR PROCEDURE, W AGE 18+, WO AGE 70CC
- (212) OTHER HIP AND FEMUR PROCEDURE, W AGE 0-17
- (213) AMPUTATIONS
- (214) BACK AND NECK PROCEDURE, W AGE 70CC
- (215) BACK AND NECK PROCEDURE, WO AGE 70CC
- (218) OTHER LOWER EXTREMITY AND HUMERUS PROCEDURES, AGE 18+, W AGE 70CC
- (219) OTHER LOWER EXTREMITY AND HUMERUS PROCEDURES, AGE 18+, WO AGE 70CC
- (220) OTHER LOWER EXTREMITY AND HUMERUS PROCEDURES, AGE 0-17
- (221) KNEE PROCEDURE, W AGE 70CC
- (222) KNEE PROCEDURE, WO AGE 70CC
- (223) OTHER UPPER EXTREMITY PROCEDURE, W AGE 70CC
- (224) OTHER UPPER EXTREMITY PROCEDURE, WO AGE 70CC
- (225) FOOT PROCEDURE
- (226) SOFT TISSUE PROCEDURE, W AGE 70CC
- (227) SOFT TISSUE PROCEDURE, WO AGE 70CC
- (228) HAND PROCEDURES, W PRINCIPAL DIAGNOSIS OF GANGLION
- (229) HAND PROCEDURES, WO PRINCIPAL DIAGNOSIS OF GANGLION
- (217) DEBRIDMENT AND GRAFTS (EXCEPT HAND)
- (216) BONE BIOPSY
- (230) LOCAL EXCISION AND REMOVAL OF INTERNAL FIXATION DEVICES, HIP AND FEMUR
- (231) LOCAL EXCISION AND REMOVAL OF INTERNAL FIXATION DEVICES, OTHER THAN HIP OR FEMUR
- (232) ARTHROSCOPY
- *(233) OTHER O.R. PROCEDURES, W AGE 70CC
- *(234) OTHER O.R. PROCEDURES, WO AGE 70CC

MAJOR DIAGNOSTIC CATEGORY 09: DISEASES OF THE SKIN, SUBCUTANEOUS AND BREAST

- (271) SKIN ULCER, MEDICAL
- (272) MAJOR DERMATOLOGY, W AGE 70CC, MEDICAL
- (273) MAJOR DERMATOLOGY, WO AGE 70CC, MEDICAL
- (274) BREAST, W PRINCIPAL DIAGNOSIS OF MALIGNANCY, W AGE 70CC, MEDICAL
- (275) BREAST, W PRINCIPAL DIAGNOSIS OF MALIGNANCY, WO AGE 70CC, MEDICAL
- (276) BREAST, WO PRINCIPAL DIAGNOSIS OF MALIGNANCY, MEDICAL
- (277) CELLULITIS, W AGE 18+, W AGE 70CC, MEDICAL
- (278) CELLULITIS, W AGE 18+, WO AGE 70CC, MEDICAL
- (279) CELLULITIS, W AGE 0-17, MEDICAL
- (280) TRAUMA, W AGE 18+ W AGE 70CC, MEDICAL
- (281) TRAUMA, W AGE 18+, WO AGE 70CC, MEDICAL
- (282) TRAUMA, W AGE 0-17, MEDICAL
- (283) MINOR DERMATOLOGY, W AGE 70CC, MEDICAL
- (284) MINOR DERMATOLOGY, WO AGE 70CC, MEDICAL
- (257) BREAST PROCEDURES, W PRINCIPAL DIAGNOSIS OF MALIGNANCY, W O.R. PROCEDURE GREATER THAN SUBTOTAL MASTECTOMY, W AGE 70CC
- (258) BREAST PROCEDURES, W PRINCIPAL DIAGNOSIS OF MALIGNANCY, W O.R. PROCEDURE GREATER THAN SUBTOTAL MASTECTOMY, WO AGE 70CC
- (259) BREAST PROCEDURES, W PRINCIPAL DIAGNOSIS OF MALIGNANCY, W SUBTOTAL MASTECTOMY W AGE 70CC
- (260) BREAST PROCEDURES, W PRINCIPAL DIAGNOSIS OF MALIGNANCY, W SUBTOTAL MASTECTOMY WO AGE 70CC
- (261) BREAST PROCEDURES, WO PRINCIPAL DIAGNOSIS OF MALIGNANCY, WO BIOPSY OR LOCAL EXCISION
- (262) BREAST PROCEDURES, WO PRINCIPAL DIAGNOSIS OF MALIGNANCY, W BIOPSY OR LOCAL EXCISION
- (263) SKIN GRAFT W PRINCIPAL DIAGNOSIS OF SKIN ULCER OR CELLULITIS, W AGE 70CC
- (264) SKIN GRAFT W PRINCIPAL DIAGNOSIS OF SKIN ULCER OR CELLULITIS, WO AGE 70CC
- (265) SKIN GRAFT WO PRINCIPAL DIAGNOSIS OF SKIN ULCER OR CELLULITIS, W CC
- (266) SKIN GRAFT WO PRINCIPAL DIAGNOSIS OF SKIN ULCER OR CELLULITIS, WO CC
- (267) PERIANAL AND PILONIDAL CYST
- (268) PLASTIC PROCEDURES
- *(269) OTHER O.R. PROCEDURES, W AGE 70CC
- *(270) OTHER O.R. PROCEDURES, WO AGE 70CC

PROPOSALS

HEALTH

**MAJOR DIAGNOSTIC CATEGORY 10: ENDOCRINE, NUTRITIONAL
AND METABOLIC DISEASES**

- (294) DIABETES, AGE 36+, MEDICAL
- (295) DIABETES, AGE 0-35, MEDICAL
- (296) NUTRITIONAL AND METABOLIC, AGE 18+, W AGE 70CC, MEDICAL
- (297) NUTRITIONAL AND METABOLIC, AGE 18+, WO AGE 70CC, MEDICAL
- (298) NUTRITIONAL AND METABOLIC, AGE 0-17, MEDICAL
- (299) INBORN ERRORS OF METABOLISM, MEDICAL
- (300) ENDOCRINE, W AGE 70CC, MEDICAL
- (301) ENDOCRINE, WO AGE 70CC, MEDICAL
- (285) AMPUTATION O.R. PROCEDURE
- (286) ADRENAL AND PITUITARY O.R. PROCEDURE
- (287) SKIN GRAFT OR WOUND DEBRIDEMENT O.R. PROCEDURE
- (288) O.R. PROCEDURE FOR OBESITY
- (289) PARATHYROID O.R. PROCEDURE
- (290) THYROID O.R. PROCEDURE
- (291) THYROGLOSSAL O.R. PROCEDURE
- *(292) OTHER O.R. PROCEDURE, W AGE 70CC
- *(293) OTHER O.R. PROCEDURE, WO AGE 70CC

**MAJOR DIAGNOSTIC CATEGORY 11: DISEASES AND DISORDERS
OF THE KIDNEY AND URINARY TRACT**

- (317) RENAL FAILURE, W DIALYSIS, MEDICAL
- (316) RENAL FAILURE, WO DIALYSIS, MEDICAL
- (318) NEOPLASM, W AGE 70CC, MEDICAL
- (319) NEOPLASM, WO AGE 70CC, MEDICAL
- (320) INFECTION, AGE 18+, W AGE 70CC, MEDICAL
- (321) INFECTION, AGE 18+, WO AGE 70CC, MEDICAL
- (322) INFECTION, AGE 0-17, MEDICAL
- (323) STONE, W AGE 70CC, MEDICAL
- (324) STONE, WO AGE 70CC, MEDICAL
- (325) SIGNS AND SYMPTOMS, W AGE 18+, W AGE 70CC, MEDICAL
- (326) SIGNS AND SYMPTOMS, W AGE 18+, WO AGE 70CC, MEDICAL
- (327) SIGNS AND SYMPTOMS, AGE 0-17, MEDICAL
- (328) URETHRAL STRICTURE, AGE 18+, W AGE 70CC, MEDICAL
- (329) URETHRAL STRICTURE, W AGE 18+, WO AGE 70CC, MEDICAL
- (330) URETHRAL STRICTURE, AGE 0-17, MEDICAL
- *(331) OTHER DIAGNOSES, AGE 18+, W AGE 70CC, MEDICAL
- *(332) OTHER DIAGNOSES, AGE 18+, WO AGE 70CC, MEDICAL
- *(333) OTHER DIAGNOSES, AGE 0-17, MEDICAL
- (302) KIDNEY TRANSPLANT
- (303) KIDNEY URETER AND MAJOR BLADDER PROCEDURE, W NEOPLASM
- (304) KIDNEY URETER AND MAJOR BLADDER PROCEDURES, WO NEOPLASM
W AGE 70CC
- (305) KIDNEY URETER AND MAJOR BLADDER PROCEDURES, WO NEOPLASM
WO AGE 70CC
- (306) PROSTATECTOMY, W AGE 70CC
- (307) PROSTATECTOMY, WO AGE 70CC
- (308) OTHER BLADDER PROCEDURE, W AGE 70CC
- (309) OTHER BLADDER PROCEDURE, WO AGE 70CC
- (310) TRANSURETHRAL PROCEDURE, W AGE 70CC
- (311) TRANSURETHRAL PROCEDURE, W.O. AGE 70CC
- (312) URETHRA, W AGE 18+, W AGE 70CC
- (313) URETHRA, W AGE 18+, WO AGE 70CC
- (314) URETHRA W AGE 0-17
- *(315) OTHER O.R. PROCEDURE

**MAJOR DIAGNOSTIC CATEGORY 12: DISEASES AND DISORDERS
OF THE MALE REPRODUCTIVE SYSTEM**

- (351) STERILIZATION, MEDICAL
- (350) INFLAMMATION, MEDICAL
- (348) BENIGN PROSTATIC HYPERTROPHY, W AGE 70CC, MEDICAL
- (349) BENIGN PROSTATIC HYPERTROPHY, WO AGE 70CC, MEDICAL
- (346) MALIGNANCY, W AGE 70CC MEDICAL
- (347) MALIGNANCY, WO AGE 70CC MEDICAL
- *(352) OTHER DIAGNOSES, MEDICAL
- (334) MAJOR PELVIC PROCEDURE, W CC
- (335) MAJOR PELVIC PROCEDURE, WO CC
- (336) TRANSURETHRAL PROSTATECTOMY, W AGE 70CC
- (337) TRANSURETHRAL PROSTATECTOMY, WO AGE 70CC
- (338) TESTICULAR PROCEDURES, W MALIGNANCY

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- (339) TESTICULAR PROCEDURES, WO MALIGNANCY, W AGE 18+
- (340) TESTICULAR PROCEDURE, WO MALIGNANCY, W AGE 0-17
- (341) PROCEDURE ON THE PENIS
- (342) CIRCUMCISION, W AGE 18+
- (343) CIRCUMCISION, W AGE 0-17
- *(344) OTHER O.R. PROCEDURE, W PRINCIPAL DIAGNOSIS OF MALIGNANCY
- *(345) OTHER O.R. PROCEDURE, WO PRINCIPAL DIAGNOSIS OF MALIGNANCY

**MAJOR DIAGNOSTIC CATEGORY 13: DISEASES AND DISORDERS
OF THE FEMALE REPRODUCTIVE SYSTEM**

- (368) INFECTION, MEDICAL
- (366) MALIGNANCY, W AGE 70CC, MEDICAL
- (367) MALIGNANCY, WO AGE 70CC, MEDICAL
- (369) MENSTRUAL AND OTHER DIAGNOSES, MEDICAL
- (353) PELVIC EVISCERATION RADICAL HYSTERECTOMY AND VULVECTOMY
- (354) OTHER HYSTERECTOMY, W AGE 70CC
- (355) OTHER HYSTERECTOMY, WO AGE 70CC
- (356) RECONSTRUCTION
- (357) PROCEDURES OF THE UTERUS AND ADNEXA, W PRINCIPAL DIAGNOSIS OF MALIGNANCY
- (359) PROCEDURES OF THE UTERUS AND ADNEXA, WO PRINCIPAL DIAGNOSIS OF MALIGNANCY, W TUBAL INTERUPTION
- (358) PROCEDURES OF THE UTERUS AND ADNEXA, WO PRINCIPAL DIAGNOSIS OF MALIGNANCY, WO TUBAL INTERUPTION
- (360) VAGINA, CERVIX AND VULVA PROCEDURE
- (361) LAPAROSCOPY AND ENDOSCOPY, WO TUBAL INTERRUPTION
- (362) LAPAROSCOPY AND ENDOSCOPY, W TUBAL INTERRUPTION
- (363) D&C, CONIZATION, AND IMPLANT W PRINCIPAL DIAGNOSIS OF MALIGNANCY
- (364) D&C, CONIZATION, AND IMPLANT WO PRINCIPAL DIAGNOSIS OF MALIGNANCY
- *(365) OTHER O.R. PROCEDURE

MAJOR DIAGNOSTIC CATEGORY 14: PREGNANCY, CHILDBIRTH, AND THE PUERPERIUM

- (378) ECTOPIC PREGNANCY
- (379) THREATENED ABORTION
- (380) ABORTION, WO D&C
- (381) ABORTION, W D&C
- (382) FALSE LABOR, MEDICAL
- (383) OTHER ANTEPARTUM DIAGNOSES, W MEDICAL COMPLICATIONS
- (384) OTHER ANTEPARTUM DIAGNOSES, WO MEDICAL COMPLICATIONS
- (376) POSTPARTUM DIAGNOSES, W OPERATING ROOM PROCEDURE
- (377) POSTPARTUM DIAGNOSES, WO OPERATING ROOM PROCEDURE
- (370) CESAREAN SECTION, W CC
- (371) CESAREAN SECTION, WO CC
- (374) VAGINAL DELIVERY W STERILIZATION FOR POSTPARTUM D&C
- (375) VAGINAL DELIVERY W OTHER O.R. PROCEDURE
- (372) VAGINAL DELIVERY W COMPLICATIONS
- (373) VAGINAL DELIVERY WO COMPLICATIONS

**MAJOR DIAGNOSTIC CATEGORY 15: NORMAL NEWBORN AND OTHER NEONATES WITH
CERTAIN CONDITIONS ORIGINATING IN THE PERINATAL PERIOD**

- *(385) NEWBORN TRANSFERRED OR DIED, MEDICAL
- (391) FULL TERM NEWBORN WITHOUT SIGNIFICANT SECONDARY DIAGNOSES, DISCHARGED HOME, MEDICAL
- (386) NEWBORN WITH EXTREME IMMATUREITY, DISCHARGED HOME, MEDICAL
- (387) NEWBORN W PREMATUREITY, W MAJOR PROBLEM DISCHARGED HOME, MEDICAL
- (388) NEWBORN W PREMATUREITY, WO MAJOR PROBLEM, DISCHARGED HOME, MEDICAL
- (389) FULL TERM NEWBORN W TERM MAJOR PROBLEM, DISCHARGED HOME, MEDICAL
- *(390) NEWBORN W OTHER DIAGNOSES, DISCHARGED HOME, MEDICAL

**MAJOR DIAGNOSTIC CATEGORY 16: DISEASES AND DISORDERS
OF THE BLOOD AND BLOOD-FORMING ORGANS AND IMMUNITY**

- (395) RED BLOOD CELL DISORDERS, AGE 18+, MEDICAL
- (396) RED BLOOD CELL DISORDERS, AGE 0-17, MEDICAL
- (397) COAGULATION DISORDERS, MEDICAL
- (398) RETICULOENDOTHELIAL AND IMMUNITY DISORDERS, W AGE 70CC, MEDICAL
- (399) RETICULOENDOTHELIAL AND IMMUNITY DISORDERS, WO AGE 70CC, MEDICAL
- (392) SPLENECTOMY O.R. PROCEDURE, W AGE 18+

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- (393) SPLENECTOMY O.R. PROCEDURE, W AGE 0-17
- *(394) OTHER O.R. PROCEDURE

MAJOR DIAGNOSTIC CATEGORY 17: MYELOPROLIFERATIVE DISORDERS AND POORLY DIFFERENTIATED MALIGNANCY, AND OTHER NEOPLASMS NEC

- (400) LYMPHOMA AND LEUKEMIA, W MAJOR O.R. PROCEDURE
- (401) LYMPHOMA AND LEUKEMIA, W MINOR O.R. PROCEDURE, W AGE 70CC
- (402) LYMPHOMA AND LEUKEMIA, W MINOR O.R. PROCEDURE, WO AGE 70CC
- (403) LYMPHOMA AND LEUKEMIA, AGE 18+, W AGE 70CC, MEDICAL
- (404) LYMPHOMA AND LEUKEMIA, AGE 18+, WO AGE 70CC, MEDICAL
- (405) LYMPHOMA AND LEUKEMIA, AGE 0-17, MEDICAL
- (409) MYELOPROLIFERATIVE DISORDERS AND OTHER NEOPLASMS NEC, RADIATION THERAPY, MEDICAL
- (410) MYELOPROLIFERATIVE DISORDERS AND OTHER NEOPLASMS NEC, CHEMOTHERAPY, MEDICAL
- (411) MYELOPROLIFERATIVE DISORDERS AND OTHER NEOPLASMS NEC, HISTORY OF MALIGNANCY, WO ENDOSCOPY, MEDICAL
- (412) MYELOPROLIFERATIVE DISORDERS AND OTHER NEOPLASMS NEC, HISTORY OF MALIGNANCY, W ENDOSCOPY, MEDICAL
- *(413) MYELOPROLIFERATIVE DISORDERS AND OTHER NEOPLASMS NEC, OTHER DIAGNOSES, W AGE 70CC, MEDICAL
- *(414) MYELOPROLIFERATIVE DISORDERS AND OTHER NEOPLASMS NEC, OTHER DIAGNOSES, WO AGE 70CC, MEDICAL
- (406) MYELOPROLIFERATIVE DISORDERS AND OTHER NEOPLASMS NEC, W MAJOR O.R. PROCEDURE, W CC
- (407) MYELOPROLIFERATIVE DISORDERS AND OTHER NEOPLASMS NEC, W MAJOR O.R. PROCEDURE, WO CC
- (408) MYELOPROLIFERATIVE DISORDERS AND OTHER NEOPLASMS NEC, W MINOR O.R. PROCEDURE

MAJOR DIAGNOSTIC CATEGORY 18: INFECTIOUS AND PARASITIC DISEASES (SYSTEMIC)

- (416) SEPTICEMIA, AGE 18+, MEDICAL
- (417) SEPTICEMIA, AGE 0-17, MEDICAL
- (418) POSTOPERATIVE AND POSTTRAUMATIC INFECTION, MEDICAL
- (419) VIRAL ILLNESS OR FEVER OF UNKNOWN ORIGIN (FUO), AGE 18+, W FUO, W AGE 70CC, MEDICAL
- (420) VIRAL ILLNESS OR FEVER OF UNKNOWN ORIGIN (FUO), AGE 18+, W FUO, WO AGE 70CC, MEDICAL
- (421) VIRAL ILLNESS OR FEVER OF UNKNOWN ORIGIN (FUO), AGE 18+, WO FUO, MEDICAL
- (422) VIRAL ILLNESS OR FEVER OF UNKNOWN ORIGIN (FUO), AGE 0-17, MEDICAL
- *(423) OTHER DIAGNOSES, MEDICAL
- *(415) INFECTIOUS AND PARASITIC DISEASES AND DISORDERS, W ANY O.R. PROCEDURE

MAJOR DIAGNOSTIC CATEGORY 19: MENTAL DISORDERS

- (425) ACUTE AND ADJUSTMENT REACTIONS AND DISORDERS OF PSYCHOSOCIAL DYSFUNCTION, MEDICAL
- (426) NEUROSES, W PRINCIPAL DIAGNOSIS OF DEPRESSIVE NEUROSES, MEDICAL
- (427) NEUROSES, WO PRINCIPAL DIAGNOSIS OF DEPRESSIVE NEUROSES, MEDICAL
- (428) DISORDERS OF PERSONALITY AND IMPULSE CONTROL, MEDICAL
- (429) ORGANIC DISTURBANCES AND MENTAL RETARDATION, MEDICAL
- (430) PSYCHOSES, MEDICAL
- (431) CHILDHOOD DISORDERS, MEDICAL
- *(432) OTHER DIAGNOSES, MEDICAL
- *(424) MENTAL DISORDERS, W ANY OPERATING ROOM PROCEDURE

MAJOR DIAGNOSTIC CATEGORY 20: SUBSTANCE USE DISORDERS AND SUBSTANCE INDUCED ORGANIC DISORDERS

- *(433) ALCOHOL/DRUG DEPENDENCE ABUSE, LEFT AGAINST MEDICAL ADVICE, MEDICAL
- *(434) DRUG DEPENDENCE, MEDICAL
- (435) DRUG ABUSE, MEDICAL
- (436) ALCOHOL DEPENDENCE, MEDICAL
- (437) ALCOHOL ABUSE, MEDICAL
- (438) ALCOHOL AND SUBSTANCE INDUCED ORGANIC MENTAL SYNDROME, MEDICAL

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MAJOR DIAGNOSTIC CATEGORY 21: INJURY, POISONING,
AND TOXIC EFFECTS OF DRUGS

- (444) TRAUMA, AGE 18+, W AGE 70CC, MEDICAL
- (445) TRAUMA, AGE 18+, WO AGE 70CC, MEDICAL
- (446) TRAUMA, AGE 0-17, MEDICAL
- (447) ALLERGIC REACTION, W AGE 18+, MEDICAL
- (448) ALLERGIC REACTION, W AGE 0-17, MEDICAL
- (449) DRUGS, AGE 18+, W AGE 70CC, MEDICAL
- (450) DRUGS, AGE 18+, WO AGE 70CC, MEDICAL
- (451) DRUGS, AGE 0-17, MEDICAL
- (452) COMPLICATIONS OF TREATMENT, W AGE 70CC, MEDICAL
- (453) COMPLICATIONS OF TREATMENT, WO AGE 70CC, MEDICAL
- *(454) OTHER DIAGNOSES, W AGE 70CC, MEDICAL
- *(455) OTHER DIAGNOSES, WO AGE 70CC, MEDICAL
- (439) SKIN GRAFT
- (440) WOUND DEBRIDEMENT
- (441) HAND PROCEDURES
- *(442) OTHER O.R. PROCEDURES, W AGE 70CC
- *(443) OTHER O.R. PROCEDURES, WO AGE 70CC

MAJOR DIAGNOSTIC CATEGORY 22: BURNS

- *(456) BURN, TRANSFERRED TO AN ACUTE CARE FACILITY, MEDICAL
- (460) BURN, NOT TRANSFERRED TO AN ACUTE CARE FACILITY,
MEDICAL
- (457) EXTENSIVE BURN, NOT TRANSFERRED TO AN ACUTE CARE FACILITY
- (458) BURN, NOT TRANSFERRED TO AN ACUTE CARE FACILITY, W SKIN GRAFT
O.R. PROCEDURE
- (459) BURN, NOT TRANSFERRED TO AN ACUTE CARE FACILITY, W WOUND
DEBRIDEMENT OR OTHER O.R. PROCEDURE

MAJOR DIAGNOSTIC CATEGORY 23: SELECTED FACTORS INFLUENCING
HEALTH STATUS AND CONTACT WITH HEALTH SERVICES

- *(462) REHABILITATION, MEDICAL
- (463) SIGNS AND SYMPTOMS, W CC, MEDICAL
- (464) SIGNS AND SYMPTOMS, WO CC, MEDICAL
- (465) AFTERCARE, W HISTORY OF MALIGNANCY, MEDICAL
- (466) AFTERCARE, WO HISTORY OF MALIGNANCY, MEDICAL
- *(467) OTHER FACTORS, MEDICAL
- *(461) ANY O.R. PROCEDURE

* Clinical Outlier DRGs

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ministration of the State's policy with respect to health planning, hospital and health care services, and health facility cost containment programs...."

The New Jersey State Health Plan recognizes the underutilization of inpatient beds, specialty services, and expensive equipment as an important factor contributing to the rapidly escalating costs of health care. Regionalization of specialty services and equipment is viewed as an important mechanism for promoting health by improving the capabilities of services and quality of care offered, by improving the solvency of hospitals offering these expensive services, and by containing the rising costs of health care services.

Since the proposed amendments do not change Department of Health policy, as reflected in the existing rules, the changes are not expected to have any negative impact on services currently operating within the State.

The rules, however, are important because they establish minimum standards for the provision of quality hemophilia care services, efficiently provided and properly utilized.

Economic Impact

The proposed changes are minor in nature and do not add any new administrative or service costs.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

8:33D-1.3 Incidence

Although a very difficult disease to accurately measure, the number afflicted is stable. Of all known genetic diseases, hemophilia has the highest known spontaneous mutation rate with as many as one-third of new cases occurring with no apparent prior history of the affection. Approximately 90 percent of these cases are in the severe range and it appears that the decrease in reproductivity in severe hemophiliacs has been offset in the past by the occurrence of new mutations. According to a National Heart and Lung Institute Study (1975), the incidence of factor VIII hemophilia is estimated to occur within the range of from 4.7 to 10 in each 100,000 new born males. Factor IX incidence is less certain because it is rarer. The range is from 0.5 to [five] **5.0** factor IX hemophiliacs in each 100,000 newborn males. This means a combined

range of from 5.2 to 15 hemophiliacs will be added to the United States population for every 100,000 newborn males. Based on New Jersey's [47,155] **49,121** male births in [1975] **1979**, there is a range of from 2.4 to 7.0 new factors VIII and IX hemophiliacs born in the State each year.

8:33D-1.4 Prevalence

(a) In New Jersey nearly 80 per cent of hemophiliacs under treatment are below the age of 30 and thus considerably younger as a group [then] **than** the general male population in the United States. It has also been indicated that diagnosis in hemophiliacs is made earlier today than in former years, usually in most affected children before they start school.

(b) The prevalence of total number of cases in a defined area at a defined time herein refers to the number of moderate and severe hemophiliacs with factor VIII or factor IX deficiency who seek treatment. Thus, prevalence becomes synonymous with "patient load" for a center which treats all known hemophiliacs in its area and may be used to indicate present need and demand. While the "National Heart and Lung Institute Blood Resources Study" (1972) uses an estimated United States treatment prevalence rate of 25.8 moderate and severe factor VIII and IX hemophiliacs per 100,000 male population, this figure, while often quoted, is considered out of date by the National Heart and Lung Institute. A possibly more reliable rate for this particular patient load is offered by the Pennsylvania Hemophilia Program. They suggest a prevalence rate of 14.6 hemophiliacs per 100,000 male population for the two most com-

mon forms of hemophilia. When applied to the 1970 United States census data for New Jersey, this rate yields an estimate of 505 hemophiliacs within the State. Adjusting for [anticipated] population change [by 1975] **in 1980**, [the figure] **this approach** estimates a **current** universe of [521] **519** moderate and severe factor VIII and IX hemophiliacs [currently] under treatment.

(c) (No change.)

8:33D-1.7 General criteria

(a) As part of the application for a regional hemophilia care center, each applicant must meet each of the following minimal general criteria:

1. Provide written documentation of need as expressed by minimum proposed patient load and show evidence that the proposed action is both consistent with the institution's approved long range plan, submitted to the department under requirements of N.J.A.C. 8:31-16.1, and with the health systems plan and annual implementation plan of the health systems area in which the applicant is located. [once these plans are developed.]

2.-4. (No change.)

5. Provide a utilization review plan for the department or professional [service] **standards** review organization (PSRO), whichever is appropriate.

6.-10. (No change.)

11. Maintain and provide basic statistical data on the operation of the center [to the department on a quarterly basis. A standardized data form has been prepared by the department and is attached as an appendix.] **and report that data to the Department of Health on a quarterly basis and on a standardized form prepared by the department. Copies of the full text of the required quarterly reporting form may be obtained upon written request to the New Jersey State Department of Health, Health Data Services, Room 403, CN 360, Trenton, New Jersey 08625.**

12. (No change.)

(b) This subchapter will be reviewed and evaluated within three years by the statewide health coordinating council.

Delete appendix identified as "Basic Statistical Data Required for Each Regional Hemophilia Care Center on a Quarterly Basis," of N.J.A.C. 8:33D.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John C. Scioli Coordinator
New Jersey Department of Health
Health Planning Services
Room 403
CN 360
Trenton, New Jersey 08625

The Commissioner of Health, with the approval of the Health Care Administration Board in the Department of Health, thereafter may adopt the proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-288.

(a)

PUBLIC HEALTH COUNCIL

**Communicable Diseases
Immunization of Pupils in Schools**

**Proposed Amendments: N.J.A.C. 8:57-4.5,
4.10, 4.12, 4.13, 4.15 and 4.16**

Proposed New Rule: N.J.A.C. 8:57-4.16

Public Hearing: November 17, 1981.

Authorized By: Public Health Council, Evelyn Geddes,
Chairperson.

Authority: N.J.S.A. 26:1A-7.

The agency proposal follows:

Summary

The proposed amendments would change several of the immunization requirements for pupils attending school. These changes would provide better levels of protection against some of the vaccine preventable diseases and help to control disease outbreaks in New Jersey Schools. N.J.A.C. 8:57-4.12(c) and 4.13(b) will not become effective until September 1, 1982.

Social Impact

The amendments are in keeping with current public health practices and recommendations and would have a positive affect on the health of New Jersey school children.

Economic Impact

There would be both direct and indirect financial savings realized with the prevention of disease morbidity and sequelae.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets[thus]).

8:57-4.5 Provisional admission to school

(a) (No change.)

(b) Such provisional admission shall be for a reasonable length of time that is consistent with the immunization schedule set forth in [Sections 10, 11, 12, and 13 of this Subchapter] **N.J.A.C. 8:57-4.10, 4.11, 4.12, 4.13 and 4.15**, but shall not exceed one year for completion of all immunization requirements.

8:57-4.10 Diphtheria and tetanus toxoids and pertussis vaccine

Every pupil shall have received four doses of diphtheria and tetanus toxoids and pertussis vaccine (DTP), and the last dose shall be administered not less than six months after the previous dose, except that pupils after the [sixth] **seventh** birthday who have not completed these requirements shall have received tetanus and diphtheria toxoids, adult type (Td) instead of DTP. For pupils after the[sixth] **seventh** birthday who have not completed these requirements, any combination of three doses of either DTP or Td, provided that the last dose was administered not less than six months after the preceding dose, shall be acceptable as adequate immunization with this vaccine series. Pupils who have not received any vaccines containing tetanus toxoid in 10 years shall receive a booster dose of tetanus and diphtheria toxoids, adult type (Td).

8:57-4.12 Measles virus vaccine

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

(c) Pupils with a history of having had the disease measles (rubcola) **as certified by a physician licensed to practice medicine or osteopathy in any jurisdiction of the United States, or pupils who present laboratory evidence of measles immunity** shall not be required to receive measles vaccine.

1. Effective September 1, 1982.

8:57-4.13 Rubella vaccine

(a) (No change.)

(b) Rubella virus vaccine live, shall not be required in pupils [after the twelfth birthday] **who present laboratory evidence of rubella immunity.**

1. Effective September 1, 1982.

[8:57-4.15 Effective Date

These regulations shall become effective on September 1, 1975.]

8:57-4.[16] 15 Mumps vaccine

(a) Every pupil, six years of age or younger shall have received mumps virus vaccine, live, or any vaccine combination containing mumps vaccine, live.

(b) Pupils with a history of having had the disease mumps shall not be required to receive mumps vaccine. [This section shall become effective on September 1, 1979.]

8:57-4.16 Disease outbreak control

(a) **In the event the State Commissioner of Health determines that an outbreak or threatened outbreak of disease exists, the Commissioner may issue additional immunization requirements to control the outbreak or threat of an outbreak.**

(b) **All pupils failing to meet these additional requirements shall be excluded from school.**

(c) **These requirements shall remain in effect until such time the State Commissioner of Health determines that an outbreak or a threatened outbreak no longer exists.**

A public hearing concerning this proposal will be held on November 17, 1981 at 9:30 a.m. at:

Commissioner's Conference Room
8th Floor
Health and Agriculture Building
John Fitch Plaza
Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Ronald Altman, M.D.
Assistant Commissioner
Division of Epidemiology and Disease Control
New Jersey State Department of Health
CN 360
Trenton, New Jersey 08625

The Public Health Council thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN-287.

HUMAN SERVICES

(b)

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

**Administration Manual
Record Keeping and Provider Certification**

Proposed Amendment: N.J.A.C. 10:49-1.23

Authorized By: Timothy Carden, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:4D-5 and 6c.

The agency proposal follows:

Summary

The New Jersey Medicaid program has always reimbursed providers who render medically necessary services to eligible Medicaid recipients. This regulation will require providers to legibly document the medical necessity for such services when submitting a claim for payment.

Social Impact

There should be no social impact associated with this proposal. Recipients will still be able to receive services (that are medically necessary), and providers who provide the proper documentation will be reimbursed for rendering such services.

Economic Impact

There should be little or no economic impact associated with this proposal. There is no change in the services provided, or in the method or level of reimbursement.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

10:49-1.23 Recordkeeping and provider certification requirement

All program providers are required to certify that the services billed on any claim were personally rendered by or under their direct personal supervision (as defined by Program regulations); that the furnished information is true, accurate and complete; and the provider agrees to keep [such] legible records as are necessary to disclose fully the extent of services provided, **as well as the medical necessity for those services**, and to furnish information for such services as the program may request, and agrees that where such records do not legibly document the extent of services billed, **as well as the medical necessity of services billed**, payment adjustments will be necessary and that the services billed on any claim and the amount charged therefore are in accordance with the regulations of the New Jersey Medicaid Program; and that payment of such amount will be accepted as payment in full without additional charge to the patient or to others on his behalf. The provider also certifies that the services have been furnished in full compliance with the nondiscrimination requirements of Title VI of the Federal Civil Rights Act and Section 504 of the Rehabilitation Act of 1973 and it is understood that fraud, nondisclosure or concealment of records will be punishable under applicable Federal or State law, or both.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
 Division of Medical Assistance
 and Health Services
 CN-712
 Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-268.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Pharmaceutical Services Manual
 Non-Legend Drugs and Legend Devices**

Proposed Amendments: N.J.A.C. 10:51-1 (Appendices B and D)

Authorized By: Timothy Carden, Commissioner, Department of Human Services.
 Authority: N.J.S.A. 30:4D-6b(6) and 30:4D-7b.

The agency proposal follows:

Summary

This proposal will update the list of non-legend (over-the-counter) drugs which are available to Medicaid recipients. All non-legend drug preparations are coded according to the National Drug Code number and must be dispensed in accordance with the package size listed.

Social Impact

The social impact will be minimal. Medicaid recipients will be able to receive up-to-date pharmaceuticals.

Economic Impact

The economic impact on the government will be minimal, since some of the non-legend drugs listed are merely changing the National Drug Code number.

Providers will be reimbursed for dispensing these drugs, in accordance with Medicaid policies, procedures, and fee schedules.

There will be no cost to the Medicaid recipients.

Full text of the proposed amendments follows (additions indicated in bold face **thus**; deletions indicated in brackets [thus]).

- 10:51-1 (Appendix B) General Non-Legend Drugs
- Hydrocortisone Cream 0.5% Sterimed 30 gm EACH**
00188-8267-31
 - Naldecon - CX Susp. 120cc CC 00015-5660-40**
 - Trind Syrup (Reformulated) 150cc CC 00087-0750-44**
 - Trind - DM Syrup (Reformulated) 150cc CC 00087-0753-44**
 - Asthmanefrin Solution 15cc EACH [00998-0031-15]
00766-5010-11
 - Asthmanefrin Solution 30cc EACH [00988-0031-30]
00766-5010-12
 - Bronkaid Mist Complete 15cc EACH [00998-7020-01]
00024-4082-15
 - Bronkaid Mist Refill 15cc EACH [00998-7020-02]**
00024-4083-16
 - Bronkaid Tablets 60 TAB [00998-7022-60] **00024-4081-06**
 - Co-Tylenol Tablets [48 TAB 00045-0492-38] **50 TAB 00045-0172-50**
 - Effersyllim Instant Mix Powder [454GM] **480GM 00038-0440-16**
 - Enzypan Tablets 120 TAB [00998-002-01] **00752-0003-13**
 - Hydrocortisone Cream 0.5% Fougera 30GM **EACH**
 00168-0014-31
 - Hydrocortisone Cream 0.5% Fougera 120GM **EACH**
 [GM 00168-0014-04]
 - Hydrocortisone Cream 0.5% Fougera [1 lb. GM] **480GM**
EACH 00168-0014-16
 - I - Sedrin Solution 30cc EACH [00002-2497-67]
00002-2494-67

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Nupercainal Ointment 60GM EACH [00998-8001-02]
00083-5812-86
 Nupercainal Suppositories 12 EACH [00998-8002-12]
00083-5839-12
 Nupercainal Suppositories 24 EACH [00998-8002-24]
00083-5839-25
 Romilar – CF Syrup 90 cc cc [00004-5003-31] **10158-0018-04**
 Romilar Children’s Cough Syrup 90 cc [00004-5001-31] **10158-0019-02**
 Syntrogel Tablets 100 TAB [00004-6100-01] **00021-0730-01**
 Trialka Liquid 420cc (14 oz.) cc [00998-9001-14] **10310-0218-07**
 Trialka Tablets 100 TAB [00998-9002-01] **10310-0219-31**
 Tussagesic Suspension [120 cc 00043-0505-04] **480cc 00043-0505-16**
 [Cevalin Tablets 50mg 100 TAB 00002-2047-02]
 [Neo Synephrine Elixir 480cc 00024-1365-06]
 [Trind Syrup 120 cc cc 00087-0750-01]
 [Trind – DM Syrup 120 cc cc 00087-0753-01]

OFFICE OF ADMINISTRATIVE LAW NOTE: The list of “General Non-Legend Drugs” is referenced but not reproduced in N.J.A.C. 10:51-1 (Appendix B).

10:51-1 (Appendix D) Legend Devices

Lacrisert Ophth. Inserts 60 EACH INSERT 00006-3380-60

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
 Division of Medical Assistance
 and Health Services
 CN 712
 Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.51). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-274

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Services Manual Consultation Requests

Proposed Amendment: N.J.A.C. 10:63-1.4

Authorized By: Timothy Carden, Commissioner, Department of Human Services.
 Authority: N.J.S.A. 30:4D-6a(4)(a) and b(4) through (10).

The agency proposal follows:

Summary

This proposed rule will clarify the requirements for ordering consultations and certain services in long term care facilities. Requests for medical or surgical specialty consultations, and psychological, podiatric, vision care, or chiropractic services, must be personally prescribed by the attending physician. There must be an appropriate entry on the order sheet.

Dental treatments involving invasive procedures must be brought to the attention of the attending physician.

If a patient request a medically necessary consultation, it must be noted on the order sheet.

Social Impact

Medicaid recipients will still be able to receive podiatric, chiropractic, dental services, etc., but only when these services are medically necessary for their continued health and well-being.

Economic Impact

There should be no economic impact on Medicaid recipients, as they are not required to pay for these services when they are authorized by the Medicaid program.

There should be no economic impact on long term care facilities, as they are not reimbursed for these services. Reimbursement is made directly to the providers, such as podiatrists, chiropractors, dentists, etc., who render the service. The economic impact on these providers will vary, depending on the number of Medicaid recipients being treated.

The economic impact on the Medicaid program would depend on utilization of these services.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

10:63-1.4 Additional services

(a)–(j) (No change.)

(k) [When dental, podiatry, vision care, psychological or chiropractic consultations are ordered, as well as any medical or surgical specialty consultations, such requests must be personally prescribed by and under the attending physician’s signature and appear on the order sheet. This order must also clearly indicate, in detail, the medically necessary reason for the requested consultation.] **Requests for consultations and/or services:**

1. Requests for any medical or surgical specialty consultation must be personally prescribed by and under the attending physician’s signature and appear on the order sheet. This order must also clearly indicate, in detail, the medically necessary reason for the requested consultation.

2. Requests for podiatry, vision care, psychological or chiropractic services must be personally prescribed by and under the attending physician’s signature and appear on the order sheet. This order must also clearly indicate, in detail, the medically necessary reason for the requested service.

i. Once the attending physician reviews the treatment plan of the podiatrist, he/she is not required to sign a request every time the podiatrist treats the patient. However, the attending physician should review the need for podiatric services every six months and, if indicated, complete a request for podiatric services for each patient at least once a year.

[1.] **3. Dental examinations [performed to comply with the State Department of Health’s minimal requirements, as well as regular dental examinations with their subsequent treatments, are not consultations within the meaning of the term as expressed above.] carried out to comply with the State Department of Health’s minimal requirements or regular dental examinations, need not be brought to the attending physician’s attention except as a matter of courtesy. However, treatments which involve invasive procedures such as extractions, fillings, etc., except in an emergency, must be brought to the attending physician’s attention who acknowledges clearance for such treatment on the order sheet.**

[2.] **4. (No change in text.)**

[3.] **5. In view of patient’s rights, [consultation request] a request for a consultation or service may arise [from this source] at the patient’s request provided [they are] it is consistent with medical necessity. The attending physician must note the request on the order sheet and may, if he/she wishes, note that it was made at the patient’s request.**

Example:[“Optometric consultation with Dr. John Doe for significant refractive error-request is by patient.”]

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Signed: A. B. Turner, M.D.]

Patient requests ophthalmologic consultation with Dr. John Doe for significant refractive error.

Signed: A. B. Turner, M.D.

[4.]6. (No change in text.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
 Division of Medical Assistance
 and Health Services
 CN 712
 Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-275.

(a)

DIVISION OF PUBLIC WELFARE

**Ruling 11, Part I, Appendices I and II
 Salary Increases for County Welfare Agency
 Employees**

**Proposed Amendments: N.J.A.C. 10:109 (Ap-
 pendices I and II)**

Authorized By: Timothy Carden, Commissioner, Department of Human Services.

Authority: N.J.S.A. 44:7-6 and 44:10-3.

The agency proposal follows:

Summary

This amendment revises the 33 compensation schedules utilized by various county welfare agencies (CWA) to reflect a percentage

increase over the levels authorized in the July 1, 1980 revision. Each CWA is required to maintain a compensation schedule in accordance with Ruling II. The schedules in effect in a particular CWA are the result of labor negotiations. The purpose of this revision to the compensation plan is to authorize each CWA to grant salary increases to its employees to bring them up to parity with State employees.

The revision to Appendix I is for clarity to eliminate the confusing references to various salary schedules and now indicates only the appropriate salary range for each position. The revision to Appendix II authorizes CWAs to grant up to a 6% salary increase retroactive to July 1, 1981. The CWAs may grant up to a 4% raise effective January 1, 1982.

Social Impact

This amendment directly affects the approximately 7000 employees of the twenty-one county welfare agencies. These employees will be directly benefited by the salary increases which represent more adequate compensation for the duties performed. The authority to grant salary increases should promote more harmonious labor relations between the CWAs and employee unions.

The client population and the general public should benefit from the efficient operation of the agency.

Economic Impact

As above, the employees of the CWAs will be directly affected by the salary increases. The exact cost to the taxpaying public cannot be determined since the particular salary schedules in effect in each CWA are subject to collective bargaining. The revisions to Appendix II reflect the maximum permissible increases.

Full text of the proposed amendments to Appendix I and the formula for developing changes in compensation plans in Appendix II follows (additions indicated in bold face **thus**; deletions indicated in brackets [thus]).

**APPENDIX I
 RULING NO. 11 PART I
 CLASSIFICATION AND COMPENSATION PLAN
 REVISED EFFECTIVE [7/1/80] 7/1/81**

Under state salary range, delete letter ranges and replace with the numeric range only. For example "A10-L10" becomes "10." Full text of all other changes follows.

APPROVED COUNTY WELFARE AGENCY TITLE	COMPARABLE STATE TITLE	STATE SALARY RANGE Effective [7/1/80] 7/1/81
... Assistant Field Office Supervisor, CWA	*	[*A-L] *
... Assistant Supervisor of Administrative Services	*	*
... Data Entry Machine Operator (Variants)	Data Entry Machine Operator	05
... Health Aide Bilingual in Spanish & English	Health Aide Bilingual in Spanish & English	08
... [Key Punch Machine Operator]	[Data Entry Machine Operator]	[A05-L05]
... Office Service Manager	*	*
... Paralegal Specialist (Bilingual in Spanish & English)	*	*
...		

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Principal Data Entry Machine Operator	Prin. Data Entry Mach. Opr.	13
...		
Principal Legal [Secretary] Stenographer	Legal Secretary I [A15-L15]	15
...		
Principal Microfilm Operator	Principal Microfilm Operator	11
...		
Principal Payroll Clerk	Principal Payroll Clerk	12
...		
Receptionist and Interpreter Bilingual in Spanish and English	Receptionist [AO-L05]	05
...		
Senior Administrative Analyst	Senior Administrative Analyst	*

APPENDIX II
 COMPENSATION SCHEDULES A THROUGH [L]I
 (Effective July 1, 1981)
 AND COMPENSATION SCHEDULES A THROUGH X
 (Effective January 1, 1982)

The formula for developing the compensation schedule for across the board increases is as follows:

1. Take the appropriate percentage of the first step of salary range 00 of the current schedule.
2. Add this figure to the first step.
3. Take the appropriate percentage of the second step of salary range 00 of the current schedule.
4. Add this figure to the second step.
5. Subtract the figure in 2 above from the figure in 4 above. The difference between the new first and second steps equals the new increment. Successive additions of the new increment amount produce steps three through eight.
6. Repeat steps 1-5 above for each range.

The new schedules are based on the following old schedules and across the board increases.

NEW	EFFECTIVE DATE	OLD 7/1/80	INCREASE
A	7/1/81	C	5.0%
B	7/1/81	C	5.5%
C	7/1/81	C	6.0%
D	7/1/81	E	5.0%
E	7/1/81	E	5.5%
F	7/1/81	E	6.0%
G	7/1/81	L	5.0%
H	7/1/81	L	5.5%
I	7/1/81	L	6.0%
A	1/1/82	C	6.5%
B	1/1/82	C	7.0%
C	1/1/82	C	7.5%
D	1/1/82	C	8.0%
E	1/1/82	C	8.5%
F	1/1/82	C	9.0%
G	1/1/82	C	9.5%
H	1/1/82	C	10.0%
I	1/1/82	E	6.5%
J	1/1/82	E	7.0%
K	1/1/82	E	7.5%
L	1/1/82	E	8.0%

M	1/1/82	E	8.5%
N	1/1/82	E	9.0%
O	1/1/82	E	9.5%
P	1/1/82	E	10.0%
Q	1/1/82	L	6.5%
R	1/1/82	L	7.0%
S	1/1/82	L	7.5%
T	1/1/82	L	8.0%
U	1/1/82	L	8.5%
V	1/1/82	L	9.0%
W	1/1/82	L	9.5%
X	1/1/82	L	10.0%

Office of Administrative Law Note: Compensation schedules A through I (effective July 1, 1981) and A through X (effective January 1, 1982), which were developed using the above formula, were filed with this rule but are not reproduced herein. Copies of these schedules can be obtained from:

Office of Administrative Law
 Filings Section
 CN 301
 Trenton, New Jersey 08625
 or
 Division of Public Welfare
 CN 716
 Trenton, New Jersey 08625

A list of which compensation schedules are presently being utilized by the county welfare agencies was also filed with this rule and is reproduced below for purposes of public information.

County Welfare Agencies	Compensation Schedule	Effective Date
Atlantic	Ruling 11 1980 Schedule L	1-1-81
Bergen	Ruling 11 1980 Schedule L	7-1-80
Burlington	Ruling 11 1980 Schedule L	7-1-80
Camden	Ruling 11 1980 Schedule L	7-1-80
Cape May	Ruling 11 1980 Schedule L	7-1-80

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Cumberland	Ruling 11 1980 Schedule L	1-1-81
Essex	Ruling 11 1980 Schedule C	7-1-80
Gloucester	Ruling 11 1980 Schedule L	7-1-80
Hudson	Ruling 11 1980 Schedule L	7-1-80
Hunterdon	Ruling 11 1979 Schedule H	7-1-79
Mercer	Ruling 11 1980 Schedule L	7-1-80
Middlesex	Ruling 11 1980 Schedule L	7-1-80
Monmouth	Ruling 11 1980 Schedule C	7-1-80
Morris	Ruling 11 1980 Schedule E	1-1-81
Ocean	Ruling 11 1980 Schedule L	1-1-81
Passaic	Ruling 11 1980 Schedule L	7-1-80
Salem	Ruling 11 1980 Schedule L	10-1-80
Somerset	Ruling 11 1980 Schedule L	1-1-81
Sussex	Ruling 11 1980 Schedule L	10-1-80
Union	Ruling 11 1980 Schedule L	7-1-80
Warren	Ruling 11 1980 <u>Schedule L</u>	1-1-81

LAW AND PUBLIC SAFETY

(a)

VIOLENT CRIMES COMPENSATION BOARD

**Compensable Damages
Funeral Expense Allowance**

Proposed Amendment: N.J.A.C. 13:75-1.7

Authorized By: Violent Crimes Compensation Board,
Thomas A. Kaczmarek, Chairman.
Authority: N.J.S.A. 52:4B-9.

The agency proposal follows:

Summary

This change will allow the Board to set and change the maximum amount the Board may pay for funeral expenses from time to time to reflect the increasing costs of funerals.

Social Impact

This change will formally enable the Board to comply more fully with the expressed legislative goal of ameliorating the harsh consequences of crime on our citizens.

Economic Impact

Although the Board may raise the maximum it can pay for funeral expenses, the overall limit of \$10,000 set in N.J.S.A. 52:4B-18 is not effected. Therefore, no significant economic impact will result.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

13:75-1.7 Compensable Damages

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

(c) In death cases, maximum reimbursement for funeral expenses will be **[\$750.00] set by the Board pursuant to N.J.S.A. 52:4B-9.**

(d)-(e) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-289.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Thomas A. Kaczmarek, Chairman
Violent Crimes Compensation Board
1180 Raymond Boulevard, Suite 802
Newark, New Jersey 07102-4189

The Violent Crimes Compensation Board thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-264.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Sewer and Water Depreciation on Contributed Property

Proposed New Rule: N.J.A.C. 14:9-6

Authorized By: Board of Public Utilities, Gerald A. Calabrese, Secretary.
Authority: N.J.S.A. 48:2-12.

The agency proposal follows:

Summary

The proposed rule provides for the discontinuance of an amount for depreciation on contributed property as an allowable expense for all Class A water utilities in their next rate case following the adoption of a rule in this area. The value of the contributed property for these utilities shall be deducted from the gross value of plant for depreciation purposes and no adjustment shall be made to the accumulated depreciation account as funds paid in by ratepayers for depreciation on contributed property should continue to be deducted from gross utility plant.

All remaining water utilities and all sewer utilities shall be allowed to fully depreciate all contributed property on their books at the date of the adoption of this rule. Any contributed property acquired by these utilities after that date shall not be depreciated for ratemaking purposes.

Social Impact

The proposed rule will result in utility customers paying less water and sewer charges, since the depreciation expense on contributed property will no longer be recoverable from ratepayers.

Economic Impact

The proposed rule will limit depreciation recovery through rates for water and sewer utilities to only that portion of utility plant in which a capital investment has been actually made by the utilities.

Full text of the proposed new rule follows.

CHAPTER 9. SEWER AND WATER

SUBCHAPTER 6. DEPRECIATION ON CONTRIBUTED PROPERTY

14:9-6.1 Depreciation on contributed property

(a) All Class A water utilities shall not be permitted to claim depreciation on contributed property as an allowable expense in their next rate case. These utilities shall net the contributions from the gross value of utility plant to determine the depreciation base. No adjustment shall be made to the accumulated depreciation account as funds paid by the ratepayers for depreciation on contributed property should continue to be deducted from gross utility plant.

(b) All other water and sewer utilities shall be permitted to depreciate any and all existing contributed property until such time as this contributed property shall no longer be considered used or useful in rendering utility service or is completely depreciated, whichever occurs first.

(c) These utilities shall not be permitted to take depreciation on contributed property acquired on or after the effective date of this subchapter.

Interested persons may submit in writing, data, views or argu-

ments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Kevin A. Conti, Esq.
Regulatory Officer
Board of Public Utilities
1100 Raymond Boulevard
Newark, N.J. 07102

The Board of Public Utilities thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-282.

TRANSPORTATION

(b)

TRANSPORTATION OPERATIONS

Traffic Regulations for State Highways Speed Limits Along Route 18

Proposed Amendment: N.J.A.C. 16:28-1.23

Authorized By: Anne P. Canby, Acting Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5 and 39:4-98.

The agency proposal follows:

Summary

This amendment reduces the speed limit along Route 18 (Memorial Parkway) in the City of New Brunswick, Middlesex County, and causes signs to be erected advising the motoring public.

Social Impact

This amendment will reduce the speed limit along the highway described and enhance the safety of the motoring public.

Economic Impact

The Department will incur direct and indirect costs for the placement of signs by its workforce. Costs are dependent upon mileage, personnel and equipment requirements.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

16:28-1.23 Route 18

(a) (No change.)

(b) The rate of speed designated for the certain part of State highway Route 18 described [herein below] **in (b) of this section** shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. (No change.)

i.-iii. (No change.)

iv. Zone four: [50] **45** mph in the City of New Brunswick to 200 feet south of Richmond Street; thence

v. (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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The Department of Transportation thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-272.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 7

Proposed Amendment: N.J.A.C. 16:28A-1.6

Authorized By: Anne P. Canby, Acting Commissioner, Department of Transportation. Authority: N.J.S.A. 27:1A-5 and 39:4-138.1

The agency proposal follows:

Summary

This proposed amendment will establish "no parking" zones along Route 7 in the Town of Belleville, Essex County, and cause signs to be erected advising the motoring public.

Social Impact

This rule will restrict parking along the areas designated and enhance safety within the town of Belleville.

Economic Impact

The Department will incur direct and indirect costs for the placement of signs by its workforce. Costs are dependent upon mileage, personnel and equipment requirements.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

16:28A-1.6 Route 7

(a) The certain parts of State [H]highway Route [number] 7 described in (a) of this section shall be and hereby are designated and established as "[N]no [P]parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-3. (No change.)

4. No stopping or standing in the Town of Belleville, Essex County:

i. Along the northbound side from a point 175 feet north of the prolongation of the northerly curb line of Carmer Avenue to a point 100 feet south of the southerly curb line of Carmer Avenue.

(b) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-259.

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route US 9

Proposed Amendment: N.J.A.C. 16:28A-1.7

Authorized By: Anne P. Canby, Acting Commissioner, Department of Transportation. Authority: N.J.S.A. 27:1A-5 and 39:4-138.1.

The agency proposal follows:

Summary

This proposed amendment will establish "no parking" zones along Route US 9 in the Township of Lakewood, County of Ocean, designating bus stops and cause appropriate signs to be erected advising the motoring public.

Social Impact

This amendment will restrict parking along the areas designated as bus stops for the safe and efficient on/off loading of passengers, thus, enhancing the safety and well being of the populace.

Economic Impact

This amendment will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Department's workforce, and is dependent upon mileage, personnel and equipment to be utilized.

Full text of the proposed amendment follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

16:28A-1.7 Route US 9

(a) (No change.)

(b) The certain parts of State highway Route US 9 described in (b) of this section shall be, and hereby are, designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1.-10. (No change.)

11. Along the easterly (northbound) side of Route US 9 in Lakewood Township:

i. (No change.)

ii. Mid-block bus stops:

(1) Beginning at the prolongation of the southerly curb line of Pine Boulevard and extending 105 feet southerly therefrom;

(2) From a point 150 feet south of the southerly curb line of Sherwood Drive and extending 135 feet southerly therefrom.

12. Along the westerly (southbound) side of Route US 9 in Lakewood Township:

i. (No change.)

ii. Far side bus stops: [Tenth Street (105 feet)]

(1) Tenth Street (105 feet);

(2) Sherwood Drive (170 feet);

(3) Pine Boulevard (100 feet).

iii. (No change.)

[12.]13. All bus stops in [this subsection] (b) of this section to be the specified length, measured from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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Mr. Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-276.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping
Routes 33, 35 and US 130

Proposed Amendments: N.J.A.C. 16:28A-1.23, 1.25 and 1.46

Authorized By: Anne P. Canby, Acting Commissioner, Department of Transportation.
Authority: N.J.S.A. 27:1A-5 and 39:4-138.1.

The agency proposal follows:

Summary

These proposed amendments will establish "no parking" zones along Routes NJ 33, NJ 35 and US 130, establishing bus stops and cause appropriate signs to be erected advising the motoring public.

Social Impact

These rules will restrict parking along the areas designated as bus stops for the safe and efficient on/off loading of passengers thus, enhancing the safety and well being of the populace.

Economic Impact

These amendments will cause signs to be erected advising the motoring public. Additionally, it will involve direct and indirect costs for the Department's workforce, and is dependent upon mileage, personnel and equipment to be utilized.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

16:28A-1.23 Route 33

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

(c) The certain parts of State Highway Route 33 described in (c) of this section shall be, and hereby are designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

1. Along the northerly (westbound) side in Freehold Borough, Monmouth County:

i. Near side bus stops:

(1) Waverly Place (115 feet);

ii. Far side bus stops:

(1) Kiawak Avenue (100 feet);

2. Along the southerly (eastbound) side:

i. Near side bus stop:

(1) Kiawak Avenue (100 feet);

ii. Far side bus stop:

(1) Waverly Place (115 feet).

3. All bus stops to be the above specified length from the curb line of the intersecting street or the prolongation of the curb line of the street which intersects.

16:28A-1.25 Route 35

(a) (No change.)

(b) The certain parts of State highway Route 35 described [herein below] **in (b) of this section** shall be and hereby are designated and established as "no parking" zones where parking is prohibited at all times and in accordance with the provisions of N.J.S.A. 39:4-139 permission is hereby granted to erect appropriate signs at the following established bus stops [:]

1.-4. (No change.)

Renumber 5. as 7.

5. Along the easterly (northbound) side in the Borough of Eatontown, County of Monmouth:

i. Near side bus stops:

(1) Industrial Way (105 feet);

(2) Clinton Avenue (120 feet).

ii. Far side bus stops:

(1) Broad Street (175 feet);

(2) Tinton Avenue (Ave. of Memories), (170 feet).

iii. Mid-block bus stops: Beginning at a point 1650 feet north of the northerly curb line of Industrial Way and extending 135 feet northerly therefrom.

6. Along the westerly (southbound) side:

i. Near side bus stops:

(1) Tinton Avenue (210 feet);

(2) Industrial Way (105 feet).

ii. Far side bus stops:

(1) Clinton Avenue (100 feet);

(2) Western Place (100 feet).

16:28A-1.46 Route US 130

(a) The certain parts of State highway Route US 130 described [herein below] **in (a) of this section** shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-5. (No change.)

(b) The certain parts of State highway US 130 described in (b) of this section shall be and hereby are established and designated as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is hereby granted to erect signs at the following established bus stops:

1. Along the westerly (southbound) side in the Township of Pennsauken, County of Camden:

i. Mid-block bus stop:

(1) Beginning at a point 50 feet north of the northerly curb line of Merchantville Avenue to a point 135 feet northerly therefrom.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-261.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes US 40 and NJ 20

Proposed Amendments: N.J.A.C. 16:28A-1.28 and 1.37

Authorized By: Anne P. Canby, Acting Commissioner, Department Transportation. Authority: N.J.S.A. 27:1A-5 and 39:4-138.1.

The agency proposal follows:

Summary

The proposed amendments will establish "no parking" zones along Route US 40 in Upper Pittsgrove Township, Salem County and Route NJ 70 in the Township of Lakewood, County of Ocean, and cause signs to be erected advising the motoring public.

Social Impact

These rules will restrict parking along the areas designated and enhance safety within Lakewood Township and Upper Pittsgrove Township.

Economic Impact

The Department will incur direct and indirect costs for the placement of signs by its workforce. Costs are dependent upon mileage, personnel and equipment requirements.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

16:28A-1.28 Route US 40

(a) The certain parts of State highway Route US 40 described [herein below] in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-2. (No change.)

3. No stopping or standing in Upper Pittsgrove Township Salem County:

i. Along the southerly (eastbound) side:

(1) Between a point 1,700 feet east of, and a point 2,370 feet east of the center line of Salbtown Road.

ii. Along the northerly (westbound) side:

(1) Between a point 1,850 feet east of, and a point 1,700 feet east of the center line of Salbtown Road;

(2) Beginning at a point 650 feet west of the center line of Salbtown Road and extending to a point 850 feet west thereof.

16:28A-1.37 Route 70

(a) The certain parts of State [H]highway Route 70 described [herein below] in (a) of this section shall be and hereby are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139[.].

1.-5. (No change.)

6. No stopping or standing in Lakewood Township Ocean County:

i. Along both sides for the entire corporate limits of the Township of Lakewood including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

(b) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08626

The Department of Transportation thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-260.

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route US 46

Proposed Amendment: N.J.A.C. 16:28A-1.32

Authorized By: Anne P. Canby, Acting Commissioner, Department of Transportation. Authority: N.J.S.A. 27:1A-5 and 39:4-138.1.

The agency proposal follows:

Summary

This proposed amendment will establish "no parking" zones along Route US 46 in the Borough of Teterboro, County of Bergen, designating bus stops and cause appropriate signs to be erected advising the motoring public.

Social Impact

This amendment will restrict parking along the areas designated as bus stops for the safe and efficient on/off loading of passengers, thus, enhancing the safety and well being of the populace.

Economic Impact

The Department will incur indirect and direct costs for its workforce, and is dependent upon mileage, personnel and equipment to be utilized in addition to signs which will be erected.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

16:28A-1.32 Route US 46

(a) (No change.)

(b) The certain parts of Route US 46 described [herein below] in (b) of this section shall be, and hereby are designated and established as "no parking" zones where parking is prohibited at all times. [and in] In accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following bus stops:

1.-3. (No change.)

4. Within the Borough of Teterboro, County of Bergen:

i. Along the southerly (eastbound) side:

(1) Mid-block bus stops:

(A) From a point 434 feet west of the westerly curb line of Industrial Avenue and extending 135 feet westerly therefrom;

(B) From a point 210 feet east of the easterly curb line of Industrial Avenue and extending 150 feet easterly therefrom;

(C) From a point 92 feet west of the prolongation of the westerly curb line of Huyler Street extended and extending 150 feet westerly therefrom.

ii. Along the northerly (westbound) side:

(1) Far side bus stops:

(A) From the westerly curbline of Huyler Street and extending 150 feet westerly therefrom;

(B) From the westerly curb line of Hollister Road and extending 110 feet westerly therefrom.

(2) Near side bus stop:

(A) From the easterly curb line of Central Avenue and extending 105 feet easterly therefrom.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mr. Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

The Department of Transportation thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-273.

TREASURY

(a)

BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM

Public Employees Retirement System Medical Examination; Physicians

Proposed Amendment: N.J.A.C. 17:2-6.26

Authorized By: Board of Trustees, Public Employees' Retirement System, John Olender, Secretary.
Authority: N.J.S.A. 43:15A-17.

The agency proposal follows:

Summary

This proposal clarifies the procedures to be followed to expedite certain disability claims where the physician and medical records indicate that the member involved is facing an "imminent death" situation.

Social Impact

A disabled member facing a probable imminent death situation, the examining physicians and hospitals who have examined or treated such member and the Division of Pensions and appropriate boards or commissions of the retirement systems may be affected by this proposal.

Economic Impact

This proposal may increase expenditures of the Division of Pensions in order to expedite such claims. It may have no adverse economic effect upon the disabled member but may allow such members to receive eligible benefits earlier.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

17:2-6.26 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the retirement system to perform a medical examination, such physician shall be selected from the current membership directory of the Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however [in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports or records in lieu of an examination by a physician designated by the fund.] **in the cases of those members whose personal physician has identified them as having a probable abbreviated life**

expectancy, such "imminent death" cases may be processed without the necessity of an examination by a physician designated by the fund if corroborating medical evidence of the diagnosis can be obtained.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

John Olender, Secretary
Public Employees' Retirement System
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Board of Trustees thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-267.

(b)

TEACHERS' PENSION AND ANNUITY FUND

Retirement Loan Repayments

Proposed Amendment: N.J.A.C. 17:3-6.4

Authorized By: Board of Trustees of the Teachers' Pension and Annuity Fund, Mary Conrey, Secretary.
Authority: N.J.S.A. 18A:66-56.

The agency proposal follows:

Summary

The proposed amendments are necessary since Chapter 212, P.L. 1981, changes the provisions governing loans in the TPAF. In the TPAF, there is no age for a member desiring to borrow against his pension contributions. The new rules outline the procedures that will be followed to settle any outstanding loans that a TPAF member may have at the time of his retirement.

Social Impact

TPAF members with outstanding loans at the time of their retirement as well as the State, the administrator of such pension programs, are the parties affected by this proposal.

Economic Impact

TPAF members with outstanding loans at the time of their retirement will have to pay the amount due at retirement or otherwise have their retirement benefits deferred until such loan balance is paid in full. If such member dies before the full amount due is paid, such member's beneficiaries and/or estate may have their benefits deferred accordingly.

Full text of the proposed amendment follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

17:3-6.4 Outstanding loan

[(a) Any outstanding loan against the Annuity Savings Fund must be repaid before a member may qualify for any type of retirement other than disability retirement.

(b) In calculating a disability retirement allowance where there is an outstanding loan, the annuity shall be the actuarial equivalent of the amount which actually appears in the member's account and the total allowance shall be reduced by the amount of the actuarially equivalent of the outstanding obligation.]

(a) Members who have a loan outstanding at the time of their retirement, will be permitted to repay the outstanding value of

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their loan, with interest, before their retirement allowance becomes due and payable. The allowance becomes due and payable 30 days after the date the Board approves their application for retirement or 30 days after the date of retirement, whichever is later.

(b) In the event a retirant should die before the outstanding value of the loan, with interest, is recovered, the group life insurance proceeds will first be used to repay the loan. If the retirant has designated multiple beneficiaries to receive such benefits, each beneficiary will share equally in repaying the loan from benefits payable to them.

1. Any remaining balance shall be paid from the proceeds of any other benefits payable on the account of the retirant in the form of monthly payments or the balance of the Option I reserves that are due to the beneficiary or estate. If the retirant has designated multiple beneficiaries to receive such benefits, each beneficiary will share equally in repaying the loan from the benefits payable to them.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mary Conrey, Secretary
 Teachers' Pension and Annuity Fund
 Division of Pensions
 20 West Front St.
 Trenton, N.J. 08625

The Board of Trustees of the Teachers' Pension and Annuity Fund thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-284.

(a)

TEACHERS' PENSION AND ANNUITY FUND

Retirement

Medical Examinations; Physicians

Proposed Amendment: N.J.A.C. 17:3-6.25

Authorized By: Board of Trustees of the Teachers' Pension and Annuity Fund, Mary Conrey, Secretary.
 Authority: N.J.S.A. 18A:66-56.

The agency proposal follows:

Summary

This proposal clarifies the procedures to be followed to expedite certain disability claims where the physician and medical records indicate that the member involved is facing a "imminent death" situation.

Social Impact

A disabled member facing a probable imminent death situation, the examining physicians and hospitals who have examined or treated such member and the Division of Pensions and appropriate boards or commissions of the retirement systems may be affected by this proposal.

Economic Impact

This proposal may increase expenditures of the Division of Pensions in order to expedite such claims. It may have no adverse economic effect upon the disabled member but may allow such members to receive eligible benefits earlier.

Full text of the proposed amendment follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

17:3-6.25 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the fund to perform a medical examination, such physician shall be selected from the current membership directory of the Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, [in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports in lieu of an examination by a physician designated by the fund.] **in the cases of those members whose personal physician has identified them as having a probable abbreviated life expectancy, such "imminent death" cases may be processed without the necessity of an examination by a physician designated by the fund if corroborating medical evidence of the diagnosis can be obtained.**

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mary C. Conrey, Secretary
 Teachers' Pensions and Annuity Fund
 Division of Pensions
 20 West Front Street
 Trenton, New Jersey 08625

The Board of Trustees of the Teachers' Pension and Annuity Fund thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-285.

(b)

CONSOLIDATED POLICE AND FIREMEN'S PENSION FUND

Medical Examinations; Physicians

Proposed Amendment: N.J.A.C. 17:6-3.9

Authorized By: Consolidated Police and Firemen's Pension Fund Commission.
 Authority: N.J.S.A. 43:16-7.

The agency proposal follows:

Summary

This proposal clarifies the procedures to be followed to expedite certain disability claims where the physician and medical records indicate that the member involved is facing an "imminent death" situation.

Social Impact

A disabled member facing a probable imminent death situation, the examining physicians and hospitals who have examined or treated such member and the Division of Pensions and appropriate boards or commissions of the retirement systems may be affected by this proposal.

Economic Impact

This proposal may increase expenditures of the Division of Pensions in order to expedite such claims. It may have no adverse economic effect upon the disabled member but may allow such members to receive eligible benefits earlier.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

17:6-3.9 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the fund to perform a medical examination, such physician shall be

selected from the current membership directory of the Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, [in order to expedite the processing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports in lieu of an examination by a physician designated by the fund.] **in the cases of those members whose personal physician has identified them as having a probable abbreviated life expectancy, such "imminent death" cases may be processed without the necessity of an examination by a physician designated by the fund if corroborating medical evidence of the diagnosis can be obtained.**

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony Ferrazza, Secretary
Consolidated Police and Firemen's Pension Fund
Division of Pensions
20 West Front St.
Trenton, New Jersey 08625

The Consolidated Police and Firemen's Pension Fund Commission thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-258.

(a)

PRISON OFFICERS' PENSION FUND

**Retirement
Medical Examinations; Physicians**

Proposed Amendment: N.J.A.C. 17:7-3.10

Authorized By: Prison Officers' Pension Fund Commission,
Robert Parsons, Secretary.
Authority: N.J.S.A. 43:7-19.

The agency proposal follows:

Summary

This proposal clarifies the procedures to be followed to expedite certain disability claims where the physician and medical records indicate that the member involved is facing a "imminent death" situation.

Social Impact

A disabled member facing a probable imminent death situation, the examining physicians and hospitals who have examined or treated such member and the Division of Pensions and appropriate boards or commissions of the retirement systems may be affected by this proposal.

Economic Impact

This proposal may increase expenditures of the Division of Pensions in order to expedite such claims. It may have no adverse economic effect upon the disabled member but may allow such members to receive eligible benefits earlier.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

17:7-3.10 Medical examinations; physicians

Where the statute prescribes that a physician be designated by the fund to perform a medical examination, such physician shall be selected from the current membership directory of the Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, [in order to expedite the proces-

sing of what appears to be terminal cases, the retirement system may accept hospital records, or other medical reports in lieu of an examination by a physician designated by the fund.] **in the cases of those members whose personal physician has identified them as having a probable abbreviated life expectancy, such "imminent death" cases may be processed without the necessity of an examination by a physician designated by the fund if corroborating medical evidence of the diagnosis can be obtained.**

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert Parsons, Secretary
Prison Officers' Pension Fund
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Prison Officers' Pension Fund Commission thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-283.

(b)

STATE INVESTMENT COUNCIL

Covered Call Options

**Proposed Amendments: N.J.A.C. 17:16-42.2
and 42.4**

Authorized By: State Investment Council.
Authority: N.J.S.A. 52:18A-91.

The agency proposal follows:

Summary

Purpose is to permit trading of options listed on the Philadelphia Stock Exchange or the Pacific Stock Exchange, eliminate the Approved List and permit options on all stocks held by the Division, and increase the option writing limit from five percent to 10 percent of any stock position.

Social Impact

The amendments will allow opportunities to add income by permitting trading on exchanges not currently used, thus providing a larger arena from which to select options. The addition of more names will permit adjustment to market vicissitudes. The increase on limit of options sales of any one common stock holding will permit flexibility without sacrifice of overview.

Economic Impact

There are no expected costs to the agency or the segment of the public regulated.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

17:16-42.2 Permissible transactions

(a) (No change.)

(b) Any option purchased or sold shall be listed on the Chicago Board Option Exchange, [or] the American Stock Exchange [], **the Philadelphia Stock Exchange or the Pacific Stock Exchange.**

[(c) Purchases and sales of options shall be effected only on common stocks selected from a list of stocks approved by the Director, Division of Investment.]

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17:16-42.4 Limitations

Sales of covered call options shall not exceed [5 percent] **10 percent** of any one common stock holding.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roland Machold
Director, Division of Investment
349 West State Street
Trenton, New Jersey 08625

The State Investment Council thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-265.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Sales and Use Tax Insufficiency of Records

Proposed New Rule: N.J.A.C. 18:24-2.15

Authorized By: Sidney Glaser, Director of the Division of Taxation.

Authority: N.J.S.A. 54:32B-24.

The agency proposal follows:

Summary

This proposed rule will clarify the application of the Sales and Use Tax Act to insufficient or incorrect sales and purchase records through adoption of the standards by which insufficiency is determined and a statement of the consequence of poor recordkeeping for sales and use tax purposes.

Social Impact

It is not anticipated that the proposed rule will have a significant impact on either the general public or those persons engaged in the business of making sales at retail. The impact of the proposed rules does not change recordkeeping presently required by the Division of Taxation, but rather affords vendors a standard accounting method for audit procedures.

Economic Impact

The proposed rule does not impose any additional burden on persons engaged in the business of making sales at retail. The Division anticipates that the proposed rule will encourage the use of sound recordkeeping methods by New Jersey vendors.

Full text of the proposed new rule follows.

18:24-2.15 Insufficiency of records

(a) The records of a vendor may be deemed incorrect or insufficient if:

1. An evaluation of the accounting system discloses that the system does not provide adequate internal control procedures which assure the accuracy and completeness of the transactions recorded in the books and records.

2. The records are not maintained in accordance with the general outline of this chapter.

(b) If the records of a vendor are determined to be incorrect or insufficient, the return(s) filed on the basis of the information ob-

OTHER AGENCIES

tained from such records may be deemed to be incorrect or insufficient and the director may determine the amount of tax due the State by using any information available, whether from the vendor's place of business or from any other source.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

The Division of Taxation thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-257.

OTHER AGENCIES

(b)

NEW JERSEY TURNPIKE AUTHORITY

Limitations on Use of Turnpike Out-of-Service School Buses

Proposed Amendment: N.J.A.C. 19:9-1.9

Authorized By: New Jersey Turnpike Authority, William J. Flanagan, Executive Director.

Authority: N.J.S.A. 27:23-29.

The agency proposal follows:

Summary

The proposed amendment requires the display of "Out-of-Service" signs on all off-duty school buses while they are on the Turnpike.

Social Impact

The proposed amendment increases traffic safety. When disabled school buses are parked on the shoulder, motorists sometimes come to a stop under the impression that the buses are discharging or picking up children.

Economic Impact

The proposed amendment will have no economic impact.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

19:9-1.9 Limitations on use of turnpike

(a) Use of the New Jersey Turnpike and entry thereon by the following is prohibited:

1.-24. (No change.)

25. [(Reserved)] **Buses which are designated as school buses which do not conspicuously display, front and rear, "Out-of-Service" signs as in accordance with the requirements prescribed by the State Board of Education.**

26. (No change.)

(b) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 20, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

OTHER AGENCIES

PROPOSALS

William J. Flanagan, Executive Director
New Jersey Turnpike Authority
New Brunswick, New Jersey 08903

The New Jersey Turnpike Authority thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-262.

RULE ADOPTIONS

(Including Emergency Adoptions With Concurrent Proposals)

AGRICULTURE

(a)

DIVISION OF DAIRY INDUSTRY

Milk Marketing Order 57-3 (Federal Order No. 2) Area Number 1

Adopted Amendment: N.J.A.C. 2:54-1.1

Proposed: September 10, 1981 at 13 N.J.R. 551(a)
Adopted: October 15, 1981 by Woodson W. Moffett, Jr.,
Director, Division of Dairy Industry.
Filed: October 15, 1981 as R.1981 d.416, **without change**.

Authority: N.J.S.A. 4:12A-7.

Effective Date: November 2, 1981.

BANKING

(b)

THE COMMISSIONER

Regulation Number 13 Interest Rates

Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 3:1-1.1

Emergency Amendment Adopted: October 19, 1981 by
Angelo R. Bianchi, Commissioner, Department of Bank-
ing.
Emergency Amendment Filed: October 20, 1981 as R.1981
d.429.

Authority: N.J.S.A. 31:1-1(b).

Emergency Amendment Effective Date: October 20, 1981.
Emergency Amendment Expiration Date: December 21,
1981.

The agency emergency adoption and concurrent proposal follows:

Summary

State interest rate ceilings for residential mortgage loans were pre-empted for most financial institutions in December of 1979. In March of 1980 this pre-emption was extended but still did not cover individuals or uninsured financial institutions. On October 8, 1980 individuals willing to finance the sale of their primary residence were exempted from State interest rate ceilings. These exemptions still did not provide relief to individual sellers willing to finance other residential property, not a primary residence. This proposal should provide an incentive for more private financing of residential property.

Social Impact

It is anticipated that the ability to charge a higher interest rate will make private lenders more willing to take mortgages on residential property. This in turn would make more mortgage money available in this increasingly tight and expensive mortgage market. Very often private financing is the only type available. Any efforts to increase this segment of the market should benefit would-be home owners by providing another financing alternative.

Economic Impact

Insured lenders in this State have enjoyed an interest ceiling exemption since December of 1979. This amendment will affect only about 30 institutions. It will allow them to charge close to market rates for mortgage loans. Similarly, many individuals who would otherwise be willing to finance homeownership have been seeking more lucrative markets. It is anticipated that an increase in these allowable rates for first liens on mortgages by individuals and uninsured lenders will generate more mortgage money for consumers. Consumers will have another choice for financing, and the proposed rate is well within the average 15-19% range being charged in today's market.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

3:1-1.1 Interest rates

(a) The maximum rate of interest to be charged, taken or received, upon a loan of any money, wares, merchandise goods and chattels, made on or after [April 10, 1980] **October 20, 1981**, shall be [8] **six percent per annum, or shall be 16 percent per annum when there is a written contract specifying a rate of interest**, except as herein or otherwise provided by law. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended.

(b) The maximum rate of interest to be charged on loans secured by a first lien on real property on which there is erected or to be erected a structure containing one, two, three, four, five or six dwelling units, a portion of which structure may be used for non-residential purposes, consumated on or after [April 10, 1980] **October 20, 1981**, shall be [14 1/2] **17 percent per annum**. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended. Any provision in a mortgage commitment contracted prior to the effective date of this regulation providing for an increase in interest rates to be charged based on the highest lawful interest rate shall be null and void.

(c)-(d) (No change.)

(e) The rates established herein shall be effective at 12:01 A.M., [April 10, 1980] **October 20, 1981**, and shall remain in force until such time as this regulation is rescinded or until said rate or rates are revised by a subsequent regulation.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Adrenee G. Freeman, Deputy Commissioner
Division of Consumer Complaints, Legal and
Economic Research
Department of Banking
P.O. Box CN 040
Trenton, New Jersey 08625

The Department of Banking thereafter may adopt this proposal

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without further notice (See: N.J.A.C. 1:30-3.5). The readopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

This proposal is known as PRN 1981-297.

(a)

CONSUMER CREDIT BUREAU

Small Loan Licensees Other Business

Adopted Amendments: N.J.A.C. 3:17-7.1 and 7.3

Proposed: August 6, 1981 at 13 N.J.R. 471(b).

Adopted: October 19, 1981 by Angelo R. Bianchi, Commissioner, Department of Banking.

Filed: October 20, 1981 as R. 1981 d.430, **without change**.

Authority: N.J.S.A. 17:10-23.

Effective Date: November 2, 1981.

(b)

DIVISION OF BANKING

State Chartered Credit Unions Parity with Federally Chartered Credit Unions

Adopted New Rule: N.J.A.C. 3:21-2

Proposed: September 10, 1981 at 13 N.J.R. 522(b).

Adopted: October 14, 1981 by Angelo R. Bianchi, Commissioner, Department of Banking.

Filed: October 14, 1981 as R. 1981 d.414, **without change**.

Authority: N.J.S.A. 17:13-27(K).

Effective Date: November 2, 1981.

CIVIL SERVICE

(c)

CIVIL SERVICE COMMISSION

Administrative Rules Petitions from Interested Parties

Adopted New Rule: N.J.A.C. 4:1-1.10

Proposed: July 9, 1981 at 13 N.J.R. 384(c).

Adopted: October 6, 1981 by Civil Service Commission, S. Howard Woodson, Jr., President.

Filed: October 14, 1981 as R. 1981 d.413, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 11:1-7 and N.J.S.A. 11:5-1.

Effective Date: November 2, 1981.

Full text of the changes in the rule between proposal and adoption follows (additions to the proposal indicated in bold face with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***).

4:1-1.10 Petition for promulgating, amending or repealing rules and regulations

(a)-(e) (No change from proposal.)

(f) The petition and a copy of the proposed rule or amendment or repeal should be submitted to the Director, Division of Administrative Practices and Labor Relations, who shall:

1. File a notice of the petition with the Office of Administrative Law stating the name of the petitioner*,* *[and]* the nature of the request*[:]* ***and the problem or purpose which is the subject of the request***;

2.-3. (No change from proposal.)

(d)

CIVIL SERVICE COMMISSION

Examinations and Applications Accommodation and Waiver of Examination for Handicapped Individuals

Adopted Emergency New Rules and Concurrent Proposal: N.J.A.C. 4:1-8.22 and 8.23

Emergency New Rules Adopted: September 22, 1981 by S.

Howard Woodson, President, Civil Service Commission.

Emergency New Rules Filed: October 8, 1981 as R. 1981 d.401.

Authority: N.J.S.A. 11:5-1, 11:9-1 and P.L. 1981 c.204 and c.205.

Emergency New Rules Effective Date: October 8, 1981.

Emergency New Rules Expiration Date: December 7, 1981.

The agency emergency adoption and concurrent proposal follows:

Summary

The New Jersey Legislature has enacted C.204, P.L. 1981 and C.205 P.L. 1981 which provide for waiving examinations for the physically, mentally or emotionally handicapped who are unable to take a civil service test due to the handicap, but who are capable of performing the duties of the position for which they have applied or in which they are provisionally employed. The law does not detail how the provisions should be implemented but vests authority with the Civil Service Commission to adopt appropriate rules.

At its September 22, 1981 meeting, the Civil Service Commission adopted N.J.A.C. 4:1-8.22 and N.J.A.C. 4:1-8.23 which provide the procedure and requirements which must be followed for waiving an examination for handicapped individuals.

Social Impact

It is expected that these rules providing accommodation and, where applicable, examination waiver for handicapped applicants will have a beneficial effect on handicapped individuals by providing a clear mechanism in which such persons can seek entrance into the civil service system.

Economic Impact

The administrative costs or burdens upon the Department of Civil Service as a result of the legislation and rules concerning examina-

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tion waivers for handicapped applicants has not yet been definitely determined. However, it is expected that some cash increases in processing the requests and providing accommodations will result.

Full text of the proposed new rules follows.

4:1-8.22 Reasonable accommodation in testing handicapped applicants

(a) The Chief Examiner and Secretary shall make reasonable accommodation for administering examinations to otherwise qualified handicapped applicants.

(b) Such applicants must submit a request for accommodation along with the examination application. It must specify the nature of the handicap and the accommodation desired.

(c) The decision of the Chief Examiner and Secretary on whether or not accommodation can be made shall be final. (See also N.J.A.C. 4:1-8.23; Waiver of examination)

4:1-8.23 Waiver of examination for permanently handicapped individuals

(a) The President of the Civil Service Commission may waive an examination for otherwise qualified permanently handicapped examination applicants who cannot be accommodated pursuant to N.J.A.C. 4:1-8.22 and for otherwise qualified provisional employees where reasonable accommodation in testing cannot be made.

(b) Examination applicants may submit a request for waiver of an examination to the Director, Division of Administrative Practice and Labor Relations, after the Chief Examiner and Secretary has determined that reasonable accommodation cannot be made. The request must be submitted within 20 days of receipt of the Chief Examiner and Secretary's decision and include the following:

1. The title and symbol number of the examination for which the waiver is requested;
2. A statement from the appointing authority that the applicant can satisfactorily perform the duties of that title under actual conditions of service;

3. A doctor's statement with supporting medical documentation and related information describing the specific, permanent handicap and how this is related to taking the examination;

4. A statement by the applicant that s/he agrees to undergo such additional physical or psychological examination as may be required by the President of the Civil Service Commission.

(c) Provisional employees may submit a request for waiver of examination to the Director, Division of Administrative Practices and Labor Relations, if an examination has not been announced and there is no eligible list. The request must include the following information:

1. The employee's provisional title;
2. A statement from the employee's appointing authority that s/he can satisfactorily perform the duties of his or her provisional title under actual conditions of service;

3. A doctor's statement with supporting medical documentation and related information describing the specific, permanent handicap and how this is related to taking the examination;

4. A statement by the employee that s/he agrees to undergo such additional physical or psychological examination as may be required by the President of the Civil Service Commission.

(d) The Director, Division of Administrative Practices and Labor Relations, shall refer provisional employee's requests for waiver of examination to the Chief Examiner and Secretary who shall review such requests and determine whether or not an accommodation can be made in administering an examination. The Chief Examiner and Secretary's decision regarding accommodation shall be final. If accommodation can be made, the provisional employee must file an application when the examination is announced and shall be accommodated when the examination is held. If accommodation cannot be made, the request for waiver of examination will be submitted to the President of the Civil Service Commission.

(e) The President shall determine whether or not the examination

shall be waived. If an examination is waived, the President shall determine whether the applicant shall be immediately employed with permanent status subject to successful completion of the working test period or shall be placed on an eligible list and the manner of such placement. Determinations by the President shall be final.

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director
 Division of Administrative Practices
 and Labor Relations
 CN 312
 Trenton, New Jersey 08625

The Civil Service Commission thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The re-adopted rules become effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

This proposal is known as PRN 1981-277.

COMMUNITY AFFAIRS

(a)

LOCAL FINANCE BOARD

**County and Municipal Financial Affairs
 Realized Revenue Analysis Report**

Adopted Amendment: N.J.A.C. 5:30-1.11

Proposed: August 6, 1981 at 13 N.J.R. 475(a).
 Adopted: September 17, 1981 by Local Finance Board,
 Helen L. Matthews, Secretary.
 Filed: September 21, 1981 as R.1981 d.381, **without change**.

Authority: N.J.S.A. 52:27BB-10.

Effective Date: November 2, 1981.
 Operative Date: November 5, 1981.

ENVIRONMENTAL PROTECTION

(b)

DIVISION OF WATER RESOURCES

**Condemnation of Certain Shellfish-Growing
 Water Classification**

Adopted Amendment: N.J.A.C. 7:12-1.3

Proposed: September 10, 1981 at 13 N.J.R. 566(a).
 Adopted: October 20, 1981 by Jerry Fitzgerald English,
 Commissioner of Environmental Protection.
 Filed: October 20, 1981 as R.1981 d.431, **without change**.

Authority: N.J.S.A. 58:24-3.

Effective Date: November 2, 1981.

DEP Docket No: 038-81-08

HEALTH

(a)

THE COMMISSIONER

Notice of Correction: Child Abuse and Neglect

Take notice that the notice of adoption for rules concerning child abuse and neglect, appearing in the June 4, 1981 New Jersey Register at 13 N.J.R. 342(b), did not include the following text which was duly filed and adopted as part of the rules.

8:31-26.4(b)3. The provision of education and/or training programs to appropriate persons regarding the identification and reporting of diagnosed and/or suspected cases of child abuse and/or neglect and regarding the facility's policies and procedures on at least an annual basis.

This notice is published as a matter of public information.

(b)

THE COMMISSIONER WITH THE APPROVAL OF THE HEALTH CARE ADMINISTRATION BOARD

Certificate of Need: Megavoltage Radiation Oncology Units

Standards and Criteria for Planning and certification of Need of Megavoltage Radiation Oncology Units in Health Care Facilities

Adopted Amendments: N.J.A.C. 8:31-27 (to be recodified as N.J.A.C. 8:33I)

Proposed: July 9, 1981 at 13 N.J.R. 406(b).
 Adopted: September 10, 1981 by Joanne E. Finley, M.D., M.P.H., Commissioner, Department of Health with the Approval of the Health Care Administration Board.
 Filed: October 9, 1981 as R. 1981 d.406, **with technical and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 26:2H-5 and 8.

Effective Date: November 2, 1981.

Full text of the changes in the Foreword and N.J.A.C. 8:31-27.3(a)7 (to be recodified as N.J.A.C. 8:33I-1.3(a)6), and a **summary** of the changes in Table I between proposal and adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[**thus**]*).

FOREWORD

.....
 While the trend in recent years has been towards an increase in the number of patients being treated with radiation therapy in the State, underutilization of megavoltage therapy equipment continues to exist. A statewide analysis of existing radiation services, conducted by the New Jersey State Department of Health in 1980, indicated that megavoltage therapy equipment was operating at approximately *[70]* ***76*** percent of treatment capacity. (See Table I.)

.....
TABLE I
HOSPITAL MEGAVOLTAGE FACILITIES
PATIENT VISITS PER YEAR

This table was amended between proposal and adoption as follows:

1. The column and figures concerning "projected utilization for 1980" and "% utilization visits/capacity projected 1980" were deleted, and actual utilization data for 1980, which has become available since publication of the proposal, has been substituted therefor. This new data can be obtained from:

John Scioli, Coordinator
 N.J. Department of Health
 Health Planning Services,
 Room 802
 P.O. Box 1540
 Trenton, N.J. 08625

or
 Office of Administrative Law
 Filings Section
 CN 301
 Trenton, N.J. 08625

2. "6MV Linear Accelerator" was inserted before "Cobalt" under the column concerning "Equipment" for "St. Elizabeth Veterans Administration Hospital."

[8:31-27.3] **8:33I-1.3** General criteria

(a) (No change from proposal.)

1.-6. (No change from proposal.)

7. Each applicant should provide evidence that social and *[or]* psychological counseling services will be available for its therapy patients. Such counseling shall be conducted by staff or by arrangement with other community resources or facilities.

8.-11. (No change from proposal.)

(c)

HEALTH PLANNING AND RESOURCES DEVELOPMENT

Uniform Bill-Patient Summary (Inpatient) Implementation and Guidelines

Adopted Amendment: N.J.A.C. 8:31B-2.2 and 2.4

Proposed: July 9, 1981 at 13 N.J.R. 410(a).
 Adopted: September 10, 1981 by Joanne E. Finley, M.D., M.P.H., Commissioner of Health with the approval of the HCAB.

Filed: October 9, 1981 as R. 1981 d.404, **without change**.

Authority: N.J.S.A. 26:2H-5, N.J.A.C. 5:23-3.3(i)2 and 5:23-4.8(d).

Effective Date: November 2, 1981.

Operative Date: January 1, 1981.

(d)

DIVISION OF HEALTH FACILITIES EVALUATION

Standards for Residential Health Care Facilities

Fire Protection

Adopted Amendment: N.J.A.C. 8:43-3.22

Proposed: August 6, 1981 at 13 N.J.R. 495(c).
 Adopted: September 10, 1981 by Joanne E. Finley, M.D., M.P.H., Commissioner of Health, with the approval of the HCAB.

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Filed: October 9, 1981 as R.1981 d.402, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 26:2H-5.

Effective Date: November 2, 1981.

Operative Date: January 1, 1981.

Full text of the changes in the rule between proposal and adoption follows (additions to the proposal indicated in boldface with asterisk ***thus***; deletions from proposal indicated in brackets with asterisk ***[thus]***).

8:43-3.22 Specifications for electrical automatic fire alarm and detection systems; Office of State Fire Marshall

(a)-(p) (No change from proposal.)

(q) **All facilities licensed for 50 or more beds except *those of* ***[both]* fire-resistive construction *[and]* ***or* one-story, one-hour rated noncombustible construction shall have an operational automatic comprehensive sprinkler system equipped with an alarm system. Facilities shall have through January 31, 1983 to comply with this requirement.******

(a)

DRUG UTILIZATION REVIEW COUNCIL

**Interchangeable Drug Products List
Addition to List of Interchangeable Drug Products**

Adopted Amendment: N.J.A.C. 8:71

Proposed: November 6, 1980 at 12 N.J.R. 644(b)

Adopted: September 1, 1981 by Robert G. Kowalski, Chairman, Drug Utilization Review Council.

Filed: October 9, 1981 as R.1981 d.405, **without change except** that part of the proposal was previously adopted at 13 N.J.R. 217(d).

Authority: N.J.S.A. 24:6E-6.

Effective Date: November 2, 1981.

Operative Date: January 1, 1981.

Full text of the adoption follows (additions indicated in boldface **thus**).

CHAPTER 71
Interchangeable Drug Products

.....
Primidone tablets, 250 mg Danbury
.....

(b)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products List

Adopted Amendment: N.J.A.C. 8:71

Proposed: June 4, 1981 at 13 N.J.R. 354(a)

Adopted: September 1, 1981 by Robert G. Kowalski, Chairman, Drug Utilization Review Council.

Filed: October 9, 1981 as R.1981 d.403, **with substantive changes** not requiring additional public notice and comment and with a portion of the proposal not adopted but **still pending**.

Authority: N.J.S.A. 24:6E-6.

Effective Date: November 2, 1981.

Operative Date: January 1, 1981.

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Full text of the adoption follows (deletions from the proposal indicated in brackets [thus]).

CHAPTER 71

Interchangeable Drug Products

- 8:71 Interchangeable Drug Products
-
- [Amitriptyline HC1 tabs 10, 25, 50, 75, 100] [Ikapharm]
-
- [Cephadroxil monohydrate caps, 500 mg] [Bristol]
-
- [Chlorzoxazone/acetaminophen tabs] [Premo, McNeil, Deena]
-
- [Dipyridamole tabs 25 mg] [Cord]
-
- [Phenylbutazone alka caps] [Generic]
-
- [Trimethoprim with sulfamethoxazole tabs] [Biocraft]

....
Action on the following products which were included in the proposal of June 4, 1981, is still pending:

- Ampicillin caps 250, 500 mg Pfizer
- Ampicillin for susp. 125/5, 250/5 Pfizer
- Erythromycin ethylsuccinate susp 200/5 ml NPC
- Imipramine HC1 tabs 10, 50 mg Premo
- Tolbutamide tabs, 500 mg Danbury

HIGHER EDUCATION

(c)

BOARD OF HIGHER EDUCATION

**Standards for Graduate Programs
Post-Master's Level Programs**

Adopted Amendment: N.J.A.C. 9:1-4.6

Proposed: July 9, 1981 at 13 N.J.R. 411(c)

Adopted: September 18, 1981 by Board of Higher Education, T. Howard Hollander, Chancellor and Secretary.

Filed: September 29, 1981 as R.1981 d.392, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:3-14(n) and 18A:3-15.

Effective Date: November 2, 1981.

Full text of the of changes between proposal and adoption follows (additions to the proposal indicated in bold face with asterisk ***thus***; deletions from proposal indicated in brackets with asterisk ***[thus]***).

9:1-4.6 Sixth year programs

(a) [Some i]Institutions **may** organize programs of graduate work at the post-master's level which are not intended to lead to a doctorate but to specialist's ***[(*degree or to a comparable *)]*** certificate ***.* *Within the discipline of education, no new Ed.S. de-**

degrees will be approved. Specialist's certificate programs in this discipline will be limited to * [in] * the fields of educational administration and educational services, when a definitive need can be demonstrated. Approval of these certificates by the State Board of Higher Education will be required. * [No new Ed.S. degrees will be approved.] *

(b) (No change from proposal.)

(c) [It should perform a definable function and not be merely a continuation of courses beyond the Master's degree.] *It should perform a definable function and not be merely a continuation of courses beyond the Master's degree.* A student admitted to a specialist's certificate program in education must have a Master's degree in the same field in which the certificate is being offered. Students who possess a Master's degree in an unrelated field will be required to complete preliminary course work or demonstrate equivalent knowledge acquired through work experience.

[(d) The design of each program should be demonstrably determined by the purposes of the program and the needs of the students.]

(d) A specialist's certificate program *in education* must be composed of course work which is more advanced than that required for a Master's degree.

(e) A qualifying examination should be required for the [degree or the] *degree or the* certificate.

(a)

BOARD OF HIGHER EDUCATION

**Community Colleges
Establishment of a Community College**

Adopted Amendment: N.J.A.C. 9:4-1.2

Proposed: August 6, 1981 at 13 N.J.R. 495(d)
Adopted: September 18, 1981 by Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.
Filed: September 29, 1981 as R.1981 d.391, **without change.**

Authority: N.J.S.A. 18A:64A-7a.

Effective Date: November 2, 1981.

(b)

STUDENT ASSISTANCE BOARD

**Student Assistance Program
Tuition Aid Grant Program Award Table**

Adopted Amendment: N.J.A.C. 9:7-3.1

Proposed: September 10, 1981 at 13 N.J.R. 572(b)
Adopted: October 14, 1981 by Student Assistance Board, Luis Nieves, Chairman.
Filed: October 14, 1981 as R. 1981 d.415, **without change.**

Authority: N.J.S.A. 18A:71-47 and 48.

Effective Date: November 2, 1981.

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(c)

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

**Administration Manual
Provider Participation**

**Adopted Amendments: N.J.A.C. 10:49-1.3 and
1.17**

Proposed: August 6, 1981 at 13 N.J.R. 496(c).
Adopted: September 18, 1981 by Timothy Carden, Commissioner of Human Services.
Filed: September 30, 1981 as R.1981 d.393, **without change.**

Authority: N.J.S.A. 30:4D-12 and 30:4D-7

Effective Date: November 2, 1981.

(d)

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

**Pharmaceutical Services Manual
Legend Drug Dispensing Fee**

Readopted Amendment: N.J.A.C. 10:51-1.17

Proposed: September 10, 1981 at 13 N.J.R. 575(c).
Adopted: October 14, 1981 by Timothy Carden, Commissioner, Department of Human Services.
Filed: October 14, 1981 as R. 1981 d.411, **without change.**

Authority: N.J.S.A. 30:4D-6b(6), 30:4D-7 and 30:4D-22b.

Effective Date: October 14, 1981.

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(a)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual
Amendments Required by the Federal Omnibus Reconciliation Act of 1981

Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 10:81-1.11, 2.4, 2.8, 2.17-2.23, 3.5, 3.9, 3.18, 3.19, 3.20, 3.43, 3.44, 3.45, 4.2, 5.9, 6.1, 8.22, 8.23 and 8.24

Emergency Amendments Adopted: September 30, 1981 by Timothy L. Carden, Commissioner of Human Services.
Emergency Amendments Filed: September 30, 1981 as R.1981 d.397.

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Emergency Amendments Effective Date: September 30, 1981.

Emergency Amendments Operative Date: October 1, 1981.
Emergency Amendments Expiration Date: November 30, 1981.

The agency emergency adoption and concurrent proposal follows:

Summary

The Department of Human Services is required to implement extensive revisions to the AFDC program because of changes in Federal law and regulation. These changes redefine certain eligibility criteria to be met for payment of benefits.

Specifically, these revisions: deny eligibility for AFDC to individuals or their families during participation in a strike; establish a new definition of an unemployed parent and establish new work registration requirements.

Social Impact

The exact number of families adversely affected by these federal changes is not currently available.

Of particular importance is the requirement that the application of a family for AFDC will be denied if it contains an individual participating in a strike. If the family is already on assistance before the strike commences, the case will be terminated.

Economic Impact

Approximately \$24.5 million in federal funds will be lost to the AFDC program in the first year of implementation of the federal mandate. As a result the ability of the low income population to purchase goods and services will be diminished.

Privately funded agencies and religious organizations may experience an additional drain on their resources as families who are terminated from AFDC or whose grants are reduced turn to these agencies for aid.

The implementation and operation of the required revisions will also entail substantial increase in administrative costs because of computer programming changes, additional reporting requirements and notices as well as considerable retraining of State and county staff.

Full text of the emergency adoption and proposal follows (additions indicated in bold face thus; deletions indicated in brackets [thus]).

10:81-1.11 Income maintenance programs

(a) This manual describes policy for the income maintenance programs which are:

1. Aid to Families with Dependent Children, which is composed of three segments:
 - i. (No change.)
 - ii. AFDC-F through which financial assistance is provided to families with children when both parents are in the home, [are not] **neither is** incapacitated and the [father] **principal earner** meets the Federal definition of unemployment.
 - iii. (No change.)
- 2.-3. (No change.)

10:81-2.4 Eligibility for aid to families with dependent children

- (a)-(b) (No change.)
- (c) Eligibility for the AFDC-F segment is based on financial need when both parents are in the home, [are not] **neither is** incapacitated and the [father] **parent who is the principal earner meets the Federal definition of unemployment.**
- (d)-(f) (No change.)

10:81-2.8 WIN registration in AFDC-C and -F segments (WIN counties only)

- (a) (No change.)
- (b) **The CWA has the responsibility through the IM control clerk for ensuring that the parent who is the principal earner in AFDC-F and AFDC-C and -F companion cases is certified by the Separate Administrative Unit (SAU) within 30 days of the receipt of assistance.**
 1. **Functions of the IM control clerk: The IM control clerk shall:**
 - i. **Keep a daily log of all principal earners in AFDC-F and AFDC-C and -F companion cases referred to ES/WIN for registration;**
 - ii. **Match the completed WIN Certification Record (MA 5-96) received from the SAU with the WIN Registration Record (MA 5-95) received from ES/WIN;**
 - iii. **Attach the completed MA 5-96 to the MA 5-95 and place both forms in the central WIN file;**
 - iv. **Submit to the IM supervisor a list of all appropriate registrants for which a WIN Certification Record is not received within 30 days of the date for referral for WIN registration;**
 - v. **Send to the local SAU a written request for information on each missing certification (copy of the request will be placed in the case record).**

10:81-2.17 Verification

- (a)-(b) (No change.)
- [(c)] 1. (No change in text.)
- [(d)] (c) (No change in text.)
- (d) **The CWA must verify the deprivation factor in AFDC.**
 1. **The death of the parent(s) must be verified.**
 2. **Incapacity must be validated through the medical review team's action expressed in Form PA-8.**
 3. **Continued absence shall be verified in accordance with criteria in N.J.A.C. 10:81-3.**

[10:81-2.18 Deprivation in AFDC-C

- (a) CWA must validate death of the parent(s).
- (b) Incapacity: This factor is validated through the medical review team's action expressed in Form PA-8.
- (c) Continued absence: Ways of verifying continued absence are detailed in subchapter 3.]

[10:81-2.19 Employment in AFDC-N]

- [(a)] (e) **For AFDC-N cases, [I]if the condition of insufficient income is the result of the applicant having left a job within 90 days of the date of application, the IM worker will verify with the employer that [it] the termination was not voluntary or will ask the**

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applicant to demonstrate good cause for leaving. (See N.J.A.C. 10:81-2.9 and 3.18(m).) The IM worker will also verify that the applicant has registered with the Division of Employment Services. If the client does not have evidence of having registered, registration Form NJES-511B (Job Service Self-Registration Application) shall be completed at initial application and Form NJES-1A for subsequent registration renewals and redeterminations (see N.J.A.C. [10:81-2.24] **10:81-2.18**.)

[10:81-2.20 Income and resources]

(f) (No change in text.)

[10:81-2.21 School attendance]

[(a)](g) (No change in text.)

[(b)](h) (No change in text.)

[10:81-2.22 Residence]

(i) (No change in text.)

[10:81-2.23 WIN certification of AFDC-F registrants (fathers only)]

(a) The CWA has responsibility through the IM control clerk for ensuring that all adult males (that is fathers) in AFDC-F and AFDC-C and -F companion cases are certified by the Separate Administrative Unit (SAU) within 30 days of receipt of such assistance.

1. Functions of the IM control clerk – The IM control clerk shall:

i. Keep a daily log of all adult males in AFDC-F and AFDC-C and -F companion cases referred to ES/WIN for registration.

ii. Match completed WIN Certification record (MA 5-96) received from the SAU with WIN Registration Record (MA 5-95) received from ES/WIN.

iii. Attach the completed MA 5-96 to the MA 5-95 and place both forms in the central WIN file.

iv. Submit to the IM supervisor a list of all appropriate registrants for which a WIN certification record is not received within 30 days of the date of referral for WIN registration.

v. Send to the local SAU a written request for information on each missing certification (copy of request will be placed in the case record.)

10:81-[2.24]**2.18** State Employment Service registration (AFDC)

(a) The following AFDC applicants/recipients are required to register with the State Employment Service: AFDC-F [fathers] **principal earners** exempt from WIN registration due to remotenes, including all [fathers] **principal earners** in non-WIN counties; all AFDC-N fathers; appropriate AFDC-C applicants/recipients residing in non-WIN counties (see N.J.A.C. 10:81-[3.43]**3.19**); and AFDC children (**residing in non-WIN counties**) who are 16 to 18 years old who are not attending school and are not employed.

1.-3. (No change.)

10:81-3.5 Verification of income and resources

(a) (No change.)

(b) Earned and unearned income:

1. The IM worker will verify, either through examination of paystubs or with the client's employer, the amount of gross **earned** income. [In AFDC-C and -F, mandatory payroll deductions and the actual, necessary expenses of employment will be verified. (See N.J.A.C. 10:82-2.7 through 2.10.)]

2.-5. (No change.)

10:81-3.9 Applicant in AFDC-C and -F

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

(c) To be eligible for AFDC-C or -F, an individual must be either a citizen of the United States or [an alien lawfully admitted for permanent residence or] **otherwise permanently residing in the United States under color of law, including any alien who is lawfully present in the United States as a result of the application of Section 207(c), Section 203(a)(7) (prior to April 1, 1980), Section 208, and Section 212(d)(5) of the Immigration and Nationality Act.**

1.-2. (No change.)

10:81-3.18 Employment and training requirements

(a) (No change.)

(b) County welfare agencies, as agents of the United States Department of Labor in those geographical areas designated as WIN counties, are responsible, through the income maintenance staff for determining who is required to register for WIN by completing Form PA-401, WIN Case Review Document (see appendix C).

1. (No change.)

2. Those who are exempt include:

i. Children under age 16[,]; or between 16 and [21] **18**, enrolled or accepted for enrollment as full-time students for the next school term[;] **in an elementary, secondary, or vocational or technical school; or under age 19 and attending full-time, a secondary school or the equivalent level of a vocational or technical school, and expected to complete the program of the school before reaching age 19.**

ii. Persons who are:

(1)-(5) (No change.)

(6) The [mother] **parent** or other caretaker relative of a child under six years of age[;] **who personally provides care for the child with only very brief and infrequent absences from the child;**

(7) The [mother] **parent** or other [female] caretaker of a child[; When the nonexempt father or other nonexempt adult male] **who is deprived of parental support or care by reasons of the death, continued absence from the home, or physical or mental incapacity of a parent, if another adult** relative in the home is registered and has not refused to participate in the program or accept employment without good cause.

(c)-(d) (No change.)

(e) Individuals who have been determined to be exempt from registration on the basis of incapacity shall be referred to the Division of Vocational Rehabilitation Services. Form PA-14, Referral for Services, shall be used for this purpose. Acceptance of referral for such services is optional with the individual and shall not affect the recipient's entitlement to benefits.

1. (No change.)

2. When the [father] **principal earner** fails or refuses to register as required, the entire family will be rendered ineligible to receive AFDC-F [assistance] until such time notification is received from ES/WIN that the registration process has been completed (see N.J.A.C. 10:81-3.18(g)). Under these circumstances the [client] **family** will not be eligible for AFDC-N.

3. (No change.)

(f) (No change.)

(g) The determination of refusal/failure to participate is the responsibility of ES/WIN and shall be binding upon the CW[B]A.

1. (No change.)

2. A mandatory WIN registrant who is deregistered for refusal without good cause to participate in WIN shall be subject to the following sanctions:

i. (No change.)

ii. If the individual is the [father receiving] **principal earner in an AFDC-F case**, the entire AFDC family will be rendered ineligible for assistance without considering eligibility for AFDC-N.

iii.-iv. (No change.)

3.-6. (No change.)

(h)-(j) (No change.)

(k) [An individual participating in a lawful strike has the same right to apply for public assistance for him/herself and dependents as any other needy individual. Participation in such lawful strike shall not be considered as refusing to work without good cause.

1. Participation in unlawful or "sympathy" strikes or walkouts shall not be considered good cause for refusal to work. Under such conditions, a parent's refusal to work or accept employment shall render both parents ineligible for assistance.]

AFDC benefits shall not be payable for any month in which any caretaker relative with whom the child is living, is on the

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last day of such month, participating in a strike. Additionally, no individual's needs shall be included in determining the amount of AFDC payable for any month to a family if, on the last day of the month, such individual is participating in a strike.

1. The term "strike" includes any strike or other concerted stoppage of work by employees including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted interruption of operations by employees.

2. The term "participating in a strike" means an actual refusal in concert with others to provide services to one's employers.

(1) To qualify for AFDC-F, the following criteria must be met:

1. The [father] **principal earner** has been unemployed for at least 30 days prior to the receipt of public assistance.

i. (No change.)

2. The [father] **principal earner** has not, without good cause within such 30 day period prior to the receipt of public assistance, refused a bonafide offer of employment or training for employment;

3.-6. (No change.)

7. The [father] **principal earner** has six or more quarters of work (see subparagraph i below) within a 13 calendar quarter period ending within one year prior to the application for such aid or within such one year period, received unemployment compensation under an unemployment compensation law of a State or of the United States, or was qualified (see subparagraph ii below) for such compensation under the State's unemployment compensation law.

i. A "quarter of work" with respect to any individual means a period (of three consecutive calendar months ending on March 31, June 30, September 30, or December 31) in which he or she received earned income of not less than \$50.00, or in which he or she participated in a community work and training program under section 409 of the Economic Opportunity Act or any other work and training program subject to the limitations in section 409 (Title V projects), or work incentive program established under part C of Title IV of the Social Security Act.

ii. An individual shall be deemed "qualified" for unemployment compensation under the State's unemployment compensation law if he or she would have been eligible to receive such benefits upon filing application, or he or she performed work not covered by such law which, if it had been covered, would (together with any covered work he or she performed) have made him or her eligible to receive such benefits upon filing application.

8. When a family unit is found ineligible for AFDC-F because the applicant or recipient [father] **principal earner** refuses, to register for the WIN program (unless exempt because of remoteness or residing in a non-WIN county), or refuses to register with the Division of Employment Services, the entire family will be rendered ineligible for assistance under any segment.

i. The applicant shall also be informed that refusal to apply for or accept unemployment compensation for which he or she qualifies will render the entire family ineligible for assistance.

9. (No change.)

10. The "principal earner" is whichever parent earned the greater amount of income in the 24-month period immediately preceding the month of application for AFDC-F and this designation shall apply for each consecutive month for which the family receives AFDC-F.

i. When either parent can qualify as the principal earner because both parents earned an identical amount of income in such 24-month period, the principal earner shall be whichever parent earned the greater amount of income in the most recent consecutive six-month period of such 24-month period.

ii. If both parents earned an identical amount of income in such six-month period, the CWA shall designate which parent shall be the principal earner.

(m) Rules concerning AFDC-N are as follows:

1.-3. (No change.)

4. In an AFDC-N case, if the mother expresses interest in training or employment programs, the worker will provide all

available information on related resources and/or services.

5. AFDC-N children who are 16 to 18 years old who are not attending school and are not employed shall be required to register with the State Employment Service and all available resources for training and employment shall be offered to them. (See N.J.A.C. 10:82-2.5 for penalty of ineligibility for refusal to cooperate.)

10:81-3.19 [Employment or training for the AFDC-N mother] AFDC-C and -F (Non-WIN Counties)

(a) [If a mother expresses interest in training or employment programs, the worker will provide all available information on related resources and/or services.] In those geographical areas designated as non-WIN counties, registration for WIN shall not be considered as an eligibility requirement nor will the IM worker complete Form PA-401, WIN Case Review Document. See N.J.A.C. 10:81-3.18(b) for verification of employment for those applicants/recipients who are required to register with the State Employment Service.

(b) In non-WIN counties, the AFDC-C recipient shall cooperate with efforts of the CWA and/or State Employment Service in actively seeking employment and shall be required to accept employment or training when suitable opportunity can be identified as available, unless the CWA determines that the individual is exempt according to the criteria as set forth in N.J.A.C. 10:81-3.18(b)2.

1. Failure or refusal without good cause to seek, accept or retain employment or training shall be cause to delete such individual from the eligible unit, in accordance with N.J.A.C. 10:82-2.5. "Good cause" shall be determined without reference to sex of the individual, on the basis of N.J.A.C. 10:81-3.18(m)2.

i. The penalty for failure or refusal without good cause shall continue until such time as the individual demonstrates willingness to cooperate.

(c) For AFDC-F cases in non-WIN counties, the principal earner shall register with the State Employment Service. The principal earner shall also cooperate with efforts of the State Employment Service and the CWA in actively seeking employment and shall be required to accept employment or training when a suitable opportunity can be identified as available, unless the CWA determines that the individual is exempt according to the criteria set forth in N.J.A.C. 10:81-3.18(b)2.

1. Failure of the principal earner to register with the State Employment Service or refusal without good cause (see N.J.A.C. 10:81-3.18(m)2) to seek, accept or retain employment or training shall render the entire family ineligible for assistance under AFDC-F. In such cases, eligibility for AFDC-N will not be considered.

i. The penalty for failure or refusal without good cause shall continue until such time as the principal earner demonstrates willingness to cooperate.

(d) AFDC-C and -F children who are not exempt from registration shall be required to register with the State Employment Service and all available resources for training and employment shall be offered to them. (See N.J.A.C. 10:82-2.5 for penalty of ineligibility for refusal to cooperate.)

10:81-3.20 [Employment and training for AFDC-N children] (Reserved)

[Children who are 16 to 18 years old who are not attending school and are not employed shall be required to register with the State Employment Service and all available resources for training and employment shall be offered to them. (See N.J.A.C. 10:82-2.5 for penalty of ineligibility for refusal to cooperate.)]

10:81-3.43 [AFDC-C and -F (Non-WIN counties)] (Reserved)

[(a) In those geographical areas designated as non-WIN counties, registration for WIN shall not be considered as an eligibility requirement nor will the IM worker complete Form PA-401, WIN

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Case Review Document. See section 18(d) of this subchapter for verification of employment for those applicants/recipients who are required to register with the State Employment Service.

(b) In non-WIN counties, the recipient shall cooperate with efforts of the CWA and/or State Employment Service in actively seeking employment and shall be required to accept employment or training when suitable opportunity can be identified as available, unless the CWA determines that the individual is exempt according to the criteria as set forth in section 18(b)2 of this subchapter.

(c) Failure or refusal without good cause to seek, accept or retain employment or training shall be cause to delete such individual from the eligible unit, in accordance with N.J.A.C. 10:82-2.5. "Good cause" shall be determined without reference to sex of the individual, on the basis of section 18(m)2 of this subchapter.

1. The penalty for failure or refusal without good cause shall continue until such time as the individual demonstrates willingness to cooperate as stated in subsection (b) of this section.]

10:81-3.44 [AFDC-F] (Reserved)

[(a) In non-WIN counties, the father shall register with the State Employment Service. The father shall also cooperate with efforts of the State Employment Service and the CWA in actively seeking employment and shall be required to accept employment or training when suitable opportunity can be identified as available, unless the CWA determines that the individual is exempt according to the criteria as set forth in section 3(c) of this subchapter.

(b) Failure of the father to register with the State Employment Service or refusal without good cause (see section 18(m)2 of this subchapter) to seek, accept or retain employment or training shall render the entire family ineligible for assistance under the AFDC-F. In such cases eligibility for AFDC-N will not be considered. (See N.J.A.C. 10:81-3.18(g)2iii and iv for other members of the eligible unit.)

(c) The penalty for failure or refusal without good cause shall continue until such time as the father demonstrates willingness to cooperate as stated in subsection (a) this section.]

10:81-3.45 [Employment and training for AFDC-C and -F children] (Reserved)

[Children who are 16 to 18 years old who are not attending school and are not employed shall be required to register with the State Employment Service and all available resources for training and employment shall be offered to them. (See N.J.A.C. 10:82-2.5 for penalty of ineligibility for refusal to cooperate.)]

10:81-4.2 Federal participation in AFDC-C and -F

(a)-(d) (No change.)

(e) Criteria used for determining Federal matching in the AFDC-F segment is based upon the [father] **principal earner** of the family meeting the employment requirements as set forth in Federal regulation.

10:81-5.9 Registration for WIN program in AFDC-C and -F

(a)-(e) (No change.)

(f) Employment in AFDC-N: General principles as provided in N.J.A.C. 10:81-3.18(m)[,], [3.19 and 3.20]

(g) AFDC-C and -F cases in non-WIN Counties: See N.J.A.C. 10:81-[3.43-3.45]3.19.

10:81-6.1 Right to fair hearing

(a) It is the right of every client to request and have a fair hearing in the manner established by these regulations. The availability of local administrative review procedures shall be in addition to and independent of the right to a fair hearing and the exercise thereof.

(b) **No fair hearing will be granted when either State or Federal law require automatic grant adjustments for classes of recipients unless the reason for an individual appeal is incorrect grant computation.**

10:81-8.22 Persons eligible for medical assistance

(a)-(c) (No change.)

(d) AFDC eligible units which receive no AFDC payments solely because the amount payable would be less than \$10.00, are eligible for Medicaid benefits.

10:81-8.23 Individuals under age 21; Medicaid Special

(a) An individual under age 21, whether or not he/she lives with his/her parents, may be eligible for Medicaid Special even though he/she is not eligible for AFDC and Medicaid coverage under that program. Financial eligibility for Medicaid Special is established when [the income of the eligible unit does not exceed the allowance standard for AFDC-C or -F]in accordance with the provisions of **chapter 82 and the provisions below [.]**, a grant would otherwise be payable (including amounts below \$10.00).

(b) When the individual lives in the same household as his/her natural or adoptive parent[(s)], financial eligibility will in all cases include the parent's['] income and resources. **If applicable, the deemed income of the stepparent shall be included.** for this determination the eligible unit includes the applicant, his/her parents and their dependent children.

(c)-(e) (No change.)

10:81-8.24 Determination of eligibility; Medicaid Special

(a) (No change.)

(b) Earned income shall be calculated in accordance with AFDC-C and -F procedures [in sections 211 or 212 of the Assistance Standards Handbook, as appropriate] **found in chapter 82.** [The \$30 plus 1/3 disregard is only applicable during the first four months after termination of AFDC-C or -F money payments. The disregard shall not apply to cases which have never received money payments or for which money payments have been terminated for longer than four months.]

(c)-(e) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
Division of Public Welfare
CN 716

Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

This proposal is known as PRN 1981-270.

ADOPTIONS

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

Assistance Standards Handbook Amendments Required by the Federal Omnibus Reconciliation Act of 1981

Adopted Emergency Amendments And Concurrent Proposal: N.J.A.C. 10:82-1.2, 1.4, 2.1, 2.2, 2.4, 2.7-2.9, 2.19, 3.2, 4.1, 4.4, 4.5, 4.7, 4.15, and 5.3

Adopted Emergency New Rules And Concurrent Proposal: N.J.A.C. 10:82-3.13 and 4.16

Emergency Amendments Adopted: September 30, 1981 by Timothy L. Carden, Commissioner of Human Services.

Emergency Amendments Filed: September 30, 1981 as R.1981 d.396

Authority: N.J.S.A. 44:7-6 and 44:10-3

Emergency Amendments Effective Date: September 30, 1981

Emergency Amendments Operative Date: October 1, 1981

Emergency Amendments Expiration Date: November 30, 1981

The agency emergency adoption and concurrent proposal follows:

Summary

Federal law requires extensive revision to the AFDC program by narrowing income and resource eligibility limits, barring certain individuals from receiving benefits and restricting benefit amount.

Specifically these regulations:

1. Reduce the amount that may be disregarded from the earnings of an AFDC family and restrict the period for which such disregards may be applied;
2. Limit eligibility to families with resources below \$1000 and/or gross income below 150 percent of the appropriate AFDC allowance standard;
3. Consider the income of stepparents and sponsors of certain aliens as available to the AFDC family;
4. Count as available income benefits under Earned Income Credits which are actually received by AFDC family or for which they are eligible;
5. Require families to repay all overpayments even those made as the result of administrative error; and
6. Generally prohibit AFDC payments of less than \$10.00 monthly.

Social Impact

The federally mandated revisions regarding the gross income ceiling and the amount of income that may be disregarded will alone eliminate 12,300 families from AFDC and will reduce benefits for an additional 8,500. These new restrictions will also discourage AFDC families from seeking or continuing employment.

Additionally, a now unknown number of previously eligible families and individuals will be terminated or have benefits reduced by the remaining revisions imposed by Washington.

A number of families which receive a lump sum settlement will

lose eligibility for the number of months, based on the AFDC standard, those funds are anticipated to be available. Even if the funds are exhausted because of a crisis before that date the family will not receive further assistance.

Families which are overpaid through no fault of their own will still be expected to repay the agency and benefits will be reduced until the overpayment is satisfied.

Life insurance policies and burial plots will no longer be excluded from resources and will be allowed only to three times the family's assistance allowance or \$1,000, whichever is less.

Economic Impact

Approximately \$24.5 million in Federal funds will be lost to the AFDC program in the first year of implementation of the federal mandate. As a result the ability of the low income population to purchase goods and services will be diminished.

Privately funded agencies and religious organizations may experience an additional drain on their resources as families who are terminated from AFDC or whose grants are reduced turn to these agencies for aid.

The implementation and operation of the required revisions will also entail substantial increases in administrative costs because of computer programming changes, additional reporting requirements and notices as well as considerable retraining of State and county staff.

Full text of the emergency adoption and proposal follows (additions indicated in bold face **thus**; deletions indicated in brackets [thus]).

10:82-1.2 Schedules of allowances

(a)-(c) (No change.)

(d) AFDC eligibility shall not exist if the total income of the eligible unit exceeds the amount indicated in Schedule III for the appropriate eligible unit size and program segment. For this purpose, total income shall include all income of the eligible unit (without benefit of the disregards in N.J.A.C. 10:82-4.4 or 4.5) including the income of stepparents determined available to the eligible unit in N.J.A.C. 10:82-2.9. Total income includes the earned income of the AFDC children. Child support payments, whether received directly by the household or collected through the CSP process, shall be counted in the determination of total income. Total income shall not include the AFDC payment.

**Schedule III
Maximum Income Levels
Number**

in Eligible Unit	AFDC-N	AFDC-C AFDC-F
1	\$137	410
2	273	540
3	360	621
4	414	702
5	468	783
6	522	864
7	576	945
8	630	1026
9	684	1107
10	738	Add \$81
More than 10	Add \$54	each person

10:82-1.4 Eligible unit; AFDC-C and -F segments

(a) The AFDC-C segment shall include:

1. The natural or adoptive parent(s) of one or more of the eligible child(ren)[,]; **[except when excluded in accordance with N.J.A.C. 10:82-2.9(d);]**

2.-4. (No change.)

(b) The AFDC-F segment shall include the natural or adoptive parents with whom the eligible child(ren) lives when both parents

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are in the home, are not incapacitated and the [father]parent who is the principal earner meets the Federal definition of unemployment as set forth in PAM.

(c)-(e) (No change.)

10:82-2.1 Form PA-3A or Form 105

(a) (No change.)

(b) Form PA-3A, shall be completed in the following order:

1.-3. (No change.)

4. Part II: The amount of the regular monthly grant is determined in Part II, Amount of Allowance. Make the appropriate entries according to key numbers indicated on the form as follows:

i. (No change.)

ii. The monthly grant:

(1)-(2) (No change.)

(3) No grant shall be payable if the amount determined is less than \$10.00 except when the grant is less than \$10.00 solely as a result of the recovery of an overpayment.

(4) Even if maximum income eligibility has been established, if no income deficit exists (except when due solely to the recovery of an overpayment) the family is ineligible for AFDC and Medicaid.

5. Part III: Determine the amount of the first assistance payment (initial grant) in accordance with N.J.A.C. 10:82-2.3. **(No initial grant shall be made if the amount determined otherwise payable, is less than \$10.00.)**

6. (No change.)

10:82-2.2 Initial eligibility

On all new applications, reapplications or reopened applications, initial financial eligibility must be established before a determination of the amount of the monthly grant can be made. Form PA-3A or Form 105, as appropriate, provides space for this [initial]determination. See N.J.A.C. 10:82-2.7 regarding [initial]maximum incomeeligibility for AFDC-C and -F, and N.J.A.C. 10:82-[2.11]1.2 and 2.1 regarding maximum income eligibility and initial eligibility for AFDC-N.

10:82-2.4 Noneligibility persons in the household

(a) (No change.)

(b) When the natural or adoptive parent is not included in the eligible unit and has earned or unearned income of his/her own, such income, less the parent's per capita share of the allowance standard for the eligible unit with the parent included, shall be applied to the needs of the eligible children, except when such parent is an SSI recipient.[or in stepparent situations (follow procedure as stated in this N.J.A.C. 10:82-2.9(d).)]

1. For earned income, the net amount to be considered available to the eligible unit shall be determined by deducting [expenses of employment (N.J.A.C. 10:82-4.4), child care (N.J.A.C. 10:82-5:3) and all reasonable payroll deductions, including Federal, State, and city withholding taxes, Social Security, unemployment compensation taxes, insurance, union dues, pension contributions and garnishments. The \$30.00 and one-third disregard of earned income does not apply. **Only the first \$75.00 of such income and the actual expenses of child care (or care for an incapacitated individual) that does not exceed \$160.00 per child (or individual).**

10:82-2.7 [Initial]Maximum incomeeligibility; AFDC-C and -F procedures

(a) The procedures regarding [initial]maximum incomeeligibility are:

1. Identify the number of persons in the eligible unit;

2. [Use Schedule I to determine the appropriate public assistance allowance;] **Determine the total monthly income (including gross earned income) available to the eligible unit and compare it to the maximum income level in N.J.A.C. 10:82-1.2(d). If total income equals or is less than the maximum for the appropriate eligible unit size, maximum income eligibility has been established and the grant amount shall be determined in accordance**

with N.J.A.C. 10:82-2.8. If total income exceeds the appropriate maximum for any month, the family is not eligible for assistance.

[3. Identify all income as in N.J.A.C. 10:82-2.1(b)4i, except in determining calculated earned income, no "disregards" are applied unless N.J.A.C. 10:82-4.5(c) is applicable;

4. When there is an adjusted allowance of any amount, eligibility is established. Determination of the amount of the monthly grant must be made in accordance with section 1 of this subchapter;

5. When total income equals or exceeds the public assistance allowance, the family is not eligible for assistance.]

10:82-2.8 Determination of calculated earned income; AFDC-C and -F procedures

(a) From the total gross earnings of [all]eachperson[s]in the AFDC-C and -F segments, deduct cost of producing income if self-employed (N.J.A.C. 10:82-4.3), and proceed as follows:

1. From gross earnings deduct [the appropriate disregard of earned income (see N.J.A.C. 10:82-4.5(a));] **The first \$75.00 of such earnings for each employed individual in the eligible unit.**

2. [Deduct mandatory payroll deductions, including only the correct amount of Federal, State and city withholding taxes (see subparagraph i below); Social Security; unemployment compensation taxes; and garnishments as verified by legal document in possession of the employer.

i. For the purpose of determining calculated earned income, withholding tax deductions shall be based on the number of persons in the eligible unit unless it is demonstrated that such deductions are being properly claimed by someone else.]

Deduct an amount equal to the actual expenditures for child care or for care of an incapacitated individual living in the same home as the AFDC-C or -F eligible unit. In no event shall this deduction exceed \$160.00 per month for each child or incapacitated individual.

3. [Deduct allowance for expenses of employment for each employed person (see N.J.A.C. 10:82-4.4);] **For a period of not longer than four consecutive months, deduct the first \$30.00 of the remaining earned income plus one-third of the remainder for each employed individual in the eligible unit.**

i. **This deduction shall cease after a period of four consecutive months and shall not be applied again so long as the wage earner is a recipient of AFDC-C or -F benefits. This deduction will again be applied after the original four consecutive month period only after the wage earner has not been a recipient of AFDC-C or -F benefits for a period of 12 consecutive months. (See also N.J.A.C. 10:82-4.4.)**

[4. If applicable, deduct costs of child care (see N.J.A.C. 10:82-5.3);

5. If applicable, deduct the actual amount of support payments being made pursuant to a court order for dependents living elsewhere;

6. The remainder shall be entered on Form PA-3A as calculated earned income.

(b) Deductions from earned income for any purpose other than those identified in this section shall not be recognized.]

10:82-2.9 Stepparents; AFDC-C [and -F] procedures

(a) When a stepparent of eligible AFDC-C children is in fact a member of the household, the natural or adoptive parent who is applying for or receiving assistance shall be afforded the following elective options:

1. (No change.)

2. The stepparent may not be included in the eligible unit, in which case the [stepparent is responsible only for the needs of his/her spouse.] **Income of the stepparent shall be treated in accordance with (d) below.**

(b) (No change.)

(c) When the stepparent is not included in the eligible unit, [the natural or adoptive parent is excluded as well. and the eligible unit

includes only the eligible children.]**the eligible unit shall consist of the natural or adoptive parent and the eligible children.**

1. (No change.)

2. The grant for the eligible unit shall be the appropriate allowance standard on Schedule I less any income to the eligible unit [such as child support, Social Security benefits, direct cash contributions from the stepparent or net income of the parent after mandatory payroll deductions and child care payments due to the parent's employment are subtracted.]**including the countable income of the stepparent as determined in (d) below.**

(d) [When the natural or adoptive parent is not included in the eligible unit and has earned and/or unearned income of his/her own, all such income shall be applied to the needs of the eligible child(ren). (See N.J.A.C. 10:82-2.4(b)1 for deductions allowed in determination of net amount of earned income.)

1. Normally, resources jointly owned by the natural or adoptive parent and the stepparent shall be disregarded in determination of the children's eligibility. However, when some part of a resource is clearly identifiable as belonging to the natural or adoptive parent, it shall be considered in the determination of eligibility of the children and evaluated in accordance with regulations in N.J.A.C. 10:82-3 and 10:81-3.37 through 3.41.

i. For example, commingled bank and savings accounts will be disregarded. In the disposal of jointly owned property/assets on the other hand, the natural or adoptive parent's share would be identifiable, and thus recognized as a resource to the eligible children. (See N.J.A.C. 10:81-3.40(c) regarding agreements to repay. The natural or adoptive parent is not exempt from this responsibility.)

When a stepparent of eligible AFDC-C children lives in the same home as the children and is not included as a member of the eligible unit, his/her income shall be considered available to the eligible unit in accordance with the following procedures.

1. Reduce the stepparent's gross earned income by \$75.00.

2. Add the result to the stepparent's income.

3. Further reduce the remaining income by the appropriate amount in Schedule I (N.J.A.C. 10:82-1.2) for the stepparent and any other individuals residing in the household who are claimed by the stepparent as dependents for Federal personal income tax liability and who are not recipients of AFDC-C or -F.

4. The remaining income shall be further reduced by amounts paid by the stepparent to individuals not living in the household who are claimed by him/her as dependents for purposes of determining his/her tax liability.

5. Any income remaining shall be reduced by any amounts paid by the stepparent as alimony or child support to individuals not living in the household.

6. All income remaining shall be counted as unearned income available to the eligible unit and shall be counted toward total income (N.J.A.C. 10:82-1.2(d)) and in the determination of grant amount.

10:82-2.19 Overpayments[;]and underpayments

[(a) In situations where a member of an eligible unit fails to inform the welfare agency of any change in income, resources or circumstances resulting in an overpayment or underpayment in the monthly grant, the county welfare agency shall proceed as follows:

1. Determine the amount of the overpayment.

i. Subtract the amount of assistance which client(s) should have received during the period of overpayment from the amount actually received.

ii. Where CSP payments are involved, only the amount of assistance granted in excess of child support payments can be considered overpayment for purposes of recoupment.

2. Immediately upon discovery of the overpayment or underpayment, inform the client in writing that such error in payment has occurred, its amount, and that corrective measures will be taken in accordance with the following regulations;

3. Correct the monthly grant for the period of assistance next following the discovery of the overpayment or underpayment, unless in the case of an underpayment an immediate additional payment is issued pursuant to N.J.A.C. 10:82-2.20(b); and

4. When there has been overpayment, recoup the amount of overpayment in accordance with (c) below. Reductions in the monthly grant may only be made subject to timely and adequate notice as stated in N.J.A.C. 10:81-7.1(c) through (1), and 7.2 through 7.5.

(b) The CWA shall not recoup overpayments resulting from an administrative error.

(c) Overpayment rules are as follows.

1. When overpayments have resulted from the willful withholding of information by the client (see N.J.A.C. 10:81-4.23(b)), recoupment shall be by the following procedure:

i. Deduct from the grant an amount not to exceed 10 percent of the adjusted allowance, or where such deduction would in the judgement of the CWA create undue hardship, a lesser amount; and

ii. When there is earned income currently available and subject to disregards, deduct from the adjusted allowance the amount of the overpayment(s), not to exceed 20 percent of the eligible unit's total gross earnings, or where such deduction would in the judgement of the CWA create undue hardship, a lesser amount; and

iii. When client has savings or other available resources, develop a mutually agreeable arrangement with the client for recoupment of the overpayment.

2. In all other situations except where overpayment was due to administrative error, recoupment is limited to available resources such as disregarded income or savings. These situations include but are not limited to:

i. Situations due to client error other than those specified in (c)1 above;

ii. Where the client has withdrawn from or abandoned the fair hearing request.

iii. Where the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision.

Note: When disregarded income or savings, etc., exist, the following procedure will be used to determine the amount of recoupment:

3. Where available resources such as disregarded income or savings, etc., exist, the following procedure will be used to determine the amount of recoupment:

i. When there is earned income currently available and subject to disregards, deduct from the adjusted allowance the amount of the overpayment(s), not to exceed 20 percent of the eligible unit's total gross earnings, or where such deductions would in the judgement of the CWA create undue hardship, a lesser amount; and

ii. When the client has reserved income or other available resources, develop a mutually agreeable arrangement with the client for recoupment of the overpayment;

iii. Such recoupment shall be limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.

4. Recoupment of overpayments, even when encompassing the total monthly payment, shall not affect Medicaid eligibility so long as all other factors of eligibility continue to exist.

5. When the overpayment has been satisfied, the amount of the assistance payment must be immediately adjusted so that no further reductions for recoupment are made.]

(a) Upon discovery of an overpayment, the CWA shall take action as outlined in (a) of this section. The CWA shall seek recovery of all overpayments regardless of fault including overpayments caused by administrative action or inaction.

1. Determine the amount of the overpayment:

i. The amount of overpayment shall be the amount of assistance received during the period of overpayment less the amount of assistance which should have been received.

(1) In the case of an overpayment caused by the client's failure without good cause to report earned income on a timely basis,

the amount of the overpayment shall be calculated without benefit of the earned income disregards. (See also N.J.A.C. 10:82-4.4.)

(2) If an eligible unit is overpaid for which the CWA receives CSP collections, only that amount of assistance paid in excess of support payments received during the period of overpayment shall be considered for overpayment collection.

2. Immediately upon discovery of overpayment, the CWA shall inform the client in writing of the incorrect payment(s), the amount of overpayment and what corrective actions will be taken.

3. In the circumstances of an overpayment to an eligible unit which is currently receiving assistance, the amount may be repaid by the eligible unit or the grant shall be reduced by an amount which is equal to 10 percent of the total of the eligible unit's gross income liquid resources, and the AFDC grant which would otherwise be payable. The AFDC grant shall be reduced by this amount until such time as the full amount of the overpayment is recovered. If the grant is reduced to zero because of recovery, the eligible unit will continue to be considered in receipt of AFDC benefits. If the amount payable because of recovery is less than \$10.00, the AFDC check shall be issued in that lesser amount.

4. If an individual responsible for an overpayment is no longer eligible or becomes a member of another assistance unit, recovery shall be sought from that individual.

5. For cases of overpayment caused by administrative error, recovery shall be sought from all members of the eligible unit.

6. Overpayments to an eligible unit which is no longer receiving AFDC, shall be recovered by the CWA through a court of appropriate jurisdiction.

[(d) Underpayment rules are as follows.]

(b) Upon discovery of an underpayment, the CWA shall determine the amount underpaid and proceed as follows:

- 1.-2. (No change.)
- [(e)](c) (No change in text.)
- [(f)](d) (No change in text.)

10:82-3.1 General provisions

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

(c) All nonexempt resources shall be evaluated by their equity value; that is, the current market value of resource less encumbrances, if any.

(d) The total equity value of all nonexempt resources together with savings (as specified below) shall not exceed \$1,000.00

10:82-3.2 Exempt resources

(a) (No change.)

(b) The exempt resources are as follows:

1.-2. (No change.)

3. [Automobile, when at least one of the following conditions exists:

- i. The automobile would, if sold, produce less than \$500.00 net revenue to the eligible unit; or
- ii. No other transportation is available; or
- iii. Illness or infirmity of a member of the eligible unit prevents use of other transportation; or
- iv. An automobile is necessary to obtain or retain employment or is essential as an incentive to self-help.]

One motor vehicle, the equity value of which does not exceed \$1,200. If the vehicle is especially equipped with apparatus for the handicapped, the apparatus shall not increase the value of the vehicle. The equity value of a vehicle shall be the average wholesale value as indicated in the most recent April or October edition of the Red Book; Official Used Car Valuations, less encumbrances.

[4. Life insurance policies and burial plots.]

Renumber 5.-11. as 4.-10. with no change in text.

10:82-3.13 Deeming of sponsor's income and resources to a sponsored alien;

(a) The income and resources of an alien's sponsor shall be deemed recipient for three years following the alien's entry into the United States. For purposes of this section, a sponsor is an individual (not an organization) who executed an affidavit of support or similar agreement on behalf of an alien (who is not the sponsor's child) as a condition of the alien's entry into the United States. No income or resources shall be deemed from a sponsor who is receiving AFDC or SSI.

(b) The amount of income of a sponsor which shall be deemed to be the unearned income of an alien shall be determined as follows:

1. The sponsor's monthly earned income (and that of his/her spouse if living with the sponsor) shall be reduced by 20 percent (not to exceed \$175.00) plus the full amount of any costs incurred in producing income from self-employment.

2. The amount determined in (b)1 above shall be added to the unearned income of the sponsor (and that of his/her spouse if living with the sponsor).

3. The amount determined in (b)2 above shall be reduced by the following:

i. The appropriate amount in Schedule I (N.J.A.C. 10:82-1.2) for the sponsor, spouse, and other persons residing in his/her household who are claimed by the sponsor as dependents for Federal personal income tax liability and who are not recipients of AFDC-C or -F;

ii. Any amounts actually paid by the sponsor to people not living in the household who are claimed by the sponsor as dependents for Federal personal income tax liability; and

iii. Actual payments of alimony or child support with respect to individuals not in the household.

4. The remaining amount shall be deemed to the alien and shall be counted as unearned income in the determination of eligibility and grant amount.

(c) The amount of resources (and of the sponsor's spouse if living with the sponsor) shall be determined in accordance with the provisions of this subchapter excepting 10:82-3.10 through 3.12. The value of the sponsor's resources shall be reduced by \$1,500.00 and remaining amount shall be deemed available to the alien and counted in the determination of eligibility and payment level.

(d) In any case where a person is the sponsor of two or more aliens who are living in the same home, the income and resources of the sponsor (and the sponsor's spouse if living with the sponsor), to the extent the income and resources would be deemed to any one of the aliens under the provisions of this section shall be equally divided among the aliens.

(e) Income and resources which are deemed to an alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income and resources are actually available.

(f) Any sponsor of an alien, and the alien, shall be jointly and severally, liable for any overpayment of AFDC made to the alien during the three years after the alien's entry into the United States that was caused by the sponsor's failure to provide correct information under the provisions of this section, except where the sponsor was without fault or where good cause existed.

1. Any overpayments described above which are not repaid to the CWA or recovered in accordance with the provisions of N.J.A.C. 10:82-2.19 shall be withheld from any future payments to which the alien or sponsor is entitled under:

i. Any state administered program established under the Social Security Act; or

ii. Any cash benefit program administered by the Social Security Administration and established by the Social Security Act.

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10:82-4.1 General provisions

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

(c) **Earned income shall include the amount of Earned Income Credit advance payment which an individual receives or is entitled to receive.**

1. **If an individual applying for or receiving AFDC has on file with his/her employer an Earned Income Advance Payment Certificate (Form W-5) for the current tax year, and is in fact receiving the advance payments, the CWA shall include that amount as earned income of the individual in the month received.**

2. **If an individual applying for or receiving AFDC has earned income but has not filed with his/her employer a Form W-5, the CWA shall include as earned income the advance payment that would be payable upon filing the certificate. The CWA, in order to count the advance payment not actually received, must be reasonably certain that the individual will be eligible to claim the earned income credit on his/her Federal income tax return for that taxable year. That determination shall be made in accordance with the criteria contained in IRS Publication 15 (Circular E; Employers Tax Guide). The amount of earned income credit to be counted shall be determined by consulting the tables in that publication and making any adjustments under which an employer may reduce the amount of advance payment.**

3. **The CWA must reconcile at the end of the tax year any differences between the amount of EIC counted for AFDC purposes and the amount actually received by the recipient. Any underpayment or overpayment shall be treated in accordance with N.J.A.C. 10:82-2.19.**

10:82-4.4 [Expenses of employment] **Disregard of earned income in AFDC-C and -F segments**

[(a) A standard allowance for expenses of employment shall be deducted from the recognized earnings of each employed member of the AFDC-C or -F eligible unit, whether working full or part time and regardless of age.

(b) The standard allowance is \$50.00 per month and is intended to cover all expenses attributable to employment other than costs of child care and mandatory payroll deductions. However, the CWA will advise the client of the following provisions:

1. When a member of the eligible unit has employment-related expenses (either at the time of initial eligibility or subsequently) which exceed the standard allowance and which can be verified as actual, reasonable and necessary to his/her employment, the allowance for expenses of employment shall be increased accordingly;

2. Expenses related to employment include, where applicable, cost of transportation by the most economically practical means available; essential tools, uniforms or special clothing; union dues; and required contributions to group insurance, disability or pension plans. In the event other expenses appear to be reasonably attributable to employment, approval shall be requested from the State office.]

(a) **The CWA shall disregard from the earned income of each employed individual, the first \$75.00 of such earnings.**

(b) **The CWA shall disregard from the remaining earned income, the actual costs paid for child care or for care of an incapacitated individual. The amount of the disregard shall not exceed \$160.00 per month for each such person requiring care.**

(c) **The CWA shall disregard from the total earned income not already disregarded, the first \$30.00 and one-third the remainder for each employed individual.**

1. **This disregard shall apply to the earned income of a person for a period of four consecutive months. Once this disregard has applied for a four consecutive month period, it shall not again be applied on behalf of that individual as long as he/she continues to receive AFDC-C or -F. If after receiving this disregard for a four consecutive month period, the individual becomes in-**

eligible for AFDC-C or -F, this disregard shall not be applied to his/her income unless the individual has remained ineligible for a period of 12 consecutive months.

(d) **None of the disregards above shall apply to the earned income of the individual for any month in which one of the following conditions apply to him or her:**

1. **Terminated his/her employment or reduced his/her earned income without good cause within 30 days prior to that month.**

2. **Refused without good cause, within 30 days prior to that month, to accept employment in which he or she is able to engage which is offered through the State Division of Employment Security or any other bona fide offer of employment.**

3. **Failed to make a timely report of earned income without good cause. The penalty shall not apply when the CWA is able to make the proper AFDC payment despite the lack of timely report.**

1. **Good cause for failure to make a timely report shall include but is not limited to:**

(1) **The individual failed to report a decrease in earnings;**

(2) **The individual failed to report an increase in earnings of less than \$5.00;**

(3) **Illness prevented the individual from reporting on a timely basis;**

10:82-4.5 Disregard of earned income in AFDC-N

[(a) Rules on the C and F segments are as follows.

1. The first \$30.00 earned by each employed member of the eligible AFDC unit plus one third of the remainder of the combined monthly gross earned income of all members of the unit, including all payments under OEO, shall be disregarded except as indicated below:

i. The above disregard shall not be applied to the monthly earned income of any member of an eligible unit if such person reduced his/her earned income without good cause within the period of 30 days preceding the month for which the grant is computed, or refused without good cause within the period of 30 days preceding such month to accept better employment in which he/she is able to engage and which is offered through the New Jersey Department of Labor and Industry, Division of Employment Security, or is otherwise offered by an employer, and such offer of employment has been determined by the county welfare agency to be a bona fide offer of employment.]

[(b)](a) (No change in text.)

[(c)](b) For the purposes of determining basic initial eligibility for AFDC-N (see N.J.A.C. 10:82-2.2), calculated earned income is determined without benefit of the disregards authorized in (a) [and (b)] above, unless during any one or more of the four months immediately preceding such determination the family has lawfully been receiving AFDC. When eligibility exists without the benefit of disregards, then disregards are applicable in determining the amount of initial and subsequent grants.

10:82-4.7 Earned income of a child who is a full or part-time student

(a)-(c) (No change.)

(f) **The exemption of income under this section does not apply in determining maximum income eligibility in N.J.A.C. 10:82-1.2.**

10:82-4.15 Irregular or nonrecurring income

[(a) **Income which becomes available at irregular intervals or is received upon a single occasion only (other than proceeds described in N.J.A.C. 10:82-3.2(b)10.) shall be considered as income in the first month subsequent to receipt, subject to adverse action notice requirements.**

1. If the amount is less than one full month's adjusted allowance, the grant, subject to adverse action notice requirements shall be reduced by such amount.

2. If the amount is greater than one month's adjusted allowance,

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but less than that for three months, the case shall be suspended until such funds are exhausted, at which time the case shall be reinstated.

3. If the amount is greater than required to meet three month's needs, the case shall be closed. (See N.J.A.C. 10:81-7.1 through 7.6.)]

(a) When a recipient receives nonrecurring payments that are not considered to be earned income (e.g., retroactive RSDI payments), those payments will be added together with all other monthly income received by the eligible unit after application of the disregards in N.J.A.C. 10:82-2.8 and 2.12 and the exemption of income in N.J.A.C. 10:82-4.7. When this total exceeds the AFDC allowance standards in Tables I or II as appropriate, the family will be ineligible for AFDC for the number of full months derived by dividing this total income by the allowance standard applicable to the eligible unit. Any remaining income is treated as if it is income received in the first month following the period of ineligibility and is considered available for use at that time.

(b) (No change.)

10:82-4.16 Support and alimony paid by a member of the eligible unit

Child support and alimony payments paid by any member of the AFDC household shall be disregarded in the determination of the assistance payment.

10:82-5.3 Child care

(a) "Child care" for the purposes of this section means arrangements for care of a child in a day care center, family day care home, in-home care or day camp. **With the exception of (h) below, no child care payments shall be authorized which exceed \$160.00 per month per child.**

(b)-(h) (No change.)

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
Division of Public Welfare
CN 716
Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The adopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

This proposal is known as PRN 1981-269.

(a)

DIVISION OF PUBLIC WELFARE

**General Assistance Manual
Payments for Inpatient Hospital Care**

Adopted Amendment: N.J.A.C. 10:85-5.2

Proposed: July 9, 1981 at 13 N.J.R. 433(b).
Adopted: September 25, 1981 by Timothy Carden, Commissioner of Human Services.
Filed: September 30, 1981 as R.1981 d.394, **without change.**

Authority: N.J.S.A. 44:8-111(d)

Effective Date: November 2, 1981.

(b)

DIVISION OF PUBLIC WELFARE

**General Assistance Manual
Procedure for Payment of Medical Bills**

Adopted Amendment: N.J.A.C. 10:85-5.4

Proposed: August 6, 1981 at 13 N.J.R. 499(c)
Adopted: October 13, 1981 by Timothy Carden, Commissioner, Department of Human Services.
Filed: October 15, 1981 as R.1981 d.417, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:8-111(d).

Effective Date: November 2, 1981.

Full text of the changes in the rule between proposal and adoption follows (additions to the proposal indicated in boldface with asterisk ***thus***; deletions from proposal indicated in brackets with asterisk ***[thus]***).

10:85-5.4 Procedure for payment of medical bills

(a) Rules concerning determination of Medicaid rate are: (Note: This section does not apply to prescription bills except for medical supplies and equipment, in those municipalities to which N.J.A.C. 10:85-5.8 applies.)

1. MWD responsibility: The MWD shall submit bills received from providers of health services, or requests for authorized fee levels, to the DPW/BMA. Such bills and/or requests should be submitted on **official*[s]*** Medicaid vendor voucher forms which all providers servicing Medicaid recipients utilize. The forms all providers servicing Medicaid recipients utilize. The form must contain the following: signature of the vendor and client, date, and description of the commodity delivered or service rendered with full Medicaid product and procedure codes. (See **(a)4. below for requirement of client/designee signature.**)

2.-3. (No change from proposal.)

4. **Client/designee signature requirements: The following procedures may be used when the patient's signature is unobtainable.**

i.-ii. (No change from proposal.)

iii. **A brief explanation of *the* reason *the* patient was not personally able to sign *the* voucher form*[, and the relationship of the designee,]* must be written directly on the form or recorded on an attachment should additional space be required. *The explanation must include a statement as to how the designee and the patient are related.***

(b)-(c) (No change from proposal.)

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(a)

DIVISION OF PUBLIC WELFARE

Food Stamp Manual

Revisions Required by the Federal Omnibus Reconciliation Act of 1981

Adopted Emergency Amendments and Concurrent Proposal: N.J.A.C. 10:87-1.4, 1.15, 1.17, 1.18, 2.2, 2.3, 2.35, 3.19, 5.10, 6.2, 6.5, 6.15, 6.16, 7.6, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18, 9.7, 9.17, 12.1, 12.4, 12.5 and 12.6

Emergency Amendments Adopted: September 30, 1981 by Timothy Carden, Commissioner of Human Services.
Emergency Amendments Filed: September 30, 1981 as R.1981 d.398.

Authority: N.J.S.A. 30:4B-2.

Emergency Amendments Effective Date: September 30, 1981.

Emergency Amendments Operative Date: October 1, 1981.
Emergency Amendments Expiration Date: November 30, 1981.

The agency emergency adoption and proposal follows:

Summary

The Department of Human Services is mandated by the Federal Omnibus Reconciliation Act of 1981 to implement extensive revisions to the Food Stamp program. These revisions include a change in the definition of a household, a restructuring of outreach efforts, a redefinition of household eligibility and a revised method of calculating benefit amounts.

Social Impact

As a result of these amendments, approximately 7,000 individuals currently receiving benefits will be terminated from the Program. An unknown number of households will also receive reduced benefits. Additionally, as a result of diminished outreach efforts the general public will be less aware of the Program and potential eligibility for Food Stamp benefits.

Economic Impact

The major impact will fall upon the low income public which is dependent upon the Program to supplement their purchases of food. The economy of the State as a whole will be adversely affected to some extent since the reduction in benefits and restrictions on eligibility will mean that approximately \$40 million in this Federally funded program will not be available.

Full text of the emergency adoption and proposed amendments follows (additions indicated in bold face **thus**; deletions indicated in brackets [thus]).

10:87-1.4 [Outreach efforts

The State and county welfare agencies are required to conduct vigorous outreach efforts to inform potentially eligible households of these benefits and to encourage their participation in the program. The Food Stamp Program must, therefore, be directed toward potentially eligible households in the county.]

Program informational activities

County welfare agencies shall be required to display posters and make available pamphlets and other printed material supplied by the Division of Public Welfare. Applicants shall be informed of the availability of this material at the time of initial application and recertification.

10:87-1.15 Public access to information

(a) Copies of the New Jersey Food Stamp Manual, supplementary directives (Circular Letters) issued for use in certifying applicant households, [the State Outreach Plan, the monthly outreach reports of county coordinators,] and food stamp fair hearing reports shall be readily available for public inspection in the central Food Stamp Office of the county welfare agency.

(b) In addition, Federal food stamp statutes, regulations, [and] instructions, **and** the State Plan of Operation [, and the State Outreach reports] shall be readily available for public inspection in the State Food Stamp Office.

[10:87-1.17 Outreach

The county welfare agency shall make an effective and comprehensive effort to inform all low-income households of the availability and benefits of the Program. In addition, the county welfare agency shall insure the participation of any eligible household which expresses a desire to become a beneficiary of the Program.]

10:87-[1.18]1.17(No change in text.)

10:87-2.2 Household defined

(a) A household may be composed of any individual, or groups of individuals, provided that such individual(s) or groups are not residents of an institution (Except as otherwise specified in [section 4 of this subchapter] **N.J.A.C. 10:87-2.4**) or a licensed commercial boarding home, except that separate household status shall not be extended to a spouse of a member of the household or to children under 18 years of age if under the parental control of a member of the household[.], **to a boarder or to either parents or children who live together, unless at least one parent is 60 years of age or older.** The following are considered households for the purposes of the program.

1.-2. (No change.)

[3. Boarder: An individual who is a boarder living with others and paying a reasonable amount (see N.J.A.C. 10:87-2.3(a)2.iii) to the others for meals for home consumption;]

[4. **3.** (No change in text.)

[5. Group of individuals who are boarders: A group of individuals who are boarders, living with others and paying a reasonable amount to the others (see N.J.A.C. 10:87-2.3(a)2.11) for meals for home consumption.]

10:87-2.3 Nonhousehold members

(a) (No change.)

1.-2. (No change.)

i. Spouse [or], children **or parents**: Boarder status shall not be extended to a spouse of a member of the household or to children under 18 years of age if under the parental control of a member of the household[.], **or to either parents of children living together, unless at least one parent is 60 years of age or older.** For the purposes of this program the term "spouse" shall include persons recognized by applicable State law as such and persons representing themselves as husband and wife to the community, relatives, friends, neighbors or trades people.

ii.-iii. (No change.)

3.-7. (No change.)

10:87-2.35 Special procedures for expediting service

(a) (No change.)

1.-2. (No change.)

3. Certification period: Households which are certified on an expedited basis and have provided all necessary verification required in [section 20 of this subchapter] **N.J.A.C. 10:87-2.20** prior to certification shall be assigned a normal certification period (see N.J.A.C. 10:87-6.19). If verification is postponed, **the CWA shall certify these households for the month of application (the month of application and the subsequent month for those households applying after the 15th of the month) or, at the option of the CWA, shall assign the normal certification period war-**

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ranted by the household's circumstances. However, in no event will benefits be continued past the month of application if verification is not obtained. Federally mandated reduction, suspension, or cancellation of allotments in a given month shall have no effect on the certification periods assigned to households.

i. (No change.)

ii. Certification for longer than one month: If a certification period longer than one month is assigned, the CWA shall notify the household in writing that no further benefits will be issued until the postponed verification is completed and that if the postponed verification is not completed within 30 days of the date of application, the household's application will be denied. The notice shall also advise the household that if verification results in changes in the household's eligibility or level of benefits, the CWA shall act on those changes without an advance notice of adverse action. **When households which applied for benefits after the 15th of the month provide the postponed verification, the CWA shall issue the second month's benefits within five working days from receipt of the verification or the first of the second month, whichever is later.**

iii.-iv. (No change.)

10:87-3.19 Additional registration requirements

(a) (No change.)

1.-6. (No change.)

7. [Strikers: No household shall be denied participation in the program solely on the grounds that a member of the household is not working because of a strike or a lock-out at his/her place of employment, nor may a household be denied participation in the program if the strike has been adjudicated illegal by a State or local court and the striker refuses to return to work unless the strike has been enjoined under Section 208 of the Labor Management Relations Act (Taft-Hartley) or an injunction has been issued under Section 10 of the Railway Labor Act. A striker so enjoined who still refuses to return to work shall be deemed out of compliance with paragraph 5 of this subsection unless the striker is otherwise exempted in section 18 of this subchapter.]

Strikers: Households with striking member(s) shall be ineligible to participate in the Food Stamp Program unless the household was eligible prior to the strike. These households shall retain their eligibility but shall not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the household. The CWA shall calculate the household's benefit by using the household's income as it stood immediately prior to the strike. That is, the household's regular monthly earned income attributable to the job on which the strike occurred would be deemed to remain the same during the strike as if the household member(s) were still working. If other changes occur, such as but not limited to, a change in household size or nonstrike related employment, the CWA shall take the appropriate action and adjust the benefit level. Strikers shall be subject to the work registration requirements.

i. **Striker defined:** For the purpose of the Food Stamp Program the term "striker" shall be defined as anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee whose workplace is closed by an employer (lockout) in order to resist demands of employees shall not be deemed to be a striker. Additionally, any individual exempt from the work registration requirement, other than those exempt solely on the grounds that they are employed, shall not be deemed to be a striker.

10:87-5.10 Income deductions

(a) (No change.)

1. (No change.)

2. **Work allowance deduction:** An amount equal to [20] 18 percent of earned income as defined in [section 4 of this subchapter] N.J.A.C. 10:87-5.4, after application of income exclusions in

[section 8 of this subchapter] N.J.A.C. 10:87-5.8 and 5.9, shall be deducted.

3.-5. (No change.)

10:87-6.2 Month of application

(a) The month of application for all households (including households that were not certified for participation following any period of more than a month) submitting an initial application is the calendar month in which the household filed its application. In most cases, the month of application will be the first month of the household's initial certification period. The CWA shall determine a household's eligibility and benefit level during the month of application based on the household's circumstances for the entire calendar month, even if the household filed its application on the last day of that calendar month.

1. **Determining benefit level for month of application:** A household's benefit level for the month of application will be based on the day of the month it applies for benefits. Using a 30 day calendar month, households shall receive benefits prorated from the day of application to the end of the month. A household applying on the 31st of the month will be treated as though it applied on the 30th of the month. The \$10.00 minimum benefit for one and two person households shall be prorated. To determine the amount of the prorated allotment for the month of application the CWA shall use the Allotment Proration Table found in N.J.A.C. 10:87-12.5 (Appendix A, Table V).

10:87-6.5 Ineligibility for month of application

(a) A household may be ineligible for the month of application but eligible in the subsequent month due to anticipated changes in circumstances. Even though denied for the month of application, the household does not have to reapply in the subsequent month. The same application shall be used for both the denial for the month of application and the determination of eligibility for subsequent months, within the timeliness standards in N.J.A.C. 10:87-2.30 and 2.31.

1. **Eligible for month of application but entitled to no benefits:** Eligible households may have their initial month's allotment prorated to zero, but be entitled to some benefits in subsequent months. The CWA must certify the household beginning with the month of application.

2. **Eligible for month of application but entitled to no benefits on an ongoing basis:** A household's gross income could be low enough to make it eligible while its net income could be high enough to entitle the household to no benefits on an ongoing basis. The CWA shall deny these households participation on the grounds that their net income exceeds the level below which benefits are issued.

10:87-6.15 Calculating net and gross income and benefit levels

(a) The procedures below shall be used to calculate net and gross income and benefit levels.

1. **Net and gross monthly income:** To determine a household's net monthly income, the CWA shall[:] follow steps (a)Ii through viii below. To determine a household's gross income, the CWA shall follow step (a)Ii only.

i. (No change.)

ii. Step 2: Multiply the total gross earned income by [80] 82 percent to determine the net monthly earned income.

iii.-viii. (No change.)

2. [Rounding: In calculating net monthly income, the amounts shall be rounded down to whole dollar amounts by dropping all cents. Such rounding shall occur before and after each calculation, except for the computation of shelter costs. For example, any cents in gross weekly earnings shall be dropped prior to the application of the weekly conversion factor. Any cents resulting from that multiplication shall then be dropped prior to the computation of the 20 percent earned income deduction in Step 2. The cents shall be dropped after this calculation.

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i. Rounding shelter expenses: The individual costs used in Step 6 in N.J.A.C. 10:87-6.15(a) vi shall be computed using exact dollars and cents. The cents will be dropped from the total shelter costs prior to deducting the shelter costs from the household's adjusted income.]

Rounding: The CWA shall, when calculating food stamp net income and benefit levels, round those income and deduction amounts ending in \$.01 through \$.49 down, and those ending in \$.50 through \$.99 up, to the next dollar. Where two or more figures are to be added together, for example, weekly paystubs to determine monthly earned income, the actual figures including cents are added and that total is rounded to the nearest dollar. The CWA shall use the rounding procedure for the work allowance and shelter cost deductions.

i. When to round: The CWA shall round the following:

- (1) Self-employment income;
- (2) Earned income;
- (3) Public Assistance benefits;
- (4) Supplemental Security benefits;
- (5) Retirement Survivors Disability Insurance benefits;
- (6) Unemployment/workers compensation;
- (7) General Assistance benefits;
- (8) Other unearned income;
- (9) Dependent care payments;
- (10) Medical expenses; and
- (11) Total shelter costs.

3. Eligibility and benefits: Except for households considered destitute in [section 16 of this subchapter] N.J.A.C. 10:87-6.16, the household's net monthly income as calculated in paragraph 1 of this section shall be compared to the monthly income eligibility standard for the appropriate household size in N.J.A.C. 10:87-12.3 (Appendix A, Table III) to determine eligibility for the month[.] for [In no event will eligibility for participation in the Program exist if net Food Stamp income exceeds the allowable standards for the appropriate household size as found in Appendix A, Table II.] **households containing a member who is 60 years of age or over, or who receives SSI or disability payments under Title II of the Social Security Act. For all other households, the CWA shall compare a household's gross income to the monthly income eligibility standards in N.J.A.C. 10:87-12.4 (Appendix A, Table IV) for the appropriate household size to determine eligibility for the month. The amount of the household's benefit is determined in accordance with N.J.A.C. 10:87-12.6 (Appendix A, Table VI).**

10:87-6.16 Destitute households

Certain households may have little or no income at the time of application and may be in need of immediate food assistance, even though they receive income at some other time during the month of application. The following procedures shall be used to determine when households in these circumstances may be considered destitute and, therefore, entitled to expedited service and special income calculation procedures. **Destitute households shall have their eligibility determined by computing either their gross or net income, as appropriate, and comparing either the gross or net income to the corresponding income eligibility standard.**

10:87-7.6 Determining monthly income from self-employment

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

(c) Determination of adjusted net monthly income: The monthly net self-employment income shall be added to any other earned income received by the household. The total monthly earned income less the [20] 18 percent earned income deduction shall then be added to all other monthly income received by the household. The standard deduction, dependent care, and shelter costs shall be computed as for any other household and subtracted to determine the adjusted monthly net income of the household. (See N.J.A.C. 10:87-6.15.)

10:87-7.13 Deductible expenses

(a) The net income from boarders shall be included with other earned income and the [20] 18 percent income deduction shall be applied to the total.

(b) (No change.)

[10:87-7.14 Boarders as households

Boarders may be eligible as a food stamp household in their own right, so long as they are not residents of a commercial boarding home.]

[10:87-7.15 Determining eligibility and benefit levels

When determining the eligibility and benefit level of a boarder, the CWA shall determine the boarder's shelter expenses by including any identifiable shelter expenses paid by the boarder. If a single payment is made for both room and board, the amount of the payment which exceeds the MCA for the number of persons in the boarder's household shall be considered a shelter expense. The boarder receives no exclusion or deduction for the amount paid for board itself.]

10:87-[7.16]7.14 Income and resources of disqualified members

(a) Individual household members may be disqualified for fraud (see N.J.A.C. 10:87-11.1) or for failure to comply in providing or applying for a Social Security number (see N.J.A.C. 10:87-3.24(a)3.). During the period of time a household member is disqualified, the eligibility and benefit level of any remaining household members shall be determined as follows:

1.-2. (No change.)

3. Deductible expenses: The [20] 18 percent earned income deduction shall only apply to that portion of the disqualified member's earned income which is attributed to the household in [paragraph 2 of this subsection] N.J.A.C. 10:87-7.14(a)2. That portion of the household's allowable shelter and dependent care expenses which are either paid by or billed to the disqualified member shall be divided evenly among the household members, including the disqualified member. All but the disqualified member's share is counted as a deductible shelter expense for the remaining household members.

4.-5. (No change.)

10:87-[7.17]7.15 (No change in text.)

10:87-[7.18]7.16 (No change in text.)

10:87-9.7 Changes

(a) When changes occur within the certification period which affect a household's eligibility or coupon allotment, action must be taken to adjust the household's eligibility. Household and CWA responsibility are outlined below:

1. (No change.)

2. (No change.)

i.-ii. (No change.)

(1) (No change.)

(2) (No change.)

(A) (No change.)

(B) Changes which must be effective at next recertification: When a household's circumstances change and it becomes entitled to a different income eligibility standard, the CWA shall apply the different standard at the next recertification or whenever the CWA changes the household's eligibility, benefit level, or certification period, whichever occurs first.

[(B)](C) (No change in text.)

(3) (No change.)

iii. (No change.)

(b)-(c) (No change.)

10:87-9.17 Miscellaneous administrative procedures

(a) (No change.)

(b) Volunteers: A volunteer, or any other person not employed by the CWA shall not conduct application interviews. However, such persons may participate in the following activities:

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[1. Outreach efforts: Volunteers may locate potential recipients (through prescreening workshops, etc.), provide them with application forms, provide transportation to the Food Stamp Office, teach Nutritional Education (if requested), and generally promote the Food Stamp Proram.]

[2.]1. (No change in text.)

[3.]2. No change in text.)

(c)-(d) (No change.)

10:87-12.1 Income deduction table

TABLE I

Income Deductions

Standard Deduction	\$85.00
Child Care/Shelter Deduction	\$115.00
Uniform Telephone Allowance	\$7.96
Standard Utility Allowance	[\$259.00]\$333.00

10:87-12.2 Maximum coupon allotment table

Maximum Coupon Allotment (MCA)

Household Size	MCA
1	\$70
2	128
3	183
4	233
5	277
6	332
7	367
8	419
9	472
10	525
Each additional member	53

[10:87-12.4 Monthly coupon allotment table]

10:87-12.4 Maximum allowable gross income standards

TABLE IV

Maximum Allowable Gross Income

Household Size	Maximum Allowable Income
1	467
2	617
3	766
4	916
5	1065
6	1215
7	1364
8	1514
Each additional member	150

10:87-12.5 Food stamp allotment proration

(a) The formula for determining food stamp allotment proration follows: Full month's benefits X (31 - date of application) 30 allotment.

(b) After using the formula in (a) above to determine the allotment, the CWA shall round the product down if it ends in 1 through 49 cents and up if it ends in 50 through 99 cents. If the computation results in an allotment of \$1.00, \$3.00, or \$5.00, the allotment shall be rounded up to \$2.00, \$4.00, or \$6.00, respectively.

Office of Administrative Law Note: A table for determining food stamp allotment proration, which was derived from the formula expressed in N.J.A.C. 10:87-12.5(a) above, was filed as part of this rule. This table will be referenced but not reproduced in the New Jersey Administrative Code. Copies of this table can be obtained from:

Office of Administrative Law
 Filings Section
 CN 301
 Trenton, New Jersey 08625
 or
 Director
 Division of Public Welfare
 CN 716
 Trenton, New Jersey

10:87-12.6 Monthly coupon allotment

(a) The formula for determining the monthly coupon allotment follows:

1. Benefit determination without the tables: To determine the benefit households shall receive:

i. Multiply the net monthly food stamp income by 30 percent; then

ii. Round the product down if it ends in 1 through 49 cents and up if it ends in 50 through 99 cents; then

iii. Subtract the result from the maximum coupon allotment for that size household; then

iv. If the computation results in an allotment of \$1.00, \$3.00, or \$5.00, round up to \$2.00, \$4.00, or \$6.00, respectively;

v. If the allotment is for a one or two-person household and is less than \$10.00, round up to the minimum monthly allotment of \$10.00.

Office of Administrative Law Note: A table for determining the monthly coupon allotments for particular household size and monthly net income levels, which was derived from the formula expressed in N.J.A.C. 10:87-12.6, was filed as part of this rule. This table will be referenced but not reproduced in the New Jersey Administrative Code. Copies of this table can be obtained from:

Office of Administrative Law
 Filings Section
 CN 301
 Trenton, New Jersey 08625
 or
 Director
 Division of Public Welfare
 CN 716
 Trenton, New Jersey 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposed rule on or before December 2, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

G. Thomas Riti, Director
 Division of Public Welfare
 CM 716
 Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (See: N.J.A.C. 1:30-3.5). The readopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

This proposal is known as PRN 1981-271.

(a)

DIVISION OF PUBLIC WELFARE

**Food Stamp Program
 Maximum Net Income Levels**

Readopted Amendments: N.J.A.C. 10:87-12.3

Proposed: August 6, 1981 at 13 N.J.R. 500(a).

Readopted: October 2, 1981 by Timothy Carden, Commissioner of Human Services.

Filed: October 6, 1981 as R. 1981 d.400 without change except that N.J.A.C. 10:87-12.4 was not adopted.

Authority: N.J.S.A. 30:48-2.

Effective Date: October 6, 1981.

ADOPTIONS

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

**Medicaid Only
New Computation amounts**

**Readopted Amendments: N.J.A.C. 10:94-5.4,
5.5 and 5.6**

Proposed: August 6, 1981 at 13 N.J.R. 501(a).
Adopted: September 23, 1981 by Timothy Carden, Commissioner of Human Services.
Filed: September 23, 1981 as R.1981 d.385 with **substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-87.

Effective Date: September 23, 1981.

Full text of the changes in the rules between proposal and adoption follows (additions to the proposal indicated in bold face with asterisk *thus*; deletions from proposal indicated in brackets with asterisk *[thus]*).

10:94-5.5 Deeming of income
(a)-(c) (No change from proposal.)

TABLE A

Deeming Computation Amounts

- 1. Living allowance for each ineligible child [\$119.00] **\$132.30**
- 2. Remaining income amount
 - Head of Household [\$119.00] **\$132.35**
 - Receiving Support and Maintenance [\$79.34] **\$88.24**
- 3. Spouse to Spouse Deeming-Eligibility Levels
 - a. [Licensed Boarding Home] **Residential Health Care Facility** [\$488.00] *[\$528.30]* ***\$540.80***
 - b. **Eligible individual living along with ineligible spouse** [\$488.00] *[\$541.30]* **\$553.80.***
 - c. Living with others [\$360.00] ***[\$400.30]* *\$412.80***
 - d. Living in household of another [\$263.33] ***[\$290.20]* *\$302.70***

4. Parental Allowance-Deeming to Child(ren)

Remaining income is:	1 Parent	Parent & Spouse of Parent
a. Earned only	[\$476.00] \$529.40	[\$714.00] \$794.00
b. Unearned only	[\$238.00] \$264.70	[\$357.00] \$397.00
c. Both earned and unearned	[\$238.00] \$264.70	[\$357.00] \$397.00

10:94-5.6 Income eligibility standards

- (a)-(b) (No change from proposal.)
- (c) (No change from proposal.)
- 1.-4. (No change from proposal.)

TABLE B

Variations in Living Arrangements	Individual	Medicaid Eligibility Income Standards Couple
I. Residential Health Care Facility	[\$369] * [\$396]* *408.50* [\$738] * [\$792]* 1.- (No 57.00) \$397.00 \$804.50*	
II. Living Alone	[\$261] * [288]* *\$300.50* [\$369] * [409]* *\$421.50*	
III. Living Alone with Ineligible Spouse	[\$369] * [\$409]* *\$421.50*	

IV. Living with Others

[\$241] ***[\$268]* *\$280.50***
[\$362] ***[\$402]* *\$414.50***

V. Living in Household of Another

[\$184] ***[\$202]* *\$214.50***
[\$312] ***[\$339]* *\$351.50***

VI. Title XIX Approved Facility - Includes persons in acute general hospitals, skilled nursing facilities, intermediate care facilities (level A, B, and ICFMR) and licensed special hospitals (Class A, B, C) and Title XIX psychiatric hospitals (for persons under age 21 and age 65 and over) or a combination of such facilities for a full calendar month.

[\$714.00†] **\$794.10†**

†Gross income (i.e., income prior to any income exclusions) is applied to this Medicaid "Cap".

(b)

DIVISION OF PUBLIC WELFARE

**Service Programs For Aged, Blind or Disabled
SSI Payment Levels**

Readopted Amendment: N.J.A.C. 10:100-1.23

Proposed: August 6, 1981 at 13 N.J.R. 502(a).
Adopted: September 23, 1981 by Timothy Carden, Commissioner of Human Services.
Filed: September 23, 1981 as R.1981 d.386, with **substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-87.

Effective Date: September 23, 1981.

Full text of the changes in the rule between proposal and adoption follows (additions to the proposal indicated in bold face with asterisk *thus*; deletions from proposal indicated in brackets with asterisk *[thus]*).

New Jersey Supplemental Security Income Payment Levels
Living Arrangement Categories Payment Level
[7/1/80 7/1/81

Eligible Couple

Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence [\$50/357.00] **\$50/397**

[Licensed Boarding Homes for Sheltered care and Incorporated Homes for the Aged] **Residential Health Care Facilities** and certain residential facilities **for children and adults** [738.00] ***[792.00]**\$804.50***

Living Alone, or in a business arrangement, or in a commercial establishment or living with others but not member of a "household", or a member of a household with ownership or rental responsibility and paying more than their pro rata share of household expenses [369.00] ***[409.00]**\$421.50***

Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility) [362.00] ***[402.00]**\$414.50***

Living in Household of Another, Receiving Support and Maintenance

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[312.00] ***[339.00]** ****351.50***
 Eligible Individual

Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence of 16 or less [\$25/238.00] **\$25/264.70**

[Licensed Boarding Homes for Sheltered Care and Incorporated Homes for the Aged] **Residential health Care Facilities** and certain residential facilities for **children and adults** [369.00] ***[396.00]** ****408.50***

Living Along, or in a business arrangement, or in a commercial establishment, or living with others but not member of a "household or a member of a household with ownership or rental responsibility and paying more than his pro rata share of household expenses [261.00] ***[288.00]** ****300.50***

Living with Ineligible Spouse (No other individuals in household) [369.00] ***[409.00]** ****421.50***

Living with Others (Includes householder receiving pro rata share or more of "household" expenses from other members of the household who have no ownership or rental responsibility) [241.00] ***[268.00]** ****280.50***

Living in Household of Another, Receiving Support and Maintenance [184.00] ***[202.00]** ****214.50***

The lower figure applies when Medicaid payments with respect to another individual equal an amount over 50% of the cost of services provided in a month.

(a)

DIVISION OF PUBLIC WELFARE

Ruling Number 11

Sick Leave and Leave Without Pay

Adopted Amendments: N.J.A.C. 10:109-3.2 and 3.4

Proposed: August 6, 1981 at 13 N.J.R. 515(a).
 Adopted: September 28, 1981 by Timothy Carden, Commissioner of Human Services.
 Filed: September 30, 1981 as R.1981 d.395, **without change**.
 Authority: N.J.S.A. 44:7-6 and 44:10-3.
 Effective Date: November 2, 1981.

(b)

DIVISION OF YOUTH AND FAMILY SERVICES

Residential Health Care Facilities and Boarding Homes

Personal Needs Allowance

Adopted Amendment: N.J.A.C. 10:123-3.1 and 3.2

Proposed: September 10, 1981 at 13 N.J.R. 595(a).

Adopted: October 19, 1981 by Timothy Carden, Commissioner, Department of Human Services.
 Filed: October 19, 1981 as R.1981 d.423, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44A:7-87.

Effective Date: November 2, 1981.

Full text of the changes in the rule between proposal and adoption follows (deletions from proposal indicated in brackets with asterisk *[thus]*).

10:123-3.2 Amount

[The owner or operator of each residential health care facility or boarding house shall reserve to each Supplemental Security Income recipient residing therein a personal needs allowance in an amount of at least \$40 until such time as this rule may be amended. No owner or operator or agent thereof shall interfere with the recipient's retention, use, or control of the personal needs allowance.] **The owner or operator of each residential health care facility or boarding house shall reserve to each Supplemental Security Income recipient residing therein, and the owner or operator of each residential health care facility shall reserve to each General Public Assistance recipient residing therein, a personal needs allowance in an amount of at least \$44.00 per month * [plus the amount of any Supplemental Security Income/Social Security Income Disregard for the individual recipient]*. No owner or operator or agent thereof shall interfere with the recipient's retention, use, or control of the personal needs allowance.**

INSURANCE

(C)

DIVISION OF CONSUMER SERVICES

Insurance Claims

Unfair Claims Settlement Practices

Adopted New Rules: N.J.A.C. 11:2-17

Proposed: October 9, 1980 at 12 N.J.R. 600(f).
 Adopted: October 7, 1981 by James Sheeran, Commissioner, Department of Insurance.
 Filed: October 9, 1981 as R.1981 d.407, **with technical and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29B-1 et seq.

Effective Date: November 2, 1981.

Operative Date: January 15, 1981.

Full text of the changes in the rule between proposal and adoption follows (additions to the proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*).

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INSURANCE

SUBCHAPTER 17. UNFAIR CLAIMS SETTLEMENT PRACTICES

11:2-17.2 Scope

This subchapter applies to all persons and all **[insurance]** policies except **the following:** ocean marine, fidelity and surety, boiler and machinery and **[worker's]** **workers'** compensation **[insurance]**. **It shall also not apply to commercial property and liability policies for which the annual premium is more than \$10,000 and where the claim is made by the commercial insured.** This **[regulation]** **subchapter** is not exclusive, and other acts, not herein specified, may also be found to constitute unfair claims settlement practices. This subchapter is not intended to supersede any other rule or regulation.

11:2-17.4 Miscellaneous rules

(a) Every insurer shall provide a toll free, local, or collect telephone number to enable a claimant to telephone, without charge, the claims office handling his/her claim. The telephone number(s) shall be communicated to the claimant at the time of the acknowledgement required by N.J.A.C. 11:2-17.6(b). This subsection shall not apply to insurance agents.]*

(b)(a) Every insurer shall distribute copies of this **[regulation]** **subchapter** to every person directly responsible for the handling and settlement of claims subject to this **[regulation]** **subchapter**. Every insurer shall satisfy itself that all such responsible persons are thoroughly conversant with and are complying with this **[regulation]** **subchapter**.*

(c)(b) All correspondence to a claimant required of an insurer pursuant to this **[regulation]** **subchapter** shall be written in easy to read and understandable terms. *All form letters used by an insurer pursuant to this subchapter shall achieve a minimum score of 50 on the Flesch reading ease test or an equivalent score on any other comparable test.[* This subsection shall not apply to correspondence to a claimant's legal representative.

11:2-17.6 Rules for replying to pertinent communications

(a) (No change from proposal.)

(b) Every insurer, upon receiving notification of claim shall, within 10 working days, acknowledge receipt of such notice unless payment is made within such period of time. **This acknowledgment shall include the address and telephone number of the insurer claims office or authorized claims representative which will handle the claim.** Notification given to an agent of an insurer shall be considered notice to the insurer.

(c) Every insurer, upon receiving notification of claim shall promptly provide **first party claimants with** necessary claim forms, instructions, and reasonable assistance so that **[first party]** **such** claimants can comply with policy conditions and the insurer's reasonable requirements. Compliance with this paragraph within 10 working days of notification of a claim shall constitute compliance with **[subsection]** (b) **[of this section]** **above**.*

(d)-(e) (No change from proposal.)

11:2-17.7 Rules for prompt investigation and settlement of claims

(a)-(c) (No change from proposal.)

(d) If the insurer is unable to settle the claim within the time periods specified by **[subsections]** (b) and (c) **above** [of this section]*, the insurer must send the claimant written notice by the end of the payment periods specified by **[subsections]** (b) and (c) **above** **[of this section]***. The written notice must state the reasons additional time is needed, and must include **[the identity and claims processing address of the insurer, the toll free, collect or local telephone number of the insurer,]** **the address of the office responsible for handling the claim and** **the insured's policy number and claim number.** **This notice shall also include a telephone number which is toll free, or which can be called collect, or which is within the claimant's area code. This number shall provide direct access to the responsible claims office or shall enable the claimant to gain such access at no greater expense than**

the cost of a telephone call within his or her area code. An updated written notice setting forth the reasons additional time is needed shall be sent within 45 days after the initial notice and within every 45 days thereafter until all elements of the claim are either honored or rejected. **This subsection shall not apply after a claimant has filed a lawsuit pursuant to his or her claim.***

(e) Unless otherwise provided by law, every insurer shall pay any amount finally agreed upon in settlement of all or part of any claim not later than **[five]** **10** working days from either the receipt of such agreement by the insurer or the date of the performance by the claimant of any conditions set by such agreement, whichever is later.

11:2-17.8 Rules for fair and equitable settlements and reasonable explanations applicable to all insurance

(a) No insurer shall deny or **offer to** compromise a claim **[on the grounds]** **because** of a **[Specific]** policy provision, **including any concerning liability, a** condition, or **an** exclusion **[Unless a reference to such provision, condition, or exclusion and the basis thereof is included in the denial.]** **without providing a specific reference to such language and a statement of the facts which make that language operative.** **[A statement of the facts which render the policy provision, condition or exclusion operative should be included in the denial.]***

(b) Any denial or **offer of** compromise **[must be given]** to the claimant **[in writing and a copy shall be placed in the insurer's claim file.]** **shall be confirmed in writing and shall be kept in the appropriate claim file.***

(c) In any case where a **first party** claim is denied **[in whole or in part]** **or a compromise is offered**, the insurer shall notify the first party claimant of any applicable policy provision limiting such claimant's right to sue the insurer.

(d) Final settlement offers made by the insurer to a claimant shall be confirmed in writing and shall indicate the amount offered.]*

Renumber (e)-(l) as (d)-(k) without change in text from proposal.

(m)(l) **[If a claimant did not submit sufficient information or documentation to establish entitlement to any benefits which may be payable under the policy for the loss incurred, then the insurer shall inform the claimant of the information or documentation needed to establish such entitlement.]***

If a first party claimant or a third party claimant not represented by an attorney does not submit sufficient information to establish his or her entitlement to the benefits claimed, then the insurer shall provide the claimant with a general description of the information and documentation needed to establish such entitlement.*

11:2-17.10 Rules for fair and equitable settlements applicable to property and liability insurance

(a) This section, unless otherwise noted in this subchapter, is applicable to claims arising under all property;liability coverages. This section is organized so that the requirement for all lines of property liability insurance are found in **[paragraphs 1 through 6 of this subchapter]** **(a) 1 through 6 below***; for automobile insurance only, the requirements are found in **[paragraphs 7 through 9 of this subsection];** **(a) 7 through 9 below*** for other than automobile insurance only, the requirements are found in **[paragraphs 10 and 11 of this subsection]** **(a) 10 and 11 below***. The requirements of this section with respect to motor vehicle claims are in addition to the requirements of N.J.A.C. 11:3-10. In addition to the rules found in this section, the requirements for auto physical damage first party claims found in **[N.J.A.C. 11:3-10]** **N.J.A.C. 11:3-10.1-10.4*** shall be construed to also apply to auto property damage third party claims **[provided liability is reasonably**

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clear.]* ***from the time when liability becomes reasonably clear.*** The requirements are as follows:

1.-2. (No change from proposal.)

3. ***[Irrespective of the amount of any settlement]* Unless the question has been specifically negotiated*,** the insurer remains liable for hidden damage directly related to the loss giving rise to the claim ***subject to policy terms, conditions and limits*.**

4.-5. (No change from proposal.)

6. ***Unless the insurer is exercising a right under the policy to repair damaged property,*** ***[Insurers]* *it*** shall not require as a condition to payment of claims that repairs be made by a particular contractor or repair shop.

7. In all automobile physical damage claims, the first party claimant shall be notified at the time of the insurer's acknowledgement of the claim, or sooner if inquiry is made, ***[that]* *whether*** coverage exists for the rental of an automobile subject to policy terms and conditions.

8. ***[In all automobile property damage liability claims in which liability has become reasonably clear, the claimant shall be informed in the insurer's acknowledgement of the claim, or sooner if the claimant inquires, that coverage exists for the rental of an automobile at a reasonable price for a reasonable time until his own vehicle is repaired or in the case of a total loss, until the claim is settled. In those instances in which the doctrine of comparative negligence is applicable, the insurer's responsibility for rental costs shall be determined in accordance with this doctrine, and the claimant shall be advised of the extent of the insurer's liability in the insurer's acknowledgement of the claim.]* *When an insurer acknowledges receipt of an automobile property damage liability claim, or sooner if the claimant inquires, it shall inform the claimant whether and to what extent he or she will be entitled, if the insurer's liability later becomes reasonably clear, to payment for the rental of an automobile or other substitute transportation. Such payment will ordinarily be for the rental of an automobile at a reasonable price until damaged vehicle is repaired or, in the event of a total loss, until the claim is settled. When an insurer uses the doctrine of comparative negligence to determine its responsibility for the cost of substitute transportation, it shall, as soon as is practicable, advise the claimant of the extent of its liability.***

9. (No change from proposal.)

10. If the insurer intends to exercise its right to inspect, or cause to be inspected by an independent appraiser, damages prior to repair, it shall have 10 working days following receipt of notification of claim to inspect the claimant's damaged property ***[, which is available for inspection]* at a place and time reasonably convenient to the claimant *, provided that the claimant has not refused to make the property available for inspection.*** For third party property damage claims, this subsection shall apply ***[only if]* *once*** the insured's liability is reasonably clear. This subsection does not apply to losses caused by a catastrophe.

11. If any loss other than a motor vehicle loss subject to N.J.A.C. 11:3-10 is ***to be*** settled on the basis of a written estimate prepared by or for the insurer, the insurer shall supply to the claimant ***before beginning negotiations*** a copy of the estimate upon which the settlement is ***to be*** based.

i.-ii. (No change from proposal.)

11:2-17.12 Special claims reports ***[and statistical plan]***

(a) ***[If it should be found by the Department of Insurance]* *If the Department of Insurance observes*** that an insurer's claims settlement practices are not meeting the standards established by statute or by this subchapter, the Department may require such insurer to file ***[a]* *periodic* *report at periodic intervals]* *reports*.** ***[The report shall contain some or all of the statistics listed below, at the discretion of the Commissioner.]* *Depending on the nature and extent of an insurer's deviations from such standards and with due consideration of the insurer's data**

capabilities, the Commissioner in his discretion may require the report to include some or all of the statistics listed below:*

1.-7. (No change from proposal.)

8. The total number of claims for which lawsuits are instituted against the insurer, the reason for the lawsuit, and the amount of the final adjudication; ***and***

9. An individual listing showing the disposition and other information for each claim.

11:2-17.14 Penalties

If, after notice and hearing, the Commissioner finds that a person has violated this ***[regulation]* *subchapter,*** he may, in addition to any other penalty authorized by law, make his findings in writing and shall issue and cause to be served upon the person charged with the violation an order requiring such person to cease and desist from engaging in such violation. Any person who violates such cease and desist order shall be liable to a penalty not exceeding \$5,000 to be collected by the Commissioner in the name of the State in a summary proceeding in accordance with the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.). The Commissioner in his discretion may revoke or suspend the license or certificate of authority of any such person.

11:2-17.15 ***[Effective]* *Operative*** date

This subchapter shall become ***[effective 90 days after adoption of this regulation by the Commissioner.]* *operative on January 15, 1982.***

A statement of the Department's reasons for the change in the scope of the rule between proposal and adoption (see N.J.A.C. 11:2-17.2), and its explanation for its compliance with N.J.A.C. 1:30-3.5 (Office of Administrative Law's "Rules for Agency Rulemaking") follows.

According to the Department, "the change in scope is simply the exclusion of claims made by commercial insureds under commercial property and liability policies for which the annual premium is more than \$10,000. This class of insureds is a very limited one. More important, this change, for the reasons given below, does not increase the burden on that group. The various requirements in our [sic] regulation are designed to protect consumers, not large commercial entities. These rules do not serve a useful purpose in the very different context of large, complex claims by major corporations. For such claims these rules would be more likely to generate paper work of no use to either insurer or policyholder than to provide protection. At the same time, it bears mention that the broad requirement of fair treatment mandated by Unfair Trade Practices Act for property and liability insurance, N.J.S.A. 17:29B-1 et seq., remains in effect. This general standard, unlike the specific provisions of the regulation, can be used to provide meaningful protection for large commercial insureds."

Full text of the final rule as adopted can be obtained from:

Department of Insurance
Division of Consumer Services
201 East State Street
Trenton, N.J. 08625

(a)

THE COMMISSIONER

Types of Insurance Legal Insurance

Adopted New Rules: N.J.A.C. 11:12

Proposed: September 10, 1981 at 13 N.J.R. 609(a).

Adopted: October 14, 1981 by James J. Sheeran, Commissioner, Department of Insurance.

Filed: October 16, 1981 as R.1981 d.422, **without change.**

Authority: N.J.S.A. 17:46C-4, 17:46C-13 and 17:46C-24.

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LAW AND PUBLIC SAFETY

Effective Date: November 2, 1981.

LABOR AND INDUSTRY

(a)

THE COMMISSIONER

Maximum Weekly Benefit Rates

1982 Maximum Weekly Benefits for Unemployment Compensation and State Plan Temporary Disability

Adopted Amendment: N.J.A.C. 12:15-1.3

Proposed: September 10, 1981 at 13 N.J.R. 602(b).

Adopted: October 14, 1981 by John J. Horn, Commissioner of Labor and Industry.

Filed: October 16, 1981 as R.1981 d.419, **without change.**

Authority: N.J.S.A. 43:21-3(c) and 43:21-40.

Effective Date: November 2, 1981.

Operative Date: January 1, 1981.

(b)

THE COMMISSIONER

Taxable Wage Base

1982 Taxable Wage Base Under the Unemployment Compensation Law

Adopted Amendment: N.J.A.C. 12:15-1.4

Proposed: September 10, 1981 at 13 N.J.R. 602(c).

Adopted: October 14, 1981 by John J. Horn, Commissioner of Labor and Industry.

Filed: October 16, 1981 as R.1981 d.421, **without change.**

Authority: N.J.S.A. 43:21-7(b)(3).

Effective Date: November 2, 1981.

Operative Date: January 1, 1981.

(c)

THE COMMISSIONER

Unemployment Compensation

Contribution Rates of Governmental Entities

Adopted Amendment: N.J.A.C. 12:15-1.5

Proposed: September 10, 1981 at 13 N.J.R. 603(a).

Adopted: October 14, 1981 by John J. Horn, Commissioner of Labor and Industry.

Filed: October 16, 1981 as R.1981 d.418, **without change.**

Authority: N.J.S.A. 43:21-7.3(e).

Effective Date: November 2, 1981.

Operative Date: January 1, 1982.

(d)

THE COMMISSIONER

Benefit Rates

Workers' Compensation Benefit Rates for 1982

Adopted Amendment: N.J.A.C. 12:235-1.5

Proposed: September 10, 1981 at 13 N.J.R. 604(a).

Adopted: October 14, 1981 by John J. Horn, Commissioner of Labor and Industry.

Filed: October 16, 1981 as R.1981 d.420, **without change.**

Authority: N.J.S.A. 34:15-12(a).

Effective Date: November 2, 1981.

Operative Date: January 1, 1982.

LAW AND PUBLIC SAFETY

(e)

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Regulation of Credit; Hearings, Discrimination

Adopted Amendment: N.J.A.C. 13:2-7.10 and 13:2-24.1

Adopted New Rule: N.J.A.C. 13:2-24.4

Proposed: September 10, 1981 at 13 N.J.R. 604(b).

Adopted: October 20, 1981 by Joseph H. Lerner, Director, Division of Alcoholic Beverage Control.

Filed: October 20, 1981 as R.1981 d.432, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 33:-39, 33:1-1(w), 11(2)(c) and 12(3)(b).

Effective Date: November 2, 1981.

Full text of the changes in the rules between proposal and adoption follows (additions to the proposal indicated in bold face with asterisk ***thus***; deletions from proposal indicated in brackets with asterisk ***[thus]***).

13:2-24.4 [(Reserved)] Regulation of wholesaler credit

(a) (No change from proposal.)

(b) **In the event that a wholesaler has not received payment in accordance with the terms of sale as set forth upon an individual delivery invoice pursuant to N.J.A.C. 13:2-39.1, such wholesaler shall physically serve a "Notice of Obligation" upon any such defaulting retailer or its employee *[on the next business day]* *within three business days* after the obligation is due.**

1. A "Notice of obligation" shall inform the retailer in writing of amount due, the date delinquency occurred, the consequences of non-payment and that in the event that the claim is disputed, immediate written notice shall be given to the Division of Alcoholic Beverage Control ***by the retailer*** which will initiate a review pursuant to (f) below.

(c)-(e) (No change from proposal.)

(f) **Upon receipt of a written claim by a retailer that it disputes the existence of a debt as set forth in a Notice of Obligation, the Director or his designee will, upon a showing that either the merchandise was not delivered or that payment has been made, direct that the matter be set down for informal *[hearing]* *conference* with notice to the parties. In the event that the dis**

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pute has not been resolved by the date of the *[hearing]* *conference*, the Director or his designee shall take proofs as to whether or not the merchandise which is the subject of the "Notice of Obligation" was delivered, and/or whether or not payment was made, and if so, upon what date. Should the Director or his designee determine that the "Notice of Obligation" was inaccurate, *[an Order]* *a Special Ruling* shall be entered directing that a "Notice of Delinquency" be issued with respect to the licensee for such period of time as that which would have transpired between the original "Notice of Obligation" and "satisfaction." Should it be determined that the original "Notice of Obligation" was inaccurate, *[an Order]* *a special Ruling* shall be entered prohibiting the issuance of a "Notice of Delinquency." The party for whom the determination was adverse shall promptly remit to the Division such costs as may be determined, which shall in no event be less than \$25.00.

(g) (No change from proposal.)

According to the Division of Alcoholic Beverage Control, the proposed amendment to N.J.A.C. 13:2-23.17 concerning chilled malt beverages and also proposed at 13 N.J.R. 604(b) remains under agency consideration.

ENERGY

(a)

THE COMMISSIONER

Energy Conservation Bond program Energy Audits and Energy Conserving Renova- tions of State Buildings

Adopted New Rule: N.J.A.C. 14A:13

Proposed: January 8, 1981 at 13 N.J.R. 43(a).

Adopted: September 23, 1981 by Joel R. Jacobson, Commissioner of the Department of Energy.

Filed: September 28, 1981 as R.1981 d.390, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 52:27F-11q and n, and Section 4 of the Energy Conservation Bond Act of 1980, P.L. 1980, c. 68.

DOE DOCKET NO.: 002-81-01

Effective Date: November 2, 1981.

Full text of the of changes in the rule between proposal and adoption follows (additions to the proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*).

14A:13-1.8 Project authorization: Energy audits

(a)-(d) (No change from proposal.)

(e) The consultant will submit the audit to the DBC. ***[The DBC will forward the audit to NJDOE.]** *Prior to final acceptance of the audit, the DBC will forward the audit to NJDOE. The NJDOE shall have 15 working days to notify the DBC of any deficiencies in the audit with regard to conformance with general auditing procedure, completion of specific tasks in the work assignment and compliance with the audit requirements contained in N.J.A.C. 14A:13-1.13.*

(f) Upon acceptance of the completed audit, the NJDOE will transmit the audit to the Using Agency.

14A:13-1.10 Project authorization: Energy conserving renovations

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

(c) Upon encumbrance of funds, the Using Agency*, **except Rutgers, the State University, the New Jersey Institute of Technol-**

ogy (NJIT) and the New Jersey Department of Defense, *shall submit to *the* DBC a list of renovations to be performed. *Rutgers, NJIT and the Department of Defense shall use their own procurement procedures. In the event Rutgers, NJIT and the Department of Defense do not use the DBC, they shall be subject to N.J.A.C. 14A:13-1.10(1) and (m) and N.J.A.C. 14A:13-1.11.

(d)-(h) (No change from proposal.)

(i) (No change from proposal.)

1. (No change from proposal.)

2. If the DBC determines that the project shall be *[reduced]* *changed* in scope, the NJDOE will determine whether the project still conforms with the objectives of the original project sufficiently to be funded.

(l) When the Using Agency is Rutgers, NJIT or the Department of Defense, the NJDOE shall have 15 working days to review and comment on the plans and specifications prepared by the consultant.

(m) When the Using Agency is Rutgers, NJIT or the Department of Defense, and the Using Agency determines that the scope of the project should be changed, the Using Agency shall notify the NJDOE. The NJDOE shall have 15 working days to determine whether the project sufficiently conforms with the objectives of the original project to be funded.

14A:13-1.11 Project review and control

(a) (No change from proposal.)

1. As part of the review for technical comment, NJDOE will confirm that the plans and specifications conform with the objectives of the original project submittal ***and the NJDOE's Conservation Regulations, N.J.A.C. 14A:3**, *and verify that the costs to be incurred are, as far as practicable, solely for application to the purpose of renovation. In the event that they are deficient in either of these respects, the NJDOE will notify the Using Agency and the DBC that the funds should not be released for construction.

2. (No change from proposal.)

3. Prior to final acceptance of the project the NJDOE and the Using Agency shall be notified by the DBC in order that they may participate in punchout, closeout and final acceptance of the project. Both the NJDOE and the Using Agency will have 15 days to sign the final acceptance certificate (DBC Form 20) or to provide reasons for rejection. ***When the Using Agency is Rutgers, NJIT, or the Department of Defense, prior to final acceptance of the project, the Using Agency shall notify the NJDOE in order that NJDOE may participate in punchout, closeout and final acceptance of the project.***

TRANSPORTATION

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 7

Adopted Amendment: N.J.A.C. 16:28A-1.6

Proposed: August 6, 1981 at 13 N.J.R. 522(a)

Adopted: September 21, 1981 by David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, Department of Transportation.

Filed: September 22, 1981 as R.1981 d.383, **without change.**

Authority: N.J.S.A. 27:1A-5 and 39:4-197.5

Effective Date: November 2, 1981.

ADOPTIONS

TREASURY-TAXATION

(a)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Routes US 46, 82 and 168**

**Adopted Amendments: N.J.A.C. 16:28A-1.32,
1.43 and 1.51**

Proposed: August 6, 1981 at 13 N.J.R. 522(b)
Adopted: September 21, 1981 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid, De-
partment of Transportation.
Filed: September 22, 1981 as R.1981 d.384, **without
change.**

Authority: N.J.S.A. 27:1A-5 and 39:4-138.1
Effective Date: November 2, 1981

(b)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route US 322-47**

Adopted Amendment: N.J.A.C. 16:28A-1.60

Proposed: August 6, 1981 at 13 N.J.R. 523(a)
Adopted: September 21, 1981 by David W. Gwynn, Chief
Engineer, Transportation Operations and Local Aid, De-
partment of Transportation.
Filed: September 22, 1981 as R.1981 d.382, **without
change.**

Authority: N.J.S.A. 27:1A-5 and 39.4-138.1
Effective Date: November 2, 1981

(c)

**TRANSPORTATION FISCAL MANAGE-
MENT**

**Contract Administration
Corporate Reorganization of Contractors**

**Adopted New Rules: N.J.A.C. 16:65-9.1, 9.2,
9.3**

Proposed: August 6, 1981 at 13 N.J.R. 524(a)
Adopted: September 30, 1981 by John R. Jamieson, Deputy
Commissioner of the Department of Transportation.
Filed: October 2, 1981 as R.1981 d.399, **without change.**

Authority: N.J.S.A. 27:1A-5 and 14:1-1 et seq.
Effective Date: November 2, 1981.

TREASURY-GENERAL

(d)

DIVISION OF PENSIONS

**General Administration
Administration and Receipts of Checks**

Adopted Amendment: N.J.A.C. 17:1-1.1

Proposed: September 10, 1981 at 13 N.J.R. 616(c).
Adopted: October 14, 1981 by William J. Joseph, Director,
Division of Pensions.
Filed: October 19, 1981 as R.1981 d.427, **without change.**

Authority: N.J.S.A. 52:18A-96.
Effective Date: November 2, 1981.

(e)

DIVISION OF PENSIONS

**General Administration
Leaves of Absence for Maternity; Benefits and
Nondiscrimination**

Adopted New Rule: N.J.A.C. 17:1-4.33

Proposed: September 10, 1981 at 13 N.J.R. 617(b).
Adopted: October 14, 1981 by William J. Joseph, Director,
Division of Pensions.
Filed: October 19, 1981 as R.1981 d.428, **without change.**
Authority: N.J.S.A. 52:18A-96.
Effective Date: November 2, 1981.

TREASURY-TAXATION

(f)

DIVISION OF TAXATION

**Local Property Tax
Senior Citizens' Deduction**

**Adopted Amendment: N.J.A.C. 18:14-1.1, 2.2,
2.3, 2.4, 2.7, 2.8, 2.10, 3.4, 3.6, 3.9, 3.10**

Proposed: July 9, 1981 at 13 N.J.R. 462(d).
Adopted: October 19, 1981 by Sidney Glaser, Director, Di-
vision of Taxation.
Filed: October 19, 1981 as R.1981 d.426, **without change.**
Authority: N.J.S.A. 54:4-8.47.
Effective Date: November 2, 1981.

OTHER AGENCIES

(a)

GARDEN STATE PARKWAY

Inspection and obtaining of Authority Records State Police Motor Vehicle Accident Reports

Adopted Amendment: N.J.A.C. 19:8-7.3

Proposed: August 6, 1981 at 13 N.J.R. 531(a)
Adopted: September 10, 1981 by New Jersey Highway Authority, F. Joseph Carragher, Executive Director.
Filed: September 24, 1981 as R.1981 d.387, **without change.**

Authority: N.J.S.A. 27:12B-5(s) and P.L. 1981, c.105.

Effective Date: November 2, 1981.

(b)

CASINO CONTROL COMMISSION

Gaming Equipment

Primary and Secondary Sets of Gaming Chips

Adopted Amendment: N.J.A.C. 19:46-1.3

Proposed: August 6, 1981 at 13 N.J.R. 534(b).
Adopted: October 6, 1981 by Casino Control Commission, Martin B. Danziger, Acting Chairman.
Filed: October 13, 1981 as R. 1981 d.408, **without change.**

Authority: N.J.S.A. 5:12-63 and 5:12-70.

Effective Date: November 2, 1981.

(c)

CASINO CONTROL COMMISSION

Gaming Equipment; Rules of the Game Craps; Slots; Blackjack; Roulette

Adopted Amendments: N.J.A.C. 19:46-1.11, 1.26; 19:47-1.2, 1.4, 2.12, 5.2

Proposed: August 6, 1981 at 13 N.J.R. 534(b)
Adopted: September 24, 1981 by Casino Control Commission, Martin B. Danziger, Acting Chairman.
Filed: September 24, 1981 as R.1981 d.388. **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 5:12-63c and 5:12-70

Effective Date: November 2, 1981.

Full text of the of changes between proposal and adoption follows (additions to the proposal indicated in boldface **thus**; deletions from proposal indicated in brackets [thus]).

19:47-5.2 Roulette; payout odds

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

(c) **When roulette is played on a single zero wheel and the roulette ball comes to rest around the wheel in a compartment marked zero (0), wagers on red, black, odd, even, 1 to *[12]* *18* and 19 to 36 shall be lost.**

(d)

CASINO CONTROL COMMISSION

Advertising

General Provisions

Adopted Amendments: N.J.A.C. 19:51-1.1

Proposed: August 6, 1981 at 13 N.J.R. 542(a).
Adopted: October 6, 1981 by Casino Control Commission, Martin B. Danziger, Acting Chairman.

Filed: October 13, 1981 as R. 1981 d.409, **without change.**

Authority: N.J.S.A. 5:12-70(o) and 5:12-69.

Effective Date: November 2, 1981.

MISCELLANEOUS NOTICES

(a)

DIVISION OF HOUSING

Notice of Suspension of Plain Language Requirements for Residential Leases

Pursuant to P.L. 1981, c. 274 the Department of Community Affairs, the primary State regulator for residential leases, hereby suspends the application of P.L. 1980; c. 125 (N.J.S.A. 56:12-1 et seq.) to residential leases until April 1, 1982. In the judgement of the Department, the public interest will be best served by allowing sufficient time for plain language lease forms to be prepared by attorneys, reviewed by the Department and made available by legal publishers prior to requiring such lease to be in general use.

This notice is published as a matter of public information.

(b)

ENVIRONMENTAL PROTECTION

Public Notice of State Certifications of Draft NPDES Permits

Jerry Fitzgerald English, Commissioner of the Department of Environmental Protection, pursuant to the "New Jersey Water Pollution Control Act," N.J.S.A. 58:10A-1 et seq., is authorized to assess compliance of a surface water discharge with State law pertaining to discharges to the waters of the State. The Department is requested by the United States Environmental Protection Agency, as required by section 401 of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., to certify that a discharge, as described in a draft National Pollutant Discharge Elimination System permit, will not violate the requirements of State law.

The Department publishes public notice of certifications in the DEP Bulletin. Copies of the Bulletin may be obtained by calling (609) 292-3178 or writing to the Documents Distribution Center, P.O. Box 1390, Trenton, New Jersey 08625.

(c)

INSURANCE

Notice of Annual Exportable List Hearing

Take notice that, the Department of Insurance has issued the following notice of exportable list hearing:

James J. Sheeran, Commissioner of the Department of Insurance, announced that he will hold the department's annual hearing to determine classes of insurance for which no reasonable or adequate market exists among authorized insurers on November 20, 1981 at 10:30 A.M. at 201 East State Street, Trenton New Jersey in the department's hearing room.

In addition to consideration of the 39 classes of coverage declared eligible to export on April 1, 1980, interested parties are invited to submit other proposed classes of coverage for listing or delisting. Written suggestions should be mailed to the Surplus Lines Examining office in advance so that they may be considered at the hearing.

(d)

INSURANCE

Public Notice: List of Municipalities Requiring Insurance Companies to Pay Unpaid Liens

On October 14, 1981, Herman W. Hanssler, Assistant Commissioner of Insurance, pursuant to authority of P.L. 1979, c. 369, filed a list of municipalities that have passed an ordinance requiring insurance companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

Full text of the addition to the prior list follows.

Township of Lacey 08731 (Ocean County) August 18, 1981

This list was filed as R. 1981 d. 412 and is not subject to codification, but will appear in Title 11 for informational purposes.

(e)

ENERGY

Notice of Public Hearings The New Jersey Master Plan Revision

Please take notice that the New Jersey Department of Energy (NJDOE) intends to conduct public hearings on the Draft Revisions to the New Jersey Energy Master Plan, for the purpose of soliciting comments on it.

The schedule of public hearings is as follows:

- | | |
|-------------------|---|
| November 30, 1981 | Board of Public Utilities
Hearing Room 1
1100 Raymond Blvd.
Newark, New Jersey |
| December 1, 1981 | State Museum Auditorium
205 W. State St.
Trenton, New Jersey |
| December 3, 1981 | Bergen County Admin. Bldg.
Freeholder Meeting Room
Room 427
Main St.
Hackensack, New Jersey |
| December 4, 1981 | Atlantic City Munic. Bldg.
City Commissioner Chambers
Room 206
Bacharach Blvd. & Tennessee Ave.
Atlantic City, New Jersey |

All hearings will begin at 10:00 A.M.

Persons who wish to speak at any of these hearings are asked to write to NJDOE at 101 Commerce Street, Newark, New Jersey 07102, Attention: Master Plan; or call the Department at (201) 648-3000.

Copies of the Draft Revisions to the New Jersey Energy Master Plan are available for public inspection at the State Library in Trenton, at county, municipal and college libraries throughout the State and at NJDOE's office in Newark.

This Notice is published as a matter of public information.

LATE FILINGS

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Classification of Positions Determination of Bona Fide Occupational Occupations

Adopted Amendments: CSPM 6-3.103 (State) and 6-3.104 (Local)

Proposed: August 6, 1981 at 13 N.J.R. 472
Adopted: September 22, 1981 by Civil Service Commission,
S. Howard Woodson Jr., President.
Filed: September 25, 1981 as R.1981 d.389, **without
change.**

Authority: N.J.S.A. 4:5-1a, 11:7-1 and 11:24-1.

Effective Date: November 2, 1981.

COMMUNITY AFFAIRS

(b)

DIVISION OF HOUSING

Plain Language Review of Consumer Contracts Residential Leases

Adopted New Rule: N.J.A.C. 5:12-1.1, 1.2

Proposed: August 6, 1981 at 13 N.J.R. 473(a).
Adopted: October 16, 1981 by James A. Sinclair, Deputy
Commissioner of Community Affairs.
Filed: October 19, 1981 as R.1981 d.424, **without change.**

Authority: P.L. 1980, c.125, section 8.

Effective Date: November 2, 1981.

(c)

DIVISION OF HOUSING

Retirement Community Full Disclosure Re- quirements Expiration Date

Adopted Expiration Date: N.J.A.C. 5:17

Proposed: September 10, 1981 at 13 N.J.R. 560(d).
Adopted: October 10, 1981 by Philip B. Caton, Director, Di-
vision of Housing.
Filed: October 19, 1981 as R.1981 d.425, **without change.**

Authority: N.J.S.A. 45:22A-11.

Effective Date: November 2, 1981.

INDEX OF RULES SUPPLEMENTING THE NEW JERSEY ADMINISTRATIVE CODE

The New Jersey Register supplements the New Jersey Administrative Code. The New Jersey Register should be used in the same way as a pocket part, to complete the Code with rules promulgated between the most recent update of each Code title and the most recent Register.

Each rule promulgated subsequent to the most recent update of the Code is listed below in order of its Code citation. At the bottom of the listings for each title is the date of the most recent update for that title. Accompanying the Code citation for each rule is a brief description of its contents, its Office of Administrative Law (OAL) document citation (which should be used if ordering from OAL a copy of the rule), and the Register citation for its adoption notice.

The adoption notice citation can be used to find, in the pertinent Register, the Register citation for the rule as it was proposed and

the substance of any changes in the proposed rule upon adoption. The full text of the proposed rule plus the changes in the proposed rule upon adoption constitute an official copy of the promulgated rule. If the full text of the proposed rule was not printed in the Register, it is available for a fee from:

Administrative Publications
CN 301
Trenton, New Jersey 08625

In order to be sure that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with July 5, 1979.

N.J.A.C. CITATION		DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1			
1:1-1.1	Applicability of OAL rules	R.1981 d.118	13 N.J.R. 254(a)
1:1-1.5	Nature of a contested case	R.1981 d.116	13 N.J.R. 254(b)
1:1-9.7, 11.2, 11.3	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 114(a)
1:1-12.3	Standards for intervention in administrative hearings	R.1981 d.119	13 N.J.R. 255(a)
1:1-12.4	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 114(a)
1:1-14.1	Motions to consolidate	R.1981 d.120	13 N.J.R. 255(b)
1:1-14.1, 14.2	Motions to consolidate	R.1981 d.117	13 N.J.R. 255(c)
1:1-14.3, 15.2	Finality of procedural decisions	R.1981 d.55	13 N.J.R. 114(a)
1:30	Rules of agency rulemaking	R.1981 d.83	13 N.J.R. 171(a)
(Title 1, Transmittal 1 dated July 17, 1980)			
AGRICULTURE—TITLE 2			
2:2-2.2	Official calfhood brucella vaccination	R.1981 d.173	13 N.J.R. 318(a)
2:2-2.3	Vaccination of female bovines	R.1981 d.288	13 N.J.R. 471(a)
2:2-2.4	Amend conformity of brucellosis tests with Federal standards	R.1980 d.422	12 N.J.R. 627(b)
2:2-2.16	Slaughtering of market cattle and goats	R.1981 d.40	13 N.J.R. 115(b)
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle	R.1981 d.39	13 N.J.R. 115(a)
2:3-4.1	Amend movement of livestock	R.1981 d.41	13 N.J.R. 115(c)
2:5-1	Repeal hog cholera quarantines	R.1981 d.42	13 N.J.R. 115(d)
2:48-5	Restrictions on coupons in milk promotion	R.1980 d.519	13 N.J.R. 6(a)
2:48-5.1	Use of coupons in milk promotion	R.1981 d.166	13 N.J.R. 318(b)
2:53-1, 3.1	Repeal minimum prices on fluid whole milk and amend sales below cost	R.1980 d.472	12 N.J.R. 686(b)
2:53-4.1	Amend notice of intent to change source of supply	R.1980 d.473	12 N.J.R. 686(c)
2:54-1.1	Milk marketing order	R.1981 d.416	13 N.J.R. 753(a)
2:69-1.11	Commercial values of primary plant nutrients	R.1981 d.172	13 N.J.R. 318(c)
(Title 2, Transmittal 17 dated July 17, 1980)			
BANKING—TITLE 3			
3:1-1.1	Emergency amend interest rates	R.1981 d.429	13 N.J.R. 753(b)
3:1-2	Procedural rules	R.1981 d.258	13 N.J.R. 382(b)
3:1-12	Multiple-party deposit accounts	R.1980 d.480	12 N.J.R. 686(d)
3:2-2.1-2.3	Plain language in consumer contracts	R.1981 d.259	13 N.J.R. 383(a)
3:6-1	Repeal reporting of 10 year dormant accounts	R.1980 d.435	12 N.J.R. 627(c)
3:6-1.1	Savings bank parity rule	R.1981 d.352	13 N.J.R. 551(b)
3:6-10	Sale of unsecured days funds by savings banks	R.1980 d.559	13 N.J.R. 62(c)
3:6-11	Asset valuation of common trust fund	R.1980 d.560	13 N.J.R. 62(d)
3:6-12.1	Commercial bank parity	R.1981 d.351	13 N.J.R. 552(a)
3:8-3.1	Amend required reserve	R.1980 d.481	12 N.J.R. 688(a)
3:8-5	Repeal savings banks reserves	R.1980 d.482	12 N.J.R. 688(b)
3:11-10.1, 10.2	Savings banks participation in credit card operations	R.1981 d.91	13 N.J.R. 185(b)
3:17-4.4,-7	Small loan licensees	R.1981 d.257	13 N.J.R. 384(a)
3:17-7.1, 7.3	Permits to small loan licensees	R.1981 d.430	13 N.J.R. 754(a)
3:19-1.6	Amend required use of home repair contractor's license number	R.1980 d.556	13 N.J.R. 62(b)
3:19-2	Energy rules on home repair financing	R.1981 d.29	13 N.J.R. 116(a)
3:21-1.8	Emergency amend loan interest rates	R.1981 d.12	13 N.J.R. 62(e)
3:21-2	State chartered credit unions	R.1981 d.414	13 N.J.R. 754(b)

**N.J.A.C.
CITATION**

3:30-2.1	Reserve requirements	
3:38-1.1	Mortgage bankers and brokers license fees	
3:41	Cemetery rules	

(Title 3, Transmittal 15 dated September 18, 1980)

**DOCUMENT ADOPTION NOTICE
CITATION (N.J.R. CITATION)**

R. 1981 d.90	13 N.J.R. 185(a)
R. 1981 d.260	13 N.J.R. 384(b)
R. 1980 d.449	12 N.J.R. 628(a)

CIVIL SERVICE--TITLE 4

4:1-1.10	Petitions from interested persons	R. 1981 d.413	13 N.J.R. 754(c)
4:1-2.1	Employee Advisory Service	R. 1981 d.233	13 N.J.R. 387(a)
4:1-8.6	Promotional examinations	R. 1981 d.92	13 N.J.R. 186(c)
4:1-8.22, 8.23	Emergency rules: Handicapped accommodation and test waiver	R. 1981 d.401	13 N.J.R. 754(d)
4:1-12.15	Extension of certification list	R. 1981 d.127	13 N.J.R. 257(a)
4:1-16.7	Suspension, fines and demotions for disciplinary purposes	R. 1981 d.107	13 N.J.R. 257(b)
4:1-20.2, 20.3, 20.8	Employee Advisory Service	R. 1981 d.233	13 N.J.R. 387(a)

(Title 4, Transmittal 15 dated November 10, 1980)

COMMUNITY AFFAIRS--TITLE 5

5:10	Amend maintenance of hotels and multiple dwellings	R. 1981 d.95	13 N.J.R. 189(d)
5:10-1.3, 2.2	Hotels and multiple dwellings	R. 1981 d.363	13 N.J.R. 704(a)
5:10-19.11	Amend maintenance of hotels and multiple dwellings	R. 1980 d.500	13 N.J.R. 7(c)
5:10-19.11	Emerg. amend fire protection	R. 1980 d.536	13 N.J.R. 7(f)
5:10-25.3	Hotels and multiple dwellings	R. 1981 d.363	13 N.J.R. 704(a)
5:11-7.1-7.5	Amend eviction and relocation	R. 1981 d.69	13 N.J.R. 189(b)
5:11-9.2	Relocation assistance hearings	R. 1981 d.183	13 N.J.R. 332(a)
5:12	Repeal State aid for urban renewal projects	R. 1981 d.180	13 N.J.R. 333(a)
5:12-1.1, 1.2	Plain language review of consumer contracts	R. 1981 d.424	13 N.J.R. 782(b)
5:17	Expiration date for retirement community disclosure requirements	R. 1981 d.425	13 N.J.R. 782(c)
5:23	Amend Uniform Construction Code	R. 1980 d.508	13 N.J.R. 7(d)
5:23-1.4, -2	Uniform Construction Code	R. 1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	R. 1981 d.133	13 N.J.R. 258(c)
5:23-2.6	Uniform Construction Code inspections	R. 1981 d.182	13 N.J.R. 333(b)
5:23-2.7	Amend UCC: Certificate of occupancy	R. 1981 d.45	13 N.J.R. 123(a)
5:23-3	Uniform Construction Code	R. 1981 d.132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	R. 1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Emerg. amend Uniform Construction Code	R. 1980 d.537	13 N.J.R. 8(a)
5:23-4.8	Uniform Construction Code	R. 1981 d.133	13 N.J.R. 258(c)
5:23-5.2, 5.11	Uniform Construction Code	R. 1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	R. 1981 d.131	13 N.J.R. 258(e)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	R. 1981 d.354	13 N.J.R. 562(a)
5:25	Readopt New Home Warranty and Builders' Registration	R. 1980 d.522	13 N.J.R. 7(e)
5:25-5.5	New home warranties and builders' registration	R. 1981 d.181	13 N.J.R. 333(d)
5:26	Readopt planned real estate development full disclosure	R. 1981 d.70	13 N.J.R. 189(c)
5:26	Planned Real Estate Development Full Disclosure Act	R. 1981 d.130	13 N.J.R. 259(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	R. 1981 d.365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	R. 1981 d.359	13 N.J.R. 704(c)
5:27-5.2, 5.8	Emerg. amend rooming and boarding houses	R. 1980 d.546	13 N.J.R. 71(a)
5:28	State Housing Code (1980)	R. 1981 d.68	13 N.J.R. 189(a)
5:29	Petitions for rules	R. 1981 d.242	13 N.J.R. 395(a)
5:30-1.11	Realized revenue analysis report	R. 1981 d.381	13 N.J.R. 755(a)
5:30-3.4	Filing of municipal budget amendments	R. 1981 d.216	13 N.J.R. 395(b)
5:30-4.4	Amend capital budgets and improvement programs	R. 1981 d.3	13 N.J.R. 73(b)
5:30-9.1	Financial administration	R. 1981 d.2	13 N.J.R. 73(a)
5:30-9.2	Form of tax collection record	R. 1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	R. 1981 d.121	13 N.J.R. 260(b)
5:37	Emerg. rules on Deferred Compensation Program for county and municipal employees	R. 1980 d.456	13 N.J.R. 633(b)
5:37	Emergency amend deferred compensation	R. 1980 d.557	13 N.J.R. 71(b)
5:71	County offices on aging	R. 1981 d.356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	R. 1981 d.255	13 N.J.R. 397(a)

(Title 5, Transmittal 15 dated September 18, 1980)

EDUCATION--TITLE 6

6:11-3.3	Amend teacher certification fees	R. 1981 d.82	13 N.J.R. 191(a)
6:11-3.18	Amend teacher education and academic credentials	R. 1981 d.22	13 N.J.R. 123(b)
6:20-2.3	Budget and cost distribution records	R. 1981 d.353	13 N.J.R. 563(b)
6:24-1.3	Format of petition for controversies and disputes	R. 1981 d.265	13 N.J.R. 397(b)
6:66	Archives and history records management	R. 1981 d.202	13 N.J.R. 397(c)

(Title 6, Transmittal 17 dated November 10, 1980)

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ENVIRONMENTAL PROTECTION—TITLE 7

7:1-3	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:1-4	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:1A	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:1C-1.5	Fees for 90-day construction permits	R. 1981 d.187	13 N.J.RM 334(b)
7:1C-1.13	90-day construction permits	R. 1981 d.48	13 N.J.R. 128(b)
7:1D	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:1G	Pinelands Comprehensive Management Plan	R. 1980 d.370	12 N.J.R. 575(c)
7:1G	Emergency rules concerning drought crisis	R. 1981 d.93	13 N.J.R. 195(c)
7:1G	Water rationing plan	R. 1981 d.203	13 N.J.R. 397(d)
7:1G-3.1	Drought crisis	R. 1981 d.147	13 N.J.R. 334(c)
7:1G-3.3	Emergency amendments on drought emergency	R. 1981 d.105	13 N.J.R. 204(a)
7:1G-3.7, 3.8	Rules of Drought Coordinator	R. 1981 d.222	13 N.J.R. 399(a)
7:1G-3.8	Water rationing plan	R. 1981 d.266	13 N.J.R. 400(a)
7:1G-4.1	Emergency adoption: Use of fresh water for horticulture	R. 1981 d.159	13 N.J.R. 335(a)
7:1G-5.4-5.7	Drought crisis	R. 1981 d.147	13 N.J.R. 334(c)
7:1G-5.8	Landlord/tenant: Excess use charges	R. 1981 d.217	13 N.J.R. 400(b)
7:1H	County environmental health services	R. 1980 d.362	12 N.J.R. 514(a)
7:2-11.22	Amend Swimming River Natural Area map	R. 1981 d.4	13 N.J.R. 91(a)
7:7	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:7-2	Waterfront and coastal resource development	R. 1980 d.375	12 N.J.R. 576(a)
7:7-2	Waterfront development permits	R. 1981 d.355	13 N.J.R. 564(b)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	R. 1981 d.267	13 N.J.R. 401(b)
7:7E	Waterfront and coastal resource development	R. 1980 d.375	12 N.J.R. 576(a)
7:7E	Coastal resource and development policies	R. 1981 d.186	13 N.J.R. 338(a)
7:8	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:9-3	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:9-4, -5, -6	Water quality standards	R. 1981 d.80	13 N.J.R. 194(b)
7:9-13.3, 13.5, 13.6	Sewer extension ban	R. 1981 d.224	13 N.J.R. 402(a)
7:9-15	Grants for restoring publicly owned freshwater lakes	R. 1980 d.374	12 N.J.R. 575(e)
7:10-8	Repealed: See 7:18	R. 1981 d.279	13 N.J.R. 481(c)
7:12-1.1, 1.3,	Condemnation of certain shellfish beds	R. 1981 d.190	13 N.J.R. 339(b)
7:12-1.3	Condemnation of certain shellfish areas	R. 1981 d.431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	R. 1981 d.190	13 N.J.R. 339(b)
7:13-1.11	Amend flood plain delineation along Mullica River	R. 1981 d.8	13 N.J.R. 91(c)
7:13-1.11	Amend flood plain delineation along Cedar Creek	R. 1981 d.9	13 N.J.R. 91(d)
7:13-1.11	Amend flood plain delineation of Great Egg Harbor River	R. 1981 d.88	13 N.J.R. 194(d)
7:13-1.11	Amend flood plain delineation of Mullica River and tributaries	R. 1981 D.89	13 N.J.R. 194(e)
7:13-1.11	Flood hazard area delineations	R. 1981 d.144	13 N.J.R. 339(c)
7:13-1.11	Flood hazard area delineations	R. 1981 d.145	13 N.J.R. 340(a)
7:14	Amend pollutant discharge and waste management	R. 1981 d.84	13 N.J.R. 194(c)
7:14-1.4	New definition of "treatment works"	R. 1980 d.424	12 N.J.R. 642(b)
7:14A	Conditions for users of DTW	R. 1981 d.84	13 N.J.R. 194(c)
7:14A-4	Industrial waste management facilities	R. 1981 d.373	13 N.J.R. 705(a)
7:14A-13.4	Pollutant discharge and waste management	R. 1981 d.214	13 N.J.R. 403(a)
7:15	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:17	Hard clam depuration pilot plant program	R. 1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	R. 1981 d.279	13 N.J.R. 481(c)
7:21	Water policy and supply council	R. 1981 d.366	13 N.J.R. 705(b)
7:23-2	Flood control bond grants	R. 1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	R. 1981 d.104	13 N.J.R. 195(b)
7:25-1.7	Penalties for shellfish law violations	R. 1980 d.395	12 N.J.R. 576(d)
7:25-4.8	Amend potentially dangerous species	R. 1980 d.448	12 N.J.R. 643(b)
7:25-5	Game Code	R. 1981 d.253	13 N.J.R. 403(c)
7:25-6	1981 Fish Code	R. 1980 d.400	12 N.J.R. 577(a)
7:25-7.2	Oyster seed beds recodification	R. 1981 d.189	13 N.J.R. 304(b)
7:25-7.3	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:25-7.4	Repeal rules prohibiting oyster dredging	R. 1980 d.369	12 N.J.R. 575(b)
7:25-7.10	Taking of oysters	R. 1981 d.199	13 N.J.R. 403(d)
7:25-7.13	Crab dredging	R. 1980 d.396	12 N.J.R. 576(e)
7:25-7.13	Crab dredging	R. 1981 d.200	13 N.J.R. 404(a)
7:25-9.2	Penalties for shellfish law violations	R. 1980 d.395	12 N.J.R. 576(d)
7:25-9.2	Hard clam harvest penalties	R. 1981 d.362	13 N.J.R. 706(a)
7:25-9.4	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)
7:25-9.4	Bay scallops	R. 1981 d.256	13 N.J.R. 404(c)
7:25-10	Repeal of various rules	R. 1980 d.433	12 N.J.R. 643(a)

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7:25-12.1	Amend preservation of clam resource	R. 1980 d. 521	13 N.J.R. 11(b)
7:25-14	Atlantic Coast crabbing	R. 1981 d. 299	13 N.J.R. 546(a)
7:25-14.9	Penalties for shellfish law violations	R. 1980 d. 395	12 N.J.R. 576(d)
7:25-18	Marine fisheries	R. 1980 d. 394	12 N.J.R. 576(c)
7:25-19.1	Atlantic Coast harvest season	R. 1980 d. 373	12 N.J.R. 575(d)
7:25-20.1	List of nongame wildlife species of New Jersey	R. 1980 d. 390	12 N.J.R. 576(b)
7:25-21	Terrapin	R. 1981 d. 198	13 N.J.R. 405(a)
7:25A-1.1	Emergency rule on oyster dredging license moratorium	R. 1981 d. 94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	R. 1981 d. 188	13 N.J.R. 340(c)
7:25A-2.1-2.7	Oyster management in Delaware Bay	R. 1981 d. 197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	R. 1981 d. 189	13 N.J.R. 340(b)
7:25-1	Solid waste administration	R. 1981 d. 281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	R. 1981 d. 370	13 N.J.R. 706(b)
7:26-1.1	Amend pollutant discharge and waste management	R. 1981 d. 84	13 N.J.R. 194(c)
7:26-3.2, 4.7	Amend solid waste collection and haulage	R. 1981 d. 49	13 N.J.R. 129(a)
7:26-5.4	Repeal of various rules	R. 1980 d. 433	12 N.J.R. 643(a)
7:26-7, -8	Solid waste administration	R. 1981 d. 281	13 N.J.R. 484(b)
7:26-9	Hazardous waste management	R. 1981 d. 370	13 N.J.R. 706(b)
7:26-11	Resource recovery grants	R. 1981 d. 184	13 N.J.R. 340(d)
7:26-11, -12	Hazardous waste management	R. 1981 d. 370	13 N.J.R. 706(b)
7:27-2	Control and prohibition of open burning	R. 1981 d. 135	13 N.J.R. 264(a)
7:27-10	Sulfur in coal	R. 1981 d. 185	13 N.J.R. 341(a)
7:27A-1.4	Repeal of various rules	R. 1981 d. 185	12 N.J.R. 643(a)
7:36-2.2, 3.2, 5.5, 6.4	Amend Green Acres Program	R. 1981 d. 7	13 N.J.R. 91(b)
7:38	Wild and scenic rivers	R. 1980 d. 401	12 N.J.R. 577(b)
7:50	Repeal of various rules	R. 1980 d. 433	12 N.J.R. 643(a)
7:50	Pinelands Comprehensive Management Plan	R. 1981 d. 13	13 N.J.R. 91(e)

(Title 7, Transmittal 15 dated July 17, 1980)

HEALTH-TITLE 8

8:21-10	Amend designated fluid milk products	R. 1980 d. 539	13 N.J.R. 13(f)
8:22-1	State Sanitary Code—Campgrounds	R. 1981 d. 161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	R. 1980 d. 499	13 N.J.R. 13(c)
8:30	Amend expiration date	R. 1981 d. 283	13 N.J.R. 485(b)
8:31-26.4	Child abuse and neglect	R. 1981 d. 157	13 N.J.R. 342(b)
8:31-27	Certificate of need: Megavoltage radiation (recodified as 8:33I)	R. 1981 d. 406	13 N.J.R. 756(b)
8:31-28.1, 28.3	Amend certification of need and designation of regional services	R. 1980 d. 528	13 N.J.R. 13(d)
8:31-30.1	Amend Plan Review Fee multiplier	R. 1981 d. 284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	R. 1981 d. 325	13 N.J.R. 571(c)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	R. 1981 d. 404	13 N.J.R. 756(c)
8:31B-3	Amend hospital procedural and methodological regulations	R. 1980 d. 455	12 N.J.R. 645(c)
8:31B-3.20D	Rate of return: For-profit hospitals	R. 1981 d. 290	13 N.J.R. 486(c)
8:31B-4	Amend hospital financial elements and reporting regulations	R. 1980 d. 453	12 N.J.R. 645(a)
8:31B-4.62	Amend excluded health care services	R. 1981 d. 10	13 N.J.R. 92(a)
8:33	Certificate of Need application changes	R. 1981 d. 296	13 N.J.R. 487(b)
8:33I	Megavoltage radiation units (recodified from 8:31-27)	R. 1981 d. 406	13 N.J.R. 756(b)
8:37	Amend expiration date	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1	Foreword: Amend operational dates	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1.1	Amend long term care standards	R. 1981 d. 285	13 N.J.R. 495(a)
8:39-1.35	Amend operational dates	R. 1981 d. 283	13 N.J.R. 485(b)
8:42-1.8	Child abuse and neglect	R. 1981 d. 157	13 N.J.R. 342(b)
8:42A	Alcoholism treatment facilities	R. 1981 d. 236	13 N.J.R. 411(a)
8:43-2.13	Amend Manual for Licensure of Residential Health Care Facilities	R. 1980 d. 529	13 N.J.R. 13(e)
8:43-3.3, 3.20, 3.22	Residential health care standards	R. 1981 d. 297	13 N.J.R. 495(b)
8:43-3.22	Residential health care: Fire protection	R. 1981 d. 402	13 N.J.R. 756(d)
8:43-4.13, 4.14	Residential health care standards	R. 1981 d. 297	13 N.J.R. 495(b)
8:43-6.9	Amend Manual for Licensure of Residential Health Care Facilities	R. 1980 d. 529	13 N.J.R. 13(e)
8:43A-3.1	Child abuse and neglect	R. 1981 d. 157	13 N.J.R. 342(b)
8:43B-1.13	Child abuse and neglect	R. 1981 d. 157	13 N.J.R. 342(b)
8:57-1.1-1.18	Amend reportable disease rules	R. 1980 d. 498	13 N.J.R. 13(b)
8:65-8.7	Controlled dangerous substances	R. 1981 d. 238	13 N.J.R. 411(b)
8:65-10.1, 10.2	Emergency amend controlled dangerous substances	R. 1981 d. 50	13 N.J.R. 132(b)
8:65-10.4, 10.8	Emergency amend controlled dangerous substances	R. 1981 d. 50	13 N.J.R. 132(b)
8:71	Amend interchangeable drug products	R. 1980 d. 454	12 N.J.R. 645(b)

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8:71	Amend interchangeable drug products	R. 1981 d.25	13 N.J.R. 131(b)
8:71	Amend interchangeable drug products	R. 1981 d.26	13 N.J.R. 131(c)
8:71	Emergency amend interchangeable drug products	R. 1981 d.27	13 N.J.R. 132(a)
8:71	Amend list of interchangeable drug products	R. 1981 d.81	13 N.J.R. 217(d)
8:71	Interchangeable drug product list	R. 1981 d.364	13 N.J.R. 706(c)
8:71	Interchangeable drug list	R. 1981 d.405	13 N.J.R. 757(a)
8:71	List of interchangeable drugs	R. 1981 d.403	13 N.J.R. 757(b)

(Title 8, Transmittal 14 dated September 18, 1980)

HIGHER EDUCATION—TITLE 9

9:1-1.1	Amend definition of "college"	R. 1980 d.524	13 N.J.R. 14(a)
9:1-4.6	Post-master's level programs	R. 1981 d.392	13 N.J.R. 757(c)
9:2-1.1, 1.2	Amend admission and baccalaureate degree standards for State Colleges	R. 1981 d.19	13 N.J.R. 133(a)
9:2-2.8	Amend "visiting specialist" title at State colleges	R. 1980 d.525	13 N.J.R. 14(b)
9:2-3	State College reduction in force policies	R. 1981 d.38	13 N.J.R. 133(b)
9:2-8.1-8.10	Amend admission and degree standards for State Colleges	R. 1981 d.19	13 N.J.R. 133(a)
9:4-1.2	Establishment of a Community College	R. 1981 d.391	13 N.J.R. 758(a)
9:4-3.57	County college work load data	R. 1981 d.215	13 N.J.R. 412(a)
9:4-3.61	State aid to county colleges	R. 1981 d.271	13 N.J.R. 496(a)
9:5-1.1, 1.2, 1.3, 1.4	Resident/non-resident tuition charges at public colleges and universities	R. 1980 d.428	12 N.J.R. 661(a)
9:7-2	Student assistance	R. 1981 d.232	13 N.J.R. 412(b)
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs	R. 1980 d.461	12 N.J.R. 661(b)
9:7-3.1	Tuition Aid Grant Program	R. 1981 d.415	13 N.J.R. 758(b)
9:7-4.4,-6	Graduate fellowships	R. 1980 d.462	12 N.J.R. 694(d)
9:7-4.6	Amend academic eligibility for undergraduate grants	R. 1981 d.99	13 N.J.R. 220(b)
9:9-1.3	Guaranteed student loan program	R. 1981 d.275	13 N.J.R. 496(b)
9:11-1.8,1.9	EOF guidelines and program support regulations	R. 1981 d.100	13 N.J.R. 220(c)
9:11-1.13,1.22	Amend student refunds and repayment	R. 1980 d.523	13 N.J.R. 13(g)
9:12-1	EOF guidelines and program support regulations	R. 1981 d.100	13 N.J.R. 220(c)
9:16-1.3-1.5	Physician-dentist loan redemption program	R. 1981 d.60	13 N.J.R. 220(a)

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HUMAN SERVICES—TITLE 10

10:38	Interim Assistance Procedures Manual	R. 1981 d.225	13 N.J.R. 412(c)
10:49-1.2	Amend recipient controls	R. 1980 d.549	13 N.J.R. 100(c)
10:49-1.3	Provider participation	R. 1981 d.393	13 N.J.R. 758(c)
10:49-1.5	Amend recipient controls	R. 1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	R. 1981 d.329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	R. 1981 d.123	13 N.J.R. 272(a)
10:49-1.13,1.14	Providers using service bureaus of management agencies	R. 1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Amend suspension of provider from Medicaid program	R. 1980 d.501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	R. 1981 d.315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	R. 1981 d.393	13 N.J.R. 758(c)
10:49-1.26	Patient certification	R. 1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	R. 1981 d.114	13 N.J.R. 273(a)
10:49-5.3,5.4	Amend recipient fair hearings	R. 1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Amend recipient fair hearings	R. 1980 d.512	13 N.J.R. 17(f)
10:49-6.8	Compromising claims	R. 1980 d.502	13 N.J.R. 17(b)
10:50	Patient certification	R. 1981 d.331	13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	R. 1981 d.250	13 N.J.R. 418(a)
10:51	Patient certification	R. 1981 d.331	13 N.J.R. 575(a)
10:51-1.17	Legend drug dispensing fee	R. 1981 d.411	13 N.J.R. 758(d)
10:51-App.B,D	Pharmaceutical Services Manual	R. 1981 d.124	13 N.J.R. 274(a)
10:51-2	Pharmacy Manual billing procedures	R. 1981 d.247	13 N.J.R. 415(a)
10:51-3	Pharmaceutical services in LTC facilities	R. 1981 d.344	13 N.J.R. 577(a)
10:51-4.5	Repeal payments for pharmaceutical consultants	R. 1981 d.101	13 N.J.R. 228(c)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	R. 1981 d.248	13 N.J.R. 415(c)
10:52	Hospital and special hospital manuals	R. 1981 d.327	13 N.J.R. 578(a)
10:52-1.1	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R. 1981 d.51	13 N.J.R. 147(c)
10:52-1.3	Non-covered hospital services	R. 1981 d.126	13 N.J.R. 291(a)
10:52-1.4	Professional Standards Review Organization	R. 1981 d.51	13 N.J.R. 147(c)
10:52-1.17	Reimbursement for out-of-State inpatient hospital services	R. 1981 d.162	13 N.J.R. 358(b)
10:52-1.18	Out-of-state hospital services	R. 1981 d.293	13 N.J.R. 497(a)
10:52-2.13	Automated Data Exchange Billing	R. 1981 d.250	13 N.J.R. 418(a)
10:53	Hospital and special hospital manuals	R. 1981 d.327	13 N.J.R. 578(a)

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10:53-1.1,1.4	Amend Hospital and Special Services Manual: Professional Standards Review Organization
10:53-2.18	Automated Data Exchange Billing
10:54-1	HCFA-1500 claim form
10:54-1.2	Routine chest X rays
10:54-1.3	Record keeping by providers
10:54-1.5	Amend Physicians and Psychologist Manual
10:54-1.6	Physicians Manual: Reimbursement for anesthesia time
10:54-1.22	Routine chest X rays
10:54-2.1	Automated Data Exchange Billing
10:54-2.4, 2.5	HCFA-1500 claim form
10:54-2.6	Automated Data Exchange Billing
10:54-3	Amend Procedure Code Manual
10:54-3	Physician's Services Manual: Procedure codes
10:54-3	Physician's Services Manual: Procedure codes
10:54-3	Procedure codes for mercury-zinc battery-powered pacemakers
10:54-3	Procedure codes for physicians services
10:54-3	Physician services procedure codes
10:55	Patient certification
10:56	Patient certification
10:56-1.8,1.12	Dental Services Manual
10:56-3.15	Orthodontics
10:57-1.4	Podiatry services
10:57-1.5	HCFA-1500 claim form
10:57-1.9	Podiatry services
10:57-1.20, 2.5-2.7	HCFA-1500 claim form
10:57-2.8	Automated Data Exchange Billing
10:59	Patient certification
10:59-1.7,1.8	Repair of durable medical equipment
10:59-1.9	Medical Supplier Manual
10:59-1.10	Repair of durable medical equipment
10:59-1.10	IPPB equipment
10:59-1.11	Repair of durable medical equipment
10:59-2.6-2.8	HCFA-1500 claim form
10:59-2.11	Repair of durable medical equipment
10:60	Patient certification
10:60-2.6	Automated Data Exchange Billing
10:61-1.4	Record retention requirements
10:61-1.4	Physician orders for laboratory services
10:61-2.3	HCFA-1500 claim form
10:61-2.6	Automated Data Exchange Billing
10:62	Patient certification
10:62-1.5	HCFA-1500 claim form
10:62-1.7	Procedure codes for ophthalmologists and optometrists
10:62-3	HCFA-1500 claim form
10:63-1.4,1.8	Long Term Care Manual
10:63-1.8	Amend clinical records in long-term care facilities
10:63-1.11	HCFA-1500 claim form
10:63-1.14	Retention of records in LTC facilities
10:63-1.19	Amend LTCSM: Termination of Medicaid eligibility
10:63-1.21	Three-year audit cycle
10:63-3.1	Amend reimbursement to Long Term Care Facilities
10:63-3.8	LTC's nursing care costs
10:63-3.21	Rescission: Long-term care per diem reduction
10:65	Patient certification
10:65-2.1	Medical day care rates
10:66	Patient certification
10:66-2.10	Automated Data Exchange Billing
10:66-3.1-3.3	Independent clinic services procedure codes
10:66-3.3	Procedure codes for Medicaid
10:66-3.3	Independent Clinic Services Manual
10:67-1.2	HCFA-1500 claim form
10:67-1.8	Amend Physicians and Psychologist Manual

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R. 1981 d.51	13 N.J.R. 147(c)
R. 1981 d.250	13 N.J.R. 418(a)
R. 1981 d.249	13 N.J.R. 417(a)
R. 1981 d.125	13 N.J.R. 292(b)
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R. 1981 d.251	13 N.J.R. 430(a)
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R. 1981 d.331	13 N.J.R. 575(a)
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R. 1980 d.510	13 N.J.R. 17(d)
R. 1981 d.376	13 N.J.R. 707(a)
R. 1980 d.510	13 N.J.R. 17(d)
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R. 1981 d.249	13 N.J.R. 417(a)
R. 1980 d.510	13 N.J.R. 17(d)
R. 1981 d.331	13 N.J.R. 575(a)
R. 1981 d.250	13 N.J.R. 418(a)
R. 1981 d.110	13 N.J.R. 299(c)
R. 1981 d.342	13 N.J.R. 579(c)
R. 1981 d.249	13 N.J.R. 417(a)
R. 1981 d.250	13 N.J.R. 418(a)
R. 1981 d.331	13 N.J.R. 575(a)
R. 1981 d.249	13 N.J.R. 417(a)
R. 1981 d.280	13 N.J.R. 497(b)
R. 1981 d.249	13 N.J.R. 417(a)
R. 1981 d.219	13 N.J.R. 430(b)
R. 1981 d.33	13 N.J.R. 146(c)
R. 1981 d.249	13 N.J.R. 417(a)
R. 1981 d.345	13 N.J.R. 579(d)
R. 1981 d.62	13 N.J.R. 225(b)
R. 1981 d.23	13 N.J.R. 146(a)
R. 1981 d.87	13 N.J.R. 227(a)
R. 1981 d.326	13 N.J.R. 579(e)
R. 1981 d.375	13 N.J.R. 707(b)
R. 1981 d.331	13 N.J.R. 575(a)
R. 1981 d.318	13 N.J.R. 580(a)
R. 1981 d.331	13 N.J.R. 575(a)
R. 1981 d.250	13 N.J.R. 418(a)
R. 1981 d.313	13 N.J.R. 580(b)
R. 1981 d.112	13 N.J.R. 299(c)
R. 1981 d.212	13 N.J.R. 431(b)
R. 1981 d.249	13 N.J.R. 417(a)
R. 1981 d.374	13 N.J.R. 706(d)

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10:67-2.5,2.8	HCFA-1500 claim form	R. 1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	R. 1981 d.305	13 N.J.R. 578(b)
10:68-2.5,2.7	HCFA-1500 claim form	R. 1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	R. 1981 d.250	13 N.J.R. 418(a)
10:69A-5.6	PAA eligibility determinations	R. 1981 d.332	13 N.J.R. 580(c)
10:81	Emergency amend PAM: Federal Omnibus Reconciliation Act of 1981	R. 1981 d.397	13 N.J.R. 759(a)
10:81-2.7	Amend PAM: Deprivation of parental support in AFDC-C	R. 1981 d.28	13 N.J.R. 146(b)
10:81-7.1	AFDC: New or changed income	R. 1981 d.262	13 N.J.R. 432(b)
10:82	Emergency rules re ASH: Federal Omnibus Reconciliation Act of 1981	R. 1981 d.396	13 N.J.R. 763(a)
10:82-2.14	Amend ASH: Established monthly earnings	R. 1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	R. 1981 d.262	13 N.J.R. 432(b)
10:82-3.2	Amend ASH: HUD community development block grant	R. 1981 d.96	13 N.J.R. 227(b)
10:82-3.2,4,5	Exempt resources and disregard of earned income	R. 1981 d.282	13 N.J.R. 499(a)
10:82-4.15	Irregular and nonrecurring income in AFDC	R. 1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	R. 1981 d.243	13 N.J.R. 432(c)
10:82-5.10	Amend ASH: Emergency assistance	R. 1980 d.552	13 N.J.R. 101(a)
10:85-2.2	Amend GAM: Temporary and acting director of municipal welfare	R. 1980 d.505	13 N.J.R. 17(c)
10:85-2.2	Amend GAM: Local assistance board	R. 1981 d.98	13 N.J.R. 228(b)
10:85-3.1, 3.2	GAM: Referral and appeal procedures for prospective SSI recipients	R. 1981 d.160	13 N.J.R. 363(b)
10:85-3.2	Amend General Assistance application process	R. 1980 d.514	13 N.J.R. 18(a)
10:85-3.3	Amend GAM: Rate increases for recipients in residential health care facilities	R. 1980 d.547	13 N.J.R. 100(a)
10:85-3.3	Amend GAM: Financial eligibility	R. 1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	R. 1981 d.263	13 N.J.R. 433(a)
10:85-4.6	Amend GAM: Emergency grants	R. 1980 d.538	13 N.J.R. 18(d)
10:85-5.2	Amend GAM: Diagnostic-Related Group payments	R. 1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM-Payments for inpatients hospital care	R. 1981 d.394	13 N.J.R. 768(a)
10:85-5.3	Amend submission of Form GA-18	R. 1980 d.531	13 N.J.R. 18(c)
10:85-5.3	Amend GAM: Rate increases for recipients in residential health care facilities	R. 1980 d.547	13 N.J.R. 100(a).
10:85-5.3	GAM: Food Stamps and medical payments	R. 1981 d.263	13 N.J.R. 433(a)
10:85-5.4	GAM: Procedure for payments of medical bills	R. 1981 d.417	13 N.J.R. 768(b)
10:85-6.5	Amend GAM: Repayment by SSI recipients	R. 1980 d.551	13 N.J.R. 100(d)
10:85-6.6	GAM: Food Stamps and medical payments	R. 1981 d.263	13 N.J.R. 433(a)
10:85-7.2	Amend GAM: Receipt of assistance	R. 1981 d.53	13 N.J.R. 147(d)
10:85-8.2	GAM: Food Stamps and medical payments	R. 1981 d.263	13 N.J.R. 433(a)
10:85-8.3	GAM: Referral and appeal procedures for prospective SSI recipients	R. 1981 d.160	13 N.J.R. 363(b)
10:87	Emergency amend Food Stamp Manual	R. 1981 d.64	13 N.J.R. 226(b)
10:87	Amend student participation in Food Stamps	R. 1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	R. 1981 d.316	13 N.J.R. 581(a)
10:87	Food Stamp Manual: Federal Omnibus Reconciliation Act of 1981	R. 1981 d.398	13 N.J.R. 769(a)
10:87-12.1, 12.2	Emergency amend Food Stamp Manual	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.3	Food Stamp Program maximum net income levels	R. 1981 d.400	13 N.J.R. 772(a)
10:87-12.3,12.4	Emergency adoption: Food Stamp income levels	R. 1981 d.278	13 N.J.R. 500(a)
10:87-12.4	Emergency amend Food Stamp Manual	R. 1980 d.558	13 N.J.R. 100(e)
10:89-3.6	Emergency rule on Home Energy Assistance	R. 1980 d.548	13 N.J.Rs 100(b)
10:94-4,-5	Medicaid Only: Income and resource eligibility	R. 1981 d.177	13 N.J.R. 364(b)
10:94-5.4, 5.5, 5.6	Emergency amend Medicaid Only computation amounts	R. 1981 d.276	13 N.J.R. 501(a)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	R. 1981 d.385	13 N.J.R. 773(a)
10:94-8	Medicaid Only	R. 1981 d.177	13 N.J.R. 364(b)
10:100-1.23	Emergency amend SSI payment levels	R. 1981 d.277	13 N.J.R. 502(a)
10:100-1.23	Readopt SSI payment levels	R. 1981 d.386	13 N.J.R. 773(b)
10:109-3.2,3.4	Ruling 11-Sick leave and leave without pay	R. 1981 d.395	13 N.J.R. 774(a)
10:121-5.1	Medical information form	R. 1981 d.63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	R. 1981 d.298	13 N.J.R. 516(a)
10:123-3.1, 3.2	Personal needs allowance	R. 1981 d.423	13 N.J.R. 774(b)

(Title 10, Transmittal 15 dated November 10, 1980)

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10A:31-4	County jails emergency rule	R. 1981 d.270	13 N.J.R. 467(a)
10A:31-4	Readopt remission of time from sentence	R. 1981 d.538	13 N.J.R. 596(a)
10A:71	Parole Board rules	R. 1981 d.322	13 N.J.R. 597(a)
10A:71-3.3	Amend Parole Board rules	R. 1980 d.554	13 N.J.R. 101(c)
10A:71-3.19	Parole Board rules	R. 1981 d.179	13 N.J.R. 364(c)
10A:71-6.9	Discharge from parole supervision	R. 1981 d.324	13 N.J.R. 598(a)
10A:71-7.7	Notice for preliminary hearings	R. 1981 d.106	13 N.J.R. 302(a)

(Title 10A, Transmittal 6 dated November 10, 1980)

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11:2-17	Unfair claims-settlement practices	R.1981 d.407	13 N.J.R. 774(c)
11:4-16.8(b)	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:4-17.6,17.7	Minimum standards for health insurance	R.1980 d.343	12 N.J.R. 538(b)
11:5-1.2,1.3	Real Estate Commission rules	R.1981 d.261	13 N.J.R. 440(c)
11:5-1.16	Amend listing agreements and contracts of sale	R.1980 d.408	12 N.J.R. 665(c)
11:5-1.16	Emergency amend contracts of sale and listing agreements	R.1980 d.409	12 N.J.R. 665(d)
11:5-1.28	Amend approved schools requirements	R.1980 d.441	12 N.J.R. 665(e)
11:5-1.32	Amend rental location operations	R.1980 d.447	12 N.J.R. 666(a)
11:5-1.33-1.35	Real Estate Commission rules	R.1981 d.261	13 N.J.R. 440(c)
11:5-1.36	Real Estate Guaranty Fund	R.1981 d.252	13 N.J.R. 441(a)
11:12	Legal insurance	R.1981 d.422	13 N.J.R. 776(a)

(Title 11, Transmittal 15 dated July 17, 1980)

LABOR AND INDUSTRY—TITLE 12

12:15-1.3	Maximum weekly benefit rates	R.1980 d.355	12 N.J.R. 543(b)
12:15-1.3	Maximum weekly benefit rates	R.1981 d.419	13 N.J.R. 777(a)
12:15-1.4	Taxable wage base under Unemployment Compensation	R.1980 d.356	12 N.J.R. 543(c)
12:15-1.4	Taxable wage base for unemployment compensation	R.1981 d.421	13 N.J.R. 777(b)
12:15-1.5	Contribution rates of governmental entities	R.1980 d.354	12 N.J.R. 543(a)
12:15-1.5	Unemployment compensation contribution rates	R.1981 d.418	13 N.J.R. 777(c)
12:17-10	Refund of unemployment benefits	R.1980 d.468	12 N.J.R. 724(e)
12:17-11	Emergency rules on offset of unemployment benefits by pension income	R.1980 d.561	13 N.J.R. 102(a)
12:51	Vocational rehabilitation facilities	R.1981 d.289	13 N.J.R. 517(a)
12:56	Amend Wage and Hour Law	R.1980 d.430	12 N.J.R. 666(c)
12:56-7.1	Emergency amend definition of "executive"	R.1980 d.506	13 N.J.R. 37(a)
12:57	Wage orders for minors	R.1981 d.226	13 N.J.R. 441(c)
12:57	Amend wage orders for minors	R.1980 d.431	12 N.J.R. 666(d)
12:58	Amend child labor rules	R.1980 d.432	12 N.J.R. 666(e)
12:60	Emergency amend prevailing wage rate determination	R.1980 d.410	12 N.J.R. 666(b)
12:105	Arbitration	R.1980 d.397	12 N.J.R. 605(a)
12:235-1.5	Amend benefit rates	R.1980 d.357	12 N.J.R. 543(d)
12:235-1.5	Workers' compensation benefit rates	R.1981 d.420	13 N.J.R. 777(d)

(Title 12, Transmittal 13 dated July 17, 1980)

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13:2-7.10	ABC rules	R.1981 d.432	13 N.J.R. 777(e)
13:2-23.31	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-24.1, 24.4	ABC rules	R.1981 d.432	13 N.J.R. 777(e)
13:2-24.4	Amend various regulations	R.1981 d.71	13 N.J.R. 238b)
13:2-24.9	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-38.1,39.3	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:2-41	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
13:19-5.1	Amend rules on convulsive seizures	R.1981 d.18	13 N.J.R. 150(b)
13:19-10.3	Amend driver improvement school fees	R.1980 d.494	12 N.J.R. 727(a)
13:20-25.2	Amend approval of safety glazing material	R.1981 d.15	13 N.J.R. 149(d)
13:20-28	Inspection of new passenger vehicles and motorcycles	R.1980 d.345	12 N.J.R. 551(c)
13:20-33.53	Amend motorcycle handlebars and grips	R.1981 d.16	13 N.J.R. 149(e)
13:20-33.72	Repeal handhold devices	R.1981 d.17	13 N.J.R. 150(a)
13:20-36	Special National Guard plates	R.1981 d.31	13 N.J.R. 150(e)
13:21-2.3	Amend motor licensing statutory interpretation	R.1980 d.495	12 N.J.R. 727(b)
13:21-3	Repeal rules on dealer's temporary certificates	R.1981 d.14	13 N.J.R. 149(c)
13:21-7.2	Amend student permits	R.1981 d.66	13 N.J.R. 237(d)
13:21-8.2	Amend driver proof of identity and date of birth	R.1980 d.493	12 N.J.R. 726(e)
13:21-8.17	Amend waiver of driving test	R.1981 d.65	13 N.J.R. 237(c)
13:21-20	Motor home title certificates	R.1980 d.474	12 N.J.R. 726(b)
13:22	Amend motor vehicle race tracks	R.1980 d.464	12 N.J.R. 726(a)
13:24-4.1	Amend emergency vehicle equipment	R.1980 d.485	12 N.J.R. 726(c)
13:26-1.2, 3, 11	Amend transportation of bulk commodities	R.1981 d.61	13 N.J.R. 237(b)
13:27-6	Division of responsibility in site planning	R.1981 d.320	13 N.J.R. 607(a)
13:28-1.3	Toilet facilities in beauty shops	R.1989 d.109	13 N.J.R. 308(a)
13:29-2.2	Amend examination for registered municipal accountant	R.1981 d.67	13 N.J.R. 238(a)
13:29-3.13	Repeal competitive bidding for services	R.1980 d.429	12 N.J.R. 672(c)
13:30-2.5, 2, 10-2.17	Dental hygienists and assistants	R.1981 d.264	13 N.J.R. 442(a)
13:30-2.18	Application fees for dental hygienists	R.1981 d.378	13 N.J.R. 707(c)
13:30-8.1	Amend fee schedules	R.1980 d.527	13 N.J.R. 41(d)

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13:30-8.3	Amend general anesthesia rules	R. 1980 d.423	12 N.J.R. 672(b)
13:30-8.4	Announcements of practice in special area of dentistry	R. 1980 d.368	12 N.J.R. 609(a)
13:30-8.6	Amend professional advertising	R. 1980 d.540	13 N.J.R. 103(a)
13:30-8.8	Amend emergency dental patient records	R. 1980 d.457	12 N.J.R. 672(f)
13:30-8.9	Reporting of deaths and other medical incidents	R. 1980 d.503	13 N.J.R. 40(a)
13:30-8.10	Display of names in dental offices	R. 1980 d.509	13 N.J.R. 41(a)
13:30-8.11	Intravenous sedation rule	R. 1980 d.541	13 N.J.R. 103(b)
13:30-8.12	Dental insurance forms and professional misconduct	R. 1981 d.175	13 N.J.R. 366(a)
13:31-2.1	Repeal: Uniform penalty letter (electrical)	R. 1981 d.372	13 N.J.R. 707(d)
13:33-1.41	Fee schedules	R. 1981 d.148	13 N.J.R.366(b)
13:35-1.4	Amend approval of colleges of chiropractic	R. 1980 d.492	12 N.J.R. 726(d)
13:35-1.5	Military service in lieu of internship (podiatry)	R. 1981 d.346	13 N.J.R. 608(a)
13:35-2.7	Military service in lieu of internship	R. 1981 d.348	13 N.J.R. 608(b)
13:35-6.2	Guidelines for externship programs	R. 1981 d.149	13 N.J.R. 367(b)
13:35-6.6	Amend prescriptions for controlled dangerous substances	R. 1981 d.5	13 N.J.R. 104(c)
13:35-6.16	Use of amphetamines and sympathonimetic amines	R. 1980 d.380	12 N.J.R. 609(c)
13:35-6.16(a)	Uses of amphetamines and sympathonimetic amines	R. 1980 d.379	12 N.J.R. 609(b)
13:35-6.18	Provision of radiological services	R. 1980 d.344	12 N.J.R. 551(b)
13:35-6.19, 6.20	Excessive fees for professional services	R. 1981 d.237	13 N.J.R. 443(a)
13:35-9	Certified nurse/midwife	R. 1980 d.535	13 N.J.R. 41(e)
13:35-9.3	Emergency amend certified nurse/midwife	R. 1981 d.21	13 N.J.R. 150(c)
13:35-9.3(c)	Emergency amend operative date on certified nurse/ midwife standands	R. 1981 d.24	13 N.J.R. 150(d)
13:35-10	Recodified from 13:35-1.4	R. 1980 d.492	12 N.J.R. 726(d)
13:36-3.5	Amend examinations	R. 1980 d.543	13 N.J.R. 104(b)
13:36-3.6	Amend examination review procedure	R. 1980 d.542	13 N.J.R. 104(a)
13:36-5.12	Advertising of funeral services and funeral establishments	R. 1981 d.349	13 N.J.R. 609(a)
13:36-9.1	Uniform penalty letter	R. 1981 d.347	13 N.J.R. 609(b)
13:37-1.26	Board of Nursing rule	R. 1981 d.174	13 N.J.R. 370(a)
13:37-3.6, 4.1	Amend rules on foreign nurses and licensure by endorsement	R. 1980 d.416	12 N.J.R. 671(a)
13:38-1.9, 1.10	Optometric advertising	R. 1981 d.295	13 N.J.R. 519(a)
13:39-9.12	Outdated or sample drugs	R. 1981 d.350	13 N.J.R. 609(c)
13:39-9.17	Advertising and sale of prescription drugs	R. 1981 d.377	13 N.J.R. 708(a)
13:40-6.1	Repeal engineers' and surveyors' fee for transmittal of grades or certification	R. 1980 d.417	12 N.J.R. 671(b)
13:40-7	Division of responsibility in site planning	R. 1981 d.320	13 N.J.R. 607(a)
13:41-1.2, 1.3	Amend rules governing use of seals	R. 1980 d.445	12 N.J.R. 672(c)
13:41-4	Division of responsibility in site planning	R. 1981 d.320	13 N.J.R. 607(a)
13:44-3.1	Repeal: Uniform penalty letter (veterinary)	R. 1981 d.371	13 N.J.R. 708(b)
13:44A-14.4, 14.5	Amend unit pricing of consumer commodities in retail establishments	R. 1980 d.444	12 N.J.R. 672(d)
13:45A-17	Sale of advertising in quasi-official journals	R. 1981 d.294	13 N.J.R. 520(b)
13:47C-1.1, 3.1	Amend firewood and cordwood rules	R. 1980 d.421	12 N.J.R. 672(a)
13:47C-5	Precious metals sales	R. 1980 d.420	12 N.J.R. 671(c)
13:47F	Repeal live poultry rules	R. 1980 d.520	13 N.J.R. 41(b)
13:70-29.48	Emergency amend daily double pool	R. 1981 d.32	13 N.J.R. 150(f)

(Title 13, Transmittal 16 dated July 17, 1980)

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14:3-7.12, 7.13	Notice of discontinuance and bill disputes	R. 1980 d.555	13 N.J.R. 105(b)
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(Title 14, Transmittal 14 dated July 17, 1980)

ENERGY--TITLE 14A

14A:3-11	Amend used oil rules	R. 1980 d.513	13 N.J.R. 43(c)
14A:11.4	Reporting of energy information (retail dealers)	R. 1981 d.379	13 N.J.R. 708(c)
14A:11-5	Reporting of energy information (retail fuel merchants)	R. 1981 d.380	13 N.J.R. 708(d)
14A:13	Energy Conservation Bond Program	R. 1981 d.390	13 N.J.R. 778(a)
14A:21	Residential Energy Conservation Service (RCS) Program	R. 1980 d.516	13 N.J.R. 44(a)
14A:21-14.3	Home Energy Savings Program	R. 1981 d.254	13 N.J.R. 450(a)

(Title 14A, Transmittal 6 dated July 17, 1980)

STATE--TITLE 15

(Title 15, Transmittal 12 dated July 17, 1980)

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(Title 15A, Transmittal 1 dated March 20, 1978)

TRANSPORTATION--TITLE 16

16:19	Repeal Traffic Operations Program to Increase Capacity and Safety	R. 1980 d.415	12 N.J.R. 675(c)
16:26-1.1	Traffic signal information	R. 1981 d.164	13 N.J.R. 372(a)

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16:27-1.4 Repeal control of traffic and parking on NJDOT property
 16:28-1.2 Speed limit on Route I-80
 16:28-1.3 Restricted parking and speed zones on State highways
 16:28-1.15 Speed limits along Route 13
 16:28-1.17 Speed limits on Route 147
 16:28-1.18 Amend speed zones along Routes 34 and U.S.202
 16:28-1.23 Emergency amend speed limit on Route 18
 16:28-1.49 Emergency amend speed zone along Route 35
 16:28-1.49 Speed limits on Route 35
 16:28-1.67 Amend speed zones along Route 34 and U.S. 202
 16:28-1.111 Speed limits for Route 87
 16:28A-1.2 Amend restricted parking on U.S. Routes 1 and 9
 16:28A-1.2 Parking on Routes 1 and 9
 16:28A-1.4 Emergency amend restricted parking along Route 4
 16:28A-1.6 Restricted parking along Route 7
 16:28A-1.7 Restricted parking along Route US 9
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 16:28A-1.16 Restricted parking along Route 24
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 16:28A-1.19 Route 28 parking
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 16:28A-1.32 Parking on Route U.S. 46
 16:28A-1.32 Restricted parking along Route US 46
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 16:28A-1.55 Restricted parking on State highways
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 16:28A-1.57 Restricted parking along U.S.206
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 16:28A-1.57 Route US 206 parking
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(Title 17, Transmittal 15 dated September 18, 1980)

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**DOCUMENT ADOPTION NOTICE
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(Title 18, Transmittal 15 dated July 17, 1980)

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19:8-8	Special permits for oversize vehicles	R. 1980 d. 476	12 N.J.R. 732(c)
19:9-3.1	Amend towing rates	R. 1981 d. 37	13 N.J.R. 165(c)
19:12	PERC: Negotiations and impasse procedures	R. 1981 d. 357	13 N.J.R. 625(a)
19:16	Firemen and Police: Negotiations and impasse procedures	R. 1981 d. 357	13 N.J.R. 625(a)
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(Title 19, Transmittal 15 dated July 17, 1980)

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(Title 19 Subtitle K, Transmittal 2 dated July 17, 1980)

NOTICE TO OUR READERS

As was announced in the October 8, 1981 Register, the Office of Administrative Law has recently completed the first phase of a review of the New Jersey Register, with the goal of revising the format of the Register to make it easier to publish and to use. As a result of this review, several changes were announced and appeared in the October 8, 1981 issue of the Register and further changes are anticipated in the future. For those who may have missed the October 8 announcement, the announcement is repeated.

First, beginning with last month's issue, the Register is divided into three sections -proposals, miscellaneous notices, and adoptions. As was the case with the Register as a whole, each of these sections is divided into subsections by Departments and listed in alphabetical order. Within each subsection, material is listed serially according to code citation numbers.

Since the publication deadlines for the submission of adoptions to the Office of Administrative Law are later than those for proposals, this change should make editing the Register easier and more efficient. The change should also make the Register easier to use as an update of the New Jersey Administrative Code.

Second, beginning with October's Register, proposals and adoptions appear in a new format which should better highlight and clarify the essential elements and information of each notice, and eliminate unnecessary and cumbersome boilerplate. Adoption notices are contained in a series of headings, without the previous boilerplate. Where there are changes

to the rule between the proposal and the adoption, these changes are clearly noted, and either reproduced in codified form or explained and described in paragraph form. Proposal notices are streamlined by deleting the introductory paragraph and incorporating this material into a more detailed series of headings.

Third, beginning with this issue, the Register will appear on a twice-monthly publication schedule. This change should streamline the time schedule for the rule-making process, which was recently revised by the Public Law 1981, chapter 27 (C52:14B-4.1 et seq.), and should better accommodate the new materials required to be published under the new law. Publication will be on the first and third Monday of each month.

Fourth, beginning with this issue, the full text of each proposed rule will be published, unless there are exceptional circumstances which preclude full-text publication. This change will relieve interested persons of having to secure copies of a proposed rule from the proposing agency, which all-too-frequently occurred in the past.

Fifth, beginning with this issue, the Register will be available via first class mail for an additional \$35.00 per year. For current subscribers this charge would be prorated over the balance of the subscription term. This option will enable persons significantly interested in or affected by rules changes to obtain notice of these changes more quickly.

The Office of Administrative Law hopes that these changes will better enable the Register to serve the public. Your comments on these changes and any suggestions as to further changes would be greatly appreciated.

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Adoptions	October 30
December 7 issue:	
Proposals	November 12
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