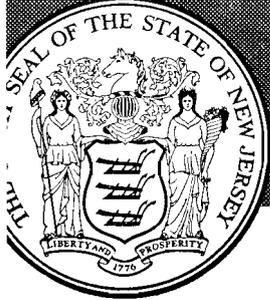


# NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN T. BYRNE, Governor

Howard H. Kestin, Director,  
Office of Administrative Law

G. Duncan Fletcher, Assistant Director  
for Administrative Publications

Norman Olsson, Editor

Richard Dana Krebs, Rules Analyst, Filings

**VOLUME 13 • NUMBER 6**

June 4, 1981 • Indexed 13 N.J.R. 317-380

(Includes rules filed through May 15, 1981)

*The New Jersey Register supplements the New Jersey Administrative Code. See the Interim Index on Page 343 for the Registers that should be retained as an update to the Administrative Code.*

## INDEX OF RULES IN THIS ISSUE

	<u>Cite</u>	
<b>AGRICULTURE</b>		
Brucellosis control program .....	318(a)	
Coupons in milk promotion .....	318(b)	
Commercial values of primary nutrients .....	318(c)	
<b>CIVIL SERVICE</b>		
Proposal on nongender class titles .....	318(d)	
Proposed overtime approval for State Police .....	320(a)	
Proposal on entry level qualifications .....	320(b)	
Proposed changes in selective certification .....	322(a)	
CSPM: Restoration to employment lists .....	324(a)	
CSPM: Return to permanent titles .....	324(b)	
Proposal on harassment and discrimination appeals .....	324(c)	
Proposed employee awards amendments .....	327(a)	
<b>COMMUNITY AFFAIRS</b>		
Relocation assistance and eviction hearings .....	332(a)	
Repealed: Rules on aid for urban renewal .....	333(a)	
Inspections under Uniform Code .....	333(b)	
Correction to Register: Condominium and cooperative conversion .....	333(c)	
New home warranties .....	333(d)	
<b>EDUCATION</b>		
Proposed 1983-84 program-oriented budgeting .....	333(e)	
Rule petition: Creation of regional districts .....	334(a)	
<b>ENVIRONMENTAL PROTECTION</b>		
Fees for 90-day construction permits .....	334(b)	
Rules on drought crisis .....	334(c)	
Emergency adoption: Fresh water for horticulture .....	335(a)	
Emergency order: Purveyors on standby rationing .....	336(a)	
Emergency order: Purveyors on standby rationing .....	336(b)	
Coastal resource policies .....	338(a)	
Pre-proposal: Delaware and Raritan Canal water rates .....	338(b)	
Pre-proposal: Spruce Run-Round Valley water rates .....	339(a)	
Condemnation of shellfish beds .....	339(b)	
Flood plain delineations .....	339(c)	
Flood plain delineations .....	340(a)	
Oyster seed beds .....	340(b)	
Oyster dredging licenses .....	340(c)	
Resource recovery grants .....	340(d)	
Sulfur in coal .....	341(a)	

(Continued on back cover)

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

Adopted Amendment: N.J.A.C. 2:2-2.2  
Disease Control Program  
Brucella Vaccination

Effective Date: June 4, 1981

On April 28, 1981, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:2-2.2 concerning Brucella vaccination as proposed in the Notice published March 5, 1981 at 13 N.J.R. 114(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 13, 1981 as R.1981 d.173.

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

Adopted Amendment: N.J.A.C. 2:48-5.1  
Milk Promotion  
Use of Coupons

Effective Date: June 4, 1981

On May 12, 1981, Woodson S. Moffett, Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:48-5.1 concerning use of coupons in milk promotion as proposed in the Notice published April 9, 1981 at 13 N.J.R. 181(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 12, 1981 as R.1981 d.166.

(c)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

Adopted Amendment: N.J.A.C. 2:69-1.11  
Commercial Values  
Primary Plant Nutrients

Effective Date: June 4, 1981

On April 28, 1981, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.26 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:69-1.11 concerning commercial values as proposed in the Notice published March 5, 1981 at 13 N.J.R. 114(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 13, 1981 as R.1981 d.172.

(d)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

Proposed Amendment: CSPM 6-3.101 (State) and  
CSPM 6-3.102 (Local)  
Proposed Repeal: CSPM 6-3.102 (State) and  
6-3.103 (Local)  
Classification of Positions  
Non-discriminatory Titles

Public Hearing: None

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:7-1 and N.J.S.A. 11:24-1, proposes to repeal Subpart 6-3.102 (State) and 6-3.103 (Local) in the Civil Service Personnel Manual, and to amend Subparts 6-3.101 (State) and 6-3.102 (Local) concerning the use of non-discriminatory titles.

#### Summary

The proposed amendments incorporate the substance of CSPM 6-3.102 (State) and CSPM 6-3.103 (Local) and codify

## NEW JERSEY REGISTER

*The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September, 1969.*

*Material published in the New Jersey Register is the property of the State of New Jersey. However, it may be copied, reproduced or republished by any person for any purpose whatsoever without the permission of the Assistant Director for Administrative Publications and Filings, providing that no such reproduction or republication shall bear the title "New Jersey Register" or "Official Rules Publication" without the written permission of the Director, Office of Administrative Law.*

*The New Jersey Register (USPS 442-950) is published the first Thursday after the first Monday of each month by Administrative Publications and Filings of the Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$15.00; monthly back issues when available, \$1.50. Make checks payable to Administrative Publications and Filings.*

*POSTMASTER: Send address changes to: New Jersey Register, CN 301, Trenton, New Jersey 08625. Controlled Circulation Postage paid at Trenton, New Jersey.*

*The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same office. Subscription rates for this 30-volume, regularly-updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Department coverage desired.*

them under the same number for State and Local. While language changes have been made, there has been no change in substance. These amended subparts require the use of nondiscriminatory titles, e.g. Police Officer instead of Policeman.

Regarding the proposed repeal, the present subparts require the use of class titles which do not imply discriminatory qualifications, e.g. Police Officer instead of Policeman. The substance of these subparts is being incorporated into proposed CSPM 6-3.102.

#### Social Impact

According to the Civil Service Commission, since there is no substantive change made by the proposed amendments, there is no social impact.

Regarding the proposed repeal, since the substance of these subparts is being incorporated into CSPM 6-3.102 (State and Local), there is no social impact.

#### Economic Impact

According to the Civil Service Commission, since there is no substantive change made by the proposed amendments, there is no economic impact.

Regarding the proposed repeal, since the substance of these subparts is being incorporated into CSPM 6-3.102 (State and Local), there is no economic impact.

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

[Subpart 6-3.102 (State) Determination and Application of Subpart 6-3.103 (Local) Non-Discriminatory Titles by the Department of Civil Service

#### 6-3.102a Subject:

This subpart will prescribe that class titles shall be established and/or revised so as to reflect non-discriminatory job practices.

#### 6-3:102b Definitions:

1. Non-Discriminatory—a class title which does not express overtly or covertly any limitation, specification, preference or discrimination based on race, creed, color, national origin, ancestry, age, marital status, physical handicap or sex, or has the intent of making such a limitation unless such is a bona fide occupational qualification, shall be considered non-discriminatory.

2. Bona Fide Occupational Qualification—qualifications which are reasonably necessary to the successful performance of the function.

#### 6-3.102c Policy:

Any class title which contains words, phrases, or expressions which tend to influence, persuade or dissuade, encourage or discourage, attract or repel, any person or persons because of race, creed, color, national origin, ancestry, age, marital status, physical handicap, or sex and such are not bona fide occupational qualifications shall be changed to utilize a non-discriminatory title wherever practicable.

#### 6-3.102d Limitations:

1. Where not practicable to change the title, the designation "M/W" meaning man or woman, is to be used as part of the title.

Example: Foreman, M/W

2. If the use of "M/W" or a neutral class title is not feasible, the use of the non-neutral title and the title which is the sex counterpart may be used subject to the approval of the Department of Civil Service.

Example: Salesman/Saleswoman

#### 6-3.102e Application:

Changes implementing the use of non-discriminatory titles should take into account all of the following factors:

1. Specifications should reflect the non-discriminatory titles.

2. Certifications which are issued for newly implemented non-discriminatory titles should be issued under such titles.

3. All new records cards and future notations on existing record cards should indicate non-discriminatory titles.

4. All examination announcements and other documents containing job titles or job descriptions will utilize the non-discriminatory title or its substitute.]

Subpart 6-3.10[1]2 (State) [Neuter] Non-Discriminatory

Subpart 6-3.102 (Local) Position Classifications and Titles

#### 6-3.10[1]2a Subject:

This subpart deals with the use and revision of [neuter] class titles [where the current title is] that are identified as having either a written or implied [a] fixed gender[.] or reflect discriminatory job practices.

#### 6-3:10[1]2b Policy:

It is the policy of the Civil Service Commission to remove all forms of discrimination. [on the basis of sex.] [Accordingly, Civil Service class titles, wherever possible, will be identified by language that does not specify or imply a fixed gender. In those instances where an occupation has been traditionally described in terms denoting a fixed gender and a plausible neuter title cannot be found, the title will be followed by the designation M/W (example: Foreman (Trades) M/W). The M/W designation indicates that the job title is applicable to both men and women.] Specific attention is to be given to eliminating discrimination on the basis of race, creed, color, national origin, ancestry, age, marital status, physical handicap, or sex. Accordingly, Civil Service class titles will be identified by language that does not specify or imply a fixed gender.

#### 6-3.10[1]2c Procedure:

Civil Service class titles will be identified by language that does not specify or imply any partiality. No language will be used which specifies or implies a fixed gender.

---

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Acting Director  
Department of Civil Service  
Division of Administrative  
Practices and Labor Relations  
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 rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-45.

(a)

## CIVIL SERVICE

### JOINT COMMITTEE ON OVERTIME

**Proposed Amendment: CSPM (State) 7-4.101  
Overtime Regulations  
State Police Overtime Payments**

**Public Hearing: None**

The Joint Committee on Overtime in the Department of Civil Service, pursuant to authority of N.J.S.A. 52:14-17.13, proposes to amend Subpart 7-4.101 (State) in the Civil Service Personnel Manual concerning overtime payments to State Police law enforcement officers.

#### Summary

The proposed amendment permits the Joint Committee on Overtime to authorize overtime payments to State Police law enforcement officers upon request by the Office of Employee Relations and approval by the Overtime Committee.

#### Social Impact

The present regulation prohibits overtime payments for such employees and specifies that their work time may be adjusted or they may be awarded roughly comparable amounts of time off for overtime. This narrows the flexibility of the State Police operation and may result in a decrease in manpower. Under this proposed amendment, they could get paid for overtime and would still work their regular hours.

#### Economic Impact

This amendment could result in increased overtime expenditures by the Department of Law and Public Safety. However, this amendment simply enables the Joint Committee on Overtime to authorize such overtime. The amendment, in and of itself, does not authorize such overtime. Budgetary impact would be considered by the Joint Committee on Overtime in their deliberations.

Full text of the proposed amendment follows (additions indicated in boldface thus).

Subpart 7-4.101c

2. Classes of Positions Excluded from the Application of the Act

The provisions of the Act shall not apply to employees in those classes of positions where the work-week is not limited to a fixed number of work hours. They shall represent those classes where the nature of the work requires irregular or variable work-time that precludes the establishment and control of a specific work-week. Titles falling in this category shall be designated "NL". Unusual requirements for work time by employees in this category may be adjusted by providing flexibility in the work time pattern or by the responsible agency official granting roughly comparable amounts of time off. However, they shall have no claim or entitlement to hour for hour time off or cash compensation.

The following criteria is used to determine the classes of positions classified as "NL":

A. - D. (No change.)

E. Other classes

(1) (No change.)

(2) State Police—Classes of positions in the Division of State Police where the incumbents are law enforcement officers and the requirements are for general availability necessary for the maintenance of law, order and security. However, the Overtime Committee may, upon request by

the Office of Employee Relations, authorize overtime payments for such State Police law enforcement officers by special memorandum.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 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 Joint Committee on Overtime 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 1981-63.

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

**Proposed New Rule: CSPM 8-6.104**

(State and Local)

**Proposed Amendment: CSPM 8-6.103**

(State and Local)

**Examination Qualifications**

**Substitution of Qualifications**

**Public Hearing: None**

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:9-2 and 11:23-1, proposes to adopt a new rule to be cited as Subpart 8-6.104 (State and Local) and to amend Subpart 8-6.103 (State) in the Civil Service Personnel Manual by deleting the current text and substituting new text therefor (to be applicable to State and Local jurisdictions) concerning examination qualifications and substitution of qualifications.

#### Summary

The present Subpart 8-6.103 briefly describes the substitution of education and experience for entry level professional titles. This is being amended and replaced with new text which permits the substitution of work experience for college education requirements and CSPM 8-6.104 (State and Local) which permits the substitution of College Level Examination Program (CLEP) examination scores for college credit requirements. The substance of the Subpart proposed for repeal is incorporated into the proposed new subparts. The proposed new Subpart 8-6.103 permits the substitution of appropriate work experience for college educational requirements on examinations for most entry-level professional titles.

The proposed new Subpart 8-6.104 permits the substitution of CLEP scores for college level requirements. It replaces CSPM 8-6.103 State which is being amended. It contains the substance of CSPM 8-6.103 (State) but explains the program in more detail.

#### Social Impact

Since the substance of present Subpart 8-6.103 is being incorporated into two proposed subparts, there is no social impact.

New Subpart 8-6.103 will affect everyone who files or wishes to file for a civil service examination for entry level professional titles who does not meet the current college requirements.

New Subpart 8-6.104 will affect everyone who files or wishes to file for a civil service examination who does not meet the current college requirements.

#### **Economic Impact**

Since the substance of Subpart 8-6.103 is being incorporated into two proposed new subparts, there is no economic impact.

New Subpart 8-6.103 will impact on the Department of Civil Service, Division of Examinations application review section in that additional staff time will be required to review applications. This impact will be minimal and not require additional staffing.

Since Subpart 8-6.104 simply explains an existing program in more detail there is no economic impact. However, the CLEP substitution program itself permits individuals to file for civil service professional level examinations without incurring the full costs of a college education.

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

#### **STATE**

[Subpart 8-6.103 Professional Qualification Substitution and Journeyman Level Qualification Program

8-6.103a Subject:

This subpart describes the professional qualification substitution program whereby non-professional career employees and competent persons, through a combination of education and/or requisite experience, may qualify to take open competitive examinations for journeyman level positions and/or promotional examinations for journeyman level positions which normally require a baccalaureate degree and one year of experience.

8-6.103b Eligibility:

Interested persons shall be considered eligible to take open competitive examinations for journeyman level titles and non-professional career employees shall be considered eligible to take open competitive and/or promotional examinations for journeyman level titles if they meet the following requirements:

1. The accumulation of appropriate professional-level experience and/or college credits (30 credits shall equal one year) totaling five years. A score of 425 or higher on the five-part CLEP general examination may be substituted for up to 30 college credits.

2. For those class titles requiring specific course work or major fields of study, an additional requirement shall be the successful completion of that course work. A score of 425 or above in the appropriate CLEP subject examination, if one exists, may be substituted for 3-6 semester hours of the required course work.

3. Non-professional career employees must have permanent status as State employees to be considered eligible to take promotional examinations.

8-6.103c Examination procedure:

1. The Department of Civil Service will announce open competitive and promotional examinations as required.

2. Announcement of open competitive examinations will be made in the regular, monthly Job Opportunities bulletins. The announcement shall include information on eligibility requirements and how prospective applicants may utilize the experience/college substitution procedures outlined above.

3. Three months prior to the Civil Service examination announcement, the operating agencies shall post notices indicating the upcoming journeyman level professional

promotional announcements. These notices shall include information on the eligibility requirements and how employees may use the substitution procedures outlined above. The Division of Equal Employment Opportunity and Affirmative Action will be responsible for informing all personnel officers of employees who have achieved this college level proficiency. Additionally, the Division of Equal Employment Opportunity and Affirmative Action will provide open competitive examination information to such employees as appropriate examinations are announced.

4. Open competitive announcements shall be on a State-wide, or if justified, on a nation-wide basis. Two employment lists will result with the State-wide lists taking precedence over the nation-wide lists.

5. The Department of Civil Service shall receive applications, check for proper status showing salary range and dates of service in class titles at the required salary range.

6. The Department of Civil Service shall hold both open competitive and promotional examinations and shall produce appropriate eligible lists.

8-6.103d Salary administration:

Salary adjustments for non-professional career employees shall be in accordance with procedures established for promotional salary adjustments except that, where an employee is at a higher salary rate than the maximum of the salary range or the highest rate authorized for the class to which he/she is being appointed, he/she shall remain at the current salary rate until future within grade adjustments, range revisions or other adjustments arising out of the salary program will entitle the employee to a rate of pay that is equivalent to the current rate or the next higher rate for the latter classification.]

#### **STATE AND LOCAL**

Subpart 8-6.103 Professional Qualifications Substitution Program

8-6.103a Subject:

This subpart provides for substituting appropriate prior work experience for college educational requirements for entry-level professional titles.

8-6.103b Policy:

It is the policy of the Civil Service Commission to encourage career development and upward mobility for employees and prospective employees. Therefore, experience appropriate to the related profession may be substituted for college educational requirements for designated open competitive or promotional examinations.

8-6.103c Standards:

1. Applicants may be considered eligible to take entry-level professional open competitive and promotional examinations by substituting appropriate work experience for college educational requirements.

2. Appropriate prior work experience shall be substituted on a year for year basis—e.g., five years of appropriate prior work experience may be substituted for a requirement of a B.A. degree and one year of experience.

3. For those class titles which require only specific course work or major fields of study, the successful completion of same shall be required and no substitution of experience for such requirements will be permitted unless the specific course work has been completed.

4. Non-professional career employees must have permanent status and the required time in grade to be considered eligible to take promotional examinations.

**8-6.103d Procedure:**

1. The Department of Civil Service will announce and conduct open competitive and promotional examinations.
2. Announcement of open competitive examinations will be made in the regular monthly "Job Opportunities Bulletin". The Bulletin shall include general information on eligibility requirements and how prospective applicants may utilize the Professional Qualifications Substitution Program outlined above.
3. Appointing authorities shall post, for ready access to employees, information about how employees may utilize the Professional Qualifications Substitution Program as outlined above.

NOTE: See Subpart 8-6.104 for provisions for substituting CLEP (College Level Examination Program) scores for college educational requirements.

**Subpart 8-6.104 College-Level Examination Program (CLEP)**

**8-6.104a Subject:**

This subpart provides for substituting acceptable College Level Examination Program (CLEP) examination scores for college credits requirements.

**8-6.104b Policy:**

It is the policy of the Civil Service Commission to encourage career development and upward mobility for all employees and prospective employees. Therefore, the Commission recognizes acceptable CLEP scores as a substitution for college credits required for open competitive or promotional examinations. Acceptable scores are those consistent with scores accepted for credit by Thomas A. Edison College as published annually in its catalog.

**8-6.104c Standards:**

1. Applicants may be considered eligible to take open competitive and promotional examinations by substituting a combination of education, appropriate work experience and acceptable CLEP scores.
2. Acceptable scores on the CLEP General Examination and Subject Examinations will be considered the same as college undergraduate credits.
3. Acceptable scores on the five-part CLEP General Examination shall be substituted for up to 30 undergraduate college credits.
4. Where specific course work and/or a major field of study are required in the job specification or examination announcement:
  - (a) An acceptable SCORE on an appropriate CLEP Subject Examination may be substituted for college credit hours.
  - (b) An acceptable SUBSCORE on an appropriate subsection of the CLEP General Examination may be substituted for undergraduate college credit hours for the course work requirement.
5. Acceptable scores achieved on any of the CLEP Subject Examinations shall be viewed to correspond to those credits normally earned during the final two years of a four-year college curriculum.
6. Acceptable scaled scores or subscores on the CLEP General Examination shall be viewed to correspond to those credits normally earned during the first two years of a four-year college curriculum.
7. Non-professional career employees must have permanent status and the required time in grade to be considered eligible to take promotional examinations.

**8-6.104d Procedure:**

The CLEP General Examination and Subject Examinations are given at educational testing sites. Information

about testing site locations and application procedures can be obtained from the Educational Testing Service (ETS), Princeton, New Jersey and Thomas A. Edison College in Trenton, New Jersey.

1. The Department of Civil Service will announce and conduct open competitive and promotional examinations.
2. Announcement of open competitive examinations will be made in the regular monthly "Job Opportunities Bulletin." The Bulletin shall include general information on eligibility requirements and how prospective applicants may utilize CLEP as outlined above.
3. Appointing authorities shall post, for ready access to employees, information about how employees may utilize CLEP as outlined above.

NOTE: See Subpart 8-6.103 for provisions for substituting experience for college educational requirements.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Acting Director  
Department of Civil Service  
Division of Administrative  
Practices and Labor Relations  
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 rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-47.

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

Proposed Amendment: CSPM 12-7.101  
(State and Local)  
Certification and Appointment  
Selective Certification

Public Hearing: None

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:10-1 and 11:22-17, proposes to amend Subpart 12-7.101 in the Civil Service Personnel Manual (State and Local) concerning selective certification incorporating qualifications of sex and national origin.

#### Summary

The amended subpart requires the Division of Equal Employment Opportunity and Affirmative Action in conjunction with the Division of Classification and Compensation or the Division of Local Government Services respectively, to review and make recommendations to the Chief Examiner and Secretary regarding requests for selective certification.

Additionally, the amended subpart establishes an appeal process whereby the determination of the Chief Examiner and Secretary may be appealed to the Civil Service Commission.

#### Social Impact

This regulation recognizes that in certain limited instances positions in governmental employment may require an individual of a certain sex which would normally

be considered discriminatory. Safeguards have been built into the process to assure its proper application. It could, for example, impact on prison populations where a correction officer position had been determined to require an employee of a certain sex to safeguard inmates' privacy rights.

#### **Economic Impact**

The economic impact on the Department of Civil Service will be minimal since the mechanisms for reviewing these appeals have been previously established by the Department of Civil Service. However, while the economic impact upon the Division of Equal Opportunity Employment and Affirmative Action and the Division of Administrative Practices and Labor Relations will be minimal, the time frames necessary to review requests for selective certification may increase.

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

#### **State Service**

Subpart 12-7.101 Request from Appointing Authorities Regarding Selective Certification [Based on the] Incorporating Qualifications of Sex or National Origin [of Eligibles]

##### **12-7.101a Subject:**

This subpart [deals with the Civil Service procedures] describes the policy and procedure regarding requests for selective certification based on the sex or national origin of eligibles.

##### **12-7.101b Policy:**

It is the policy of the [Department of Civil Service] Civil Service Commission to announce tests and to certify from eligible lists without regard to the political or religious opinions or affiliations, sex, race, ancestry, [or] national origin, age, marital status, handicap or criminal record of the applicants or eligibles unless the criminal record relates adversely to the employment sought. [Unless a bona fide occupational qualification on the basis of sex or national origin exists as determined by the Chief Examiner and Secretary, all examinations shall be open to members of both sexes and all national origins and certification therefrom shall be without regard to sex or national origin.] Certifications resulting from examinations shall be issued without regard to sex or national origin unless it has been determined that sex or national origin is a bona fide occupational qualification for the job.

##### **12-7.101c Procedure:**

Appointing authorities may request and submit documentary evidence that the [person performing the] duties of the particular position must be limited to one sex or national origin for effective job performance. [the safe and efficient operation of the governmental enterprise.] The[is justification] request and documentation will be evaluated by the Director of the Division of Classification and Compensation [with technical assistance from the Career Development staff] and the Director of the Division of Equal Employment Opportunity/Affirmative Action. A recommendation will be made by the Director of the Division of Classification and Compensation and the Director of the Division of Equal Employment Opportunity/Affirmative Action to the Chief Examiner and Secretary who will make a determination. (See Subpart 6-3.103 Determination of Bona Fide Occupational Qualifications.) The appointing authority and the Director of Examinations will be advised of this determination. Copies of the determination will be forwarded to the Civil Service Commission for [recording] informational purposes.

In anticipation of future vacancies, the appointing authority may supply the Director of Classification and Compensation with a list containing the position title, the position number and supportive documentation of Bona Fide Occupational Qualification (BFOQ). In the event there are two or more vacancies for identical titles that have identical functions, the same documentation may suffice for all, but each position must be identified.

For positions which have already been granted BFOQs, [it is required that] a copy of the letter [from the Director of Classification and Compensation.] granting such action, along with the position number, must be forwarded to the Director of the Division of Examinations. [This is necessary to establish precise files which will afford complete protection under Equal Employment Opportunity Commission Guidelines.] Based on this determination, the Director of Examinations will take appropriate certification actions.

##### **12-7.101d Appeal:**

Appeals from the determination of the Chief Examiner and Secretary may be made to the Civil Service Commission. Such appeals must be submitted within 20 calendar days of notice of the Chief Examiner and Secretary's determination.

The burden of proof that the certification must be limited to one sex or national origin for effective performance lies with the appointing authority.

#### **Local Jurisdictions**

Subpart 12-7.101 Request from Appointing Authorities Regarding Selective Certification [Based on the] Incorporating Qualifications of Sex or National Origin [of Eligibles]

##### **12-7.101a Subject:**

This subpart [deals with the Civil Service procedures] describes the policy and procedure regarding requests for selective certification based on the sex or national origin of eligibles.

##### **12-7.101b Policy:**

It is the policy of the [Department of Civil Service] Civil Service Commission to announce tests and to certify from eligible lists without regard to the political or religious opinions or affiliations, sex, race, ancestry, [or] national origin, age, marital status, handicap or criminal record of the applicants or eligibles unless the criminal record relates adversely to the employment sought. [Unless a bona fide occupational qualification on the basis of sex or national origin exists as determined by the Chief Examiner and Secretary, all examinations shall be open to members of both sexes and all national origins and certification therefrom shall be without regard to sex or national origin.] Certifications resulting from examinations shall be issued without regard to sex or national origin unless it has been determined that sex or national origin is a bona fide occupational qualification for the job.

##### **12-7.101c Procedure:**

Appointing authorities may request and submit documentary evidence that the [person performing the] duties of the particular position must be limited to one sex or national origin for effective job performance. [the safe and efficient operation of the governmental enterprise.] The[is justification] request and documentation will be evaluated by the Director of the Division of Local Government Services [with technical assistance from the Career Development staff] and the Director of the Division of Equal Employment Opportunity/Affirmative Action. A

recommendation will be made by the Director of the Division of Local Government Services and the Director of the Division of Equal Employment Opportunity/Affirmative Action to the Chief Examiner and Secretary who will make a determination. (See Subpart 6-3.103 Determination of Bona Fide Occupational Qualifications.) The appointing authority and the Director of Examinations will be advised of this determination. Copies of the determination will be forwarded to the Civil Service Commission for [recording] informational purposes.

In anticipation of future vacancies, the appointing authority may supply the Director of Local Government Services with a list containing the position title and supportive documentation of Bona Fide Occupational Qualification (BFOQ). In the event there are two or more vacancies for identical titles that have identical functions, the same documentation may suffice for all, but each position must be identified.

For titles which have already been granted BFOQs, a copy of the letter granting such action must be forwarded to the Director of Local Government Services. Based on this determination, the Director of Local Government Services will take appropriate certification actions.

#### 12-7.101d Appeal:

Appeals from the determination of the Chief Examiner and Secretary may be made to the Civil Service Commission. Such appeals must be submitted within 20 calendar days of notice of the Chief Examiner and Secretary's determination.

The burden of proof that the certification must be limited to one sex or national origin for effective performance lies with the appointing authority.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Acting Director  
Department of Civil Service  
Division of Administrative  
Practices and Labor Relations  
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 rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-44.

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

**Adopted Amendment: CSPM Subpart 13-8.101  
(State and Local)**

**Restoration to Employment List**

**Effective Date: June 4, 1981**

On April 24, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to Subpart 13-8.101 (State and Local) in the Civil Service Personnel Manual concerning restoration to an employment list as proposed

in the Notice published March 5, 1981 at 13 N.J.R. 118(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on April 29, 1981 as R.1981 d.143.

(b)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

**Adopted Amendment: CSPM Subpart 14-1.101  
(State and Local)**

**Return of Probationary and Provisional  
Employees to Permanent Titles**

**Effective Date: June 4, 1981**

On April 24, 1981, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to Subpart 14-1.101 (State and Local) in the Civil Service Personnel Manual concerning the return of probationary and provisionally appointed employees to their permanent titles as proposed in the Notice published March 5, 1981 at 13 N.J.R. 118(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on April 29, 1981 as R.1981 d.142.

(c)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

**Proposed New Rule:**

**CSPM 21-2.104, 21-2.105 (State)  
Sexual Harassment and Discrimination**

**Public Hearing: None**

The Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1, 11:5-2 and 11:17-1, proposes new rules to be cited as Subparts 21-2.104 and 105 in the Civil Service Personnel Manual (State) concerning sexual harassment and the discrimination appeal process.

#### Summary

Proposed Subpart 21-2.104 reflects the standards established in the federal guidelines on sexual harassment. It defines sexual harassment and describes the procedures to file complaints of sexual harassment.

Subpart 21-2.105 is proposed to conform to the Federal Equal Opportunity and Affirmative Action Guidelines on discrimination.

#### Social Impact

Regarding Subpart 21-2.104, the concept of sexual harassment will be brought into the open. Management and employees will be more attuned to incidents of sexual harassment. Mechanisms prohibiting sexual harassment in the workplace should be established and closely adhered to. This subpart should increase morale since employees subjected to sexual harassment now have an avenue of appeal for such incidents.

The proposed new Subpart 21-2.105 provides the mechanisms to review discrimination complaints based on age, sex, marital status, handicap, race, ancestry, national origin, political or religious opinions or affiliations or

criminal record, unless the criminal record relates adversely to the employment sought.

#### **Economic Impact**

Proposed Subpart 21-2.104 will have minimal economic impact on each State Department in that they will be required to notify and train their employees of this matter and implement an appeal procedure.

Proposed Subpart 21-2.105 will impact on the Department of Civil Service, Division of Equal Employment Opportunity and Affirmative Action and the Division of Administrative Practices and Labor Relations in that more time will be required to review and process discrimination complaints since this subpart has expanded the criteria for appeals of this nature.

Full text of the proposed new rule follows.

#### **Subpart 21-2.104 Prohibition of Sexual Harassment in State Government**

##### **21-2.104a Subject:**

This subpart defines sexual harassment and describes the regulations and procedures to be used in issuing appointing authority policies and for filing complaints of sexual harassment.

##### **21-2.104b Policy:**

State employees have a primary responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the State's business. Any employee conduct which violates these standards cannot be condoned.

Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment which is free from sexual overtures. Sexual harassment debilitates morale and interferes with the work productivity of its victims and co-workers.

Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to job performance, the taking or refusal to take a personnel action, including promotion of employees who submit to sexual advances, or refusal to promote employees who resist or protest sexual overtures.

Specifically, sexual harassment is deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which is unwelcome.

A supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or effect the career, salary, or job of an employee is engaging in sexual harassment. Any employee in the workplace who participates in deliberate or repeated unsolicited verbal comment(s), gesture(s), or physical contact of a sexual nature which is unwelcome is also engaging in sexual harassment. Similarly a non-employee who behaves in this manner toward a State employee in the process of conducting business with the State is engaging in sexual harassment.

It is the policy of the Civil Service Commission that sexual harassment is unacceptable conduct and will not be condoned. Personnel management within State service shall be implemented free from prohibited personnel practices and consistent with merit system principles. All employees shall avoid conduct which undermines these merit principles. At the same time, it is not the intent of the Commission to regulate the social interactions or relationships freely entered into by State employees.

##### **21-2.104c Authority:**

In accordance with Executive Order No. 61, all departments in the Executive branch and all appointees of the

Governor in the Executive branch and their staff are to comply with State and Federal laws against discrimination. Harassment on the basis of sex is a violation of Title VII of the Civil Rights Act of 1964, as amended, and the New Jersey Law Against Discrimination.

##### **21-2.104d Definitions:**

Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, regardless of where such conduct or action is initiated, constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

##### **21-2.104e Standards:**

The head of each State department, as an employer, is responsible for:

1. Its acts and the acts of its agents and supervisory employees with respect to sexual harassment, regardless of: 1) whether the specific acts complained of were authorized or even forbidden by the employer; 2) whether the employer knew or should have known of the occurrence; and where such conduct or action is initiated.
2. Acts of sexual harassment between employees in the workplace where the employer or his/her agents or supervisors knew or should have known of the conduct, unless it can be shown that immediate and appropriate corrective action was taken.
3. Acts of sexual harassment of employees by non-employees which occur in the workplace, where the employer knew or should have known of the conduct and failed to take immediate or corrective action.

##### **21-2.104f Procedure:**

Each State agency or department head shall:

1. Issue and post the policy statement found in CSPM 21-1.104b;
2. Identify sanctions (consistent with Civil Service law, rules and regulations) which will be imposed;
3. Advise employees of their right to file complaints and the procedure for same;
4. Identify specific steps which will be taken to ensure a work environment which is free of sexual intimidation;
5. Develop and institute methods to sensitize all concerned to the issues of sexual harassment via training sessions and/or training information packages for all supervisory personnel. Training and information packages are to be designed to make supervisory personnel aware of what is objectionable behavior. Sensitivity training and information should provide instructions concerning objectionable behavior such as language use, attitude, and stereotyping;
6. Amend departmental/agency affirmative action plans to include the State government policy and this regulation. Include in the affirmative action plan specific steps which will be taken to ensure a work environment which is free of sexual intimidation;
7. Make sure that all employees are aware of the department's/agency's policy on sexual harassment; and
8. Take immediate and appropriate corrective actions both for the employee who has been determined to have been sexually harassed and against the employee, agent, or supervisor who has sexually harassed an employee.

#### 21-2.104g Complaints of Sexual Harassment:

Complaints of sexual harassment will be reviewed according to the discrimination complaint process outlined in Subpart CSPM 21-2.105.

Persons wishing to file complaints of sexual harassment also may have the right to file such complaints with the Division of Civil Rights or the U.S. Equal Employment Opportunity Commission and shall be advised that the Division of Civil Rights and the Equal Employment Opportunity Commission (EEOC) also have jurisdiction over discrimination complaints.

It is recognized that the question of whether a particular action or incident establishes a purely personal, social relationship without a discriminatory effect requires a factual determination. Determinations of sexual harassment require a review of the facts. The record as a whole and the totality of the circumstances must be reviewed, emphasizing the nature of the sexual advances and the context in which incidents occurred.

#### Subpart 21-2.105 Discrimination Appeals

##### 21-2.105a Subject:

This subpart describes the discrimination appeal process.

##### 21-2.105b Definition:

The discrimination appeal system encompasses all complaints concerning the differentiation (different treatment or having the effect of different treatment) among or between employees or applicants on the basis of age, sex, marital status, handicap, race, ancestry, national origin, political or religious opinions or affiliations, or criminal record, unless the criminal record relates adversely to the employment sought. Both classified and unclassified employees can bring discrimination complaints.

##### 21-2.105c Burden of Proof:

The burden of proof in a discrimination appeal is on the appellant.

##### 21-2.105d Required Information:

Appeals must include the name of the appellant and detailed information concerning the alleged discriminatory action.

##### 21-2.105e First Level of Appeal of Discrimination Complaint

1. Claims of discrimination which arise in the following situations, but not limited to only these situations, shall be directed to the Division of Equal Employment Opportunity and Affirmative Action (EEO/AA):

- a) Work assignment locations;
- b) Supervisor/subordinate relations;
- c) Assignment of duties to a position;
- d) Unsatisfactory performance of an employee;
- e) Work environment issues;
- f) Interviewing process;
- g) Provisional appointments.

Such complaints must be filed within 20 calendar days of the alleged discriminatory act. These complaints shall be sent to the Division of Equal Employment Opportunity and Affirmative Action, Department of Civil Service, CN 310, Trenton, New Jersey 08625. The Division will refer these matters for attempted conciliation to the affirmative action officer of the appointing authority against whom the discrimination complaint has been made. Appellants shall be advised that the Division on Civil Rights and the Equal Employment Opportunity Commission (EEOC) also have jurisdiction over discrimination complaints.

The affirmative action officer shall investigate the complaint and report his/her findings to the appointing authority. The appointing authority shall issue a determination within 45 days of receipt of the complaint. The appointing authority may have an additional 15 days in which to respond, provided that the employee so agrees, and the Division of EEO/AA is notified. The department head's determination shall include findings of fact and conclusions, and information regarding the right of appeal to the Division of EEO/AA within 20 calendar days of receipt of the determination. A copy of the appointing authority's written determination shall be sent to the Division of EEO/AA. Upon appeal to the Division of EEO/AA, a de novo review shall be made. A decision letter, which shall include findings of fact, conclusions, and information regarding the right of appeal to the Civil Service Commission, shall be issued.

2. Claims of discrimination which arise in the following situations will be reviewed in the regular course of disciplinary or non-disciplinary hearings or written record reviews and shall not be directly appealed to the Division of Equal Employment Opportunity and Affirmative Action:

- a) Removal from service;
- b) Suspensions, fines or demotions (of more than three times in any one year, more than five days in any one time, or for an aggregate period of 15 days in one calendar year);
- c) Demotions and layoffs;
- d) Removal at the end of or during the working test period;
- e) Classification review;
- f) Examinations and appointments.

The Civil Service Commission, the Chief Examiner and Secretary, the Director, Division of Examinations and the Director, Division of Classification and Compensation shall refer appeals not involving hearings and which raise discrimination complaints to the Division of EEO/AA for review. Where appropriate, a joint decision letter shall be issued.

##### 21-2.105f Second Level of Appeal of Discrimination Complaints:

Appellants have a right to appeal to the Civil Service Commission from the decision of the Director, Division of Equal Employment Opportunity and Affirmative Action within 20 calendar days of receipt of that determination. Appeals should be addressed to the Director, Division of Administrative Practices and Labor Relations, CN 310, Trenton, New Jersey 08625. On appeal to the Commission, only those issues and related proofs or arguments presented to the Director of the Division of EEO/AA will be considered.

An appeal to the Commission must include all information as previously specified. Upon receipt of such an appeal, the Director, Division of Administrative Practices and Labor Relations will compile all necessary information from the Department of Civil Service and the parties.

When all the necessary information is compiled, the appeal will be presented to the Commission for its final administrative determination.

##### 21-2.105g Review of Written Record:

Appeals to the Civil Service Commission from the determination of the Director, Division of EEO/AA will be treated as a review of the written record. No hearing will be granted except in those limited instances where the Commission determines, following its review of the written record, that a significant dispute of material fact exists which can only be resolved through a hearing.

#### 21-2.105h Service on Other Parties:

If there is more than one party to an appeal from a determination of the Director, Division of EEO/AA, each party must serve copies of all materials submitted on all other parties.

#### 21-2.105i Appeal from a Decision of the Civil Service Commission:

A decision of the Civil Service Commission is a final administrative determination. As such, any further appeal should be directed to the Appellate Division of the Superior Court.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Acting Director  
Department of Civil Service  
Division of Administrative  
Practices and Labor Relations  
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 rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-46.

### (a)

## CIVIL SERVICE

### STATE EMPLOYEES AWARD COMMITTEE

**Proposed New Rule: CSPM 22-1.107 (State)**  
**Proposed Amendments: CSPM 22-1.101—106 (State)**

**Awards Program**

**Public Hearing: None**

The State Employees' Awards Committee in the Department of Civil Service, pursuant to authority of N.J.S.A. 11:2c-6 and 11-2c-8, proposes to adopt a new rule to be cited as Subpart 22-1.107 (State) and to amend Subparts 22-1.101 through 106 (State) in the Civil Service Personnel Manual concerning awards programs.

#### Summary

The proposed amendment to Subpart 22-1.101 adds a retirement recognition awards program. The list of State agencies covered by the awards program has been alphabetized with the Office of Fiscal Affairs being deleted and the Office of Legislative Services being added.

The proposed amendment to Subpart 22-1.102 reflects minor changes in wording and the organization of the departmental awards committee. No substantive changes are proposed.

Amended Subpart 22-1.103 raises the amount a regular employee may be awarded from \$5,000 to \$10,000. This amendment also limits the cash award entitlement to certain employees, primarily managerial, for suggestions. At these high levels, it is generally the responsibility of such employees to suggest and implement new ideas. The remaining changes are primarily technical.

The amendment to Subpart 22-1.104 specifies that the New Jersey State Employees' Awards Committee may award medals for heroism as well as other types of awards.

The amendment to Subpart 22-1.105 specifies that the New Jersey State Employees' Awards Committee may award medals for professional accomplishment as well as other types of awards.

Present Subpart 22-1.106 lists the different types of awards which are given based on an employee's corresponding years of State service. The proposed amendment eliminates this established criteria of type of award given based on years of service and establishes in the Awards Committee the authority to determine the type of award to be presented in each individual case.

The proposed new Subpart, CSPM 22-1.107, can be presently found in CSPM 22-1.106. The proposed subpart has been taken out of 22-1.106 and has been assigned its own number, 22-1.107. The substance of the Retirement Recognition Program, however, remains unchanged, except for the elimination of established awards for specifically designated years of service.

#### Social Impact

The amendment to Subpart 22-1.101 will provide recognition awards to State employees upon retirement.

Regarding Subpart 22-1.102, no social impact is expected by the Committee.

The increased economic incentive provided by amended Subpart 22-1.103 should generate new interest and competition among State employees to submit suggestions.

Amended Subparts 22-1.104 and 105 will allow a medal to be worn by the individual thereby personalizing the award, giving it greater impact and public visibility.

The proposed amendment to Subpart 22-1.106 impacts on all State employees who complete at least five years of State service. The amendment eliminates the automatic gift a State employee may expect to receive and leaves the type of gift the Awards Committee will present to the discretion of the Committee.

Identifying the Retirement Recognition Program with its own Subpart, 22-1.107, and number, facilitates identification and clarity in the administration of the program. Retiring employees will be affected in that they will no longer be automatically entitled to a certain award based on a specific number of years completed in State service.

#### Economic Impact

There will be no economic impact from the amendment to Subpart 22-1.101 since the various State departments currently have a retirement recognition award consisting of a small gift.

According to the Committee the amendment to Subpart 22-1.102 will have no economic impact.

The increase in the maximum of an award proposed by amended Subpart 22-1.103 should result in more suggestions resulting in even greater savings to the State and therefore to the taxpayer. The limit on the size of cash awards for high level employees should also result in a savings.

According to the Committee there is no economic impact from amended Subparts 22-1.104 and 105. The addition of medals will not increase the cost of awards. The medals are simply an alternative form of award.

The proposed amendment to Subpart 22-1.106 has a beneficial economic impact on the administration of the awards program and the New Jersey taxpayer by eliminating the automatic awards of costly jewelry and precious stones.

Elimination of an established list of retirement awards proposed by Subpart 22-1.107 provides substantial savings to the State in that the type of gift presented upon retirement will be within the discretion of the Awards Committee which can more appropriately determine the degree of reward based on meritorious service.

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

Subpart 22-1.101 Awards Programs Established

22-1.101a Purpose:

The purpose of the Awards Program is to promote efficiency and economy in State government by rewarding individual employees for meritorious performance and suggestions which improve State government operations. To accomplish this purpose the following awards are hereby established:

- Awards for Suggestions
- Awards for Heroism
- Awards for Professional Accomplishment
- Awards for Service
- Retirement Recognition Awards**

22-1.101b (No change.)

22-1.101c Location and Scope of Program:

The Awards Program is established in the Department of Civil Service and applies to the employees and the improvement of the operations of the:

- Office of the Governor
- Department of Agriculture
- Department of Banking
- Department of Corrections
- Department of Civil Service
- Department of Community Affairs
- Department of Defense
- Department of Education
- Department of Energy
- Department of Environmental Protection
- Department of Health
- Department of Higher Education
- Department of Human Services
- Department of Insurance
- The Judiciary
- Department of Labor and Industry
- Department of Law and Public Safety
- [Office of Fiscal Affairs]
- Department of the Public Advocate
- Department of State
- Department of Transportation
- Department of the Treasury
- Office of Legislative Services**
- Public Broadcasting Authority

Subpart 22-1.102 Administration and Organization of the Awards Program

22-1.102a (No change.)

22-1.102b New Jersey State Employees' Awards Committee:

1. - 3. (No change.)

4. The Committee is responsible for the formulation of awards programs and for the supervision and direction of departmental level committees. It has the authority to adopt and promulgate rules and regulations for the conduct and operation of Awards Programs under the supervision and direction of the President. The Committee shall submit monthly reports to the President concerning operations of the Awards Program which shall include data on the [number of suggestions approved and disapproved,] **activity level, processing timeframes and the amount of [savings] benefits to the State resulting from these [suggestions.] programs.** This data will also be furnished to each department head. **The Committee shall submit an annual report, through the department's chief executive officer.** The Committee shall submit an annual report, through the President, to the Governor concerning the

operations of the Awards Program and the results obtained from each department.

5. The administrative work of the Committee shall be performed by an Executive Secretary (hereinafter "Secretary") and other necessary staff assigned by the President. It shall be the duty of the Secretary to attend the regular and special meetings of the Committee, act as its secretary, record its official actions and maintain minutes of its official proceedings. [The minutes shall include a record of suggesters and their representatives present at the meeting and a transcript of their comments concerning any suggestions.] **The Secretary shall establish and maintain necessary records; implement the decisions of the Committee; establish and maintain an adequate employee and public relations program; investigate and make recommendations concerning the effect of the Awards Program and report the findings to the Chairperson; and shall perform such other related work as may be required.**

6. The Committee shall be responsible for reviewing [suggestions and] the evaluations from departmental committees where the recommendation is for approval and [determining] **shall determine whether or not a suggestion will be approved and the award which will be granted.** For those [suggestions] **awards involving [an award of] \$100 or less of value,** the [Executive] Secretary of the Committee may authorize the award.

7. The [Executive] Secretary shall make the initial review of all [suggestions where the recommendation from the departmental committee is for disapproval and shall,] **proposed award recommendations from the departmental committees. When the recommendation from the departmental committees are for disapproval the Secretary shall, from the evidence presented, determine if the disapproval shall be upheld.**

8. Appeals from determinations made by the [Executive] Secretary to uphold or reverse a departmental committee recommendation [concerning a suggestion] shall be reviewed by the Committee and a final determination will be made by them.

9. It shall be the responsibility of the Committee to make changes in these regulations as may be required. Departmental committees are encouraged to make recommendations for changes which will improve the [Program.] **programs.**

10. (No change.)

22-1.102c Departmental Awards Committees:

1. - 2. (No change.)

3. **Each department's chief executive officer will appoint as departmental committee members, program analysts or, in those departments which do not have analysts, employees who are responsible for evaluation and analysis of the agency's programs.**

4. **The chairperson of the departmental Committee will be an individual who reports directly to the chief executive officer.**

Renumber 3. - 6. as 5. - 8.

[7. Departmental committees may request that notable problems in connection with the activities of their organization be published in order to seek employee advice in the form of suggestions for solution of the problems. The Committee, if it is determined to be in the best interests of the State, will cause these "problems" to be circularized in suitable publications.]

Subpart 22-1.103 Awards for Suggestions

22-1.103a (No change.)

#### 22-1.103b Definition of a Suggestion:

A suggestion is a written proposal which will produce notable economy or improvement in an operation of State government or one which will improve service to the public, employee safety, public safety or employee welfare. It must be original, or propose a new application of an old idea. There must be a causal relationship between the suggestion and the implementation of the improvement. (If an organization maintains that there is no causal relationship between the suggestion and implementation, it is incumbent on the organization involved in the evaluation to substantiate the absence of a relationship.) A suggestion shall include:

1. (No change.)
2. A specific statement of **what** is suggested and **how** it can be accomplished. Sketches, charts, samples and additional data may be attached or included with the suggestion.
3. - 4. (No change.)

#### 22-1.103[f]c Eligibility:

Most employees are eligible to participate in the program and nearly all suggestions which improve State government operations can be considered for an award except:

1. - 8. (No change.)
9. No award shall be paid to an employee for any suggestion to transfer programs or activities from one level of government to another unless the transfer of the program or activity effectuates a savings [or] and improvement of services, in which case the award would be based only on the saving or value of the improvement in having one level of government, as opposed to another, perform the program or activity.
10. - 12. (No change.)

NOTE: The above does not necessarily represent an exclusive or complete list concerning eligible employees or eligible suggestions.

#### 22-1.103[c]d Procedure for Submitting Suggestions:

1. Option No. 1 suggestions require completion of a Suggestion Form CS-73 (or plain paper with same content) which is sent directly to the New Jersey State Employees' Awards Program for processing and evaluation. Within 5 days of [Upon] receipt, the suggestion is acknowledged and within 60 days of receipt [-]; if the departmental evaluation and recommendation is received and the [State] Committee has acted upon it, [-] the suggester is advised of the results.

2. Option No. 2 suggestions involve ideas relating to the suggester's own area of work where the suggester elects to "stay with" the suggestion almost all the way through the process. As in Option No. 1, a Suggestion Form is completed and a copy is submitted to the New Jersey State Employees' Awards Program to insure that the suggestion is recorded as the property of the suggester. The suggester then contacts the departmental awards committee chairperson for arrangements to work directly with departmental supervisors and the committee on development and refinement of the suggestion. Upon completion, the departmental committee makes its recommendation to the [State] Committee for their determination. The suggester is advised of the results within 30 days of submission of the recommendation to the [State] Committee.

#### 22-1.103e Processing of Suggestions:

1. - 4. (No change.)
5. Following investigation, the departmental committee shall meet and, by majority vote, recommend approval

or disapproval of a suggestion on [a prescribed form.] Form CS-75.

6. Under ordinary circumstances, departmental committees will return suggestions with their recommendations and all supportive evidence and documentation and, for those which are approved, the [department head's] chief executive officer's endorsement and implementation date as well as an eligibility certification (if the suggester is from the department making the recommendation to approve the suggestion) within 45 days after receipt from the program staff. Upon receipt, the Secretary will ensure that approved suggestions are on the agenda of the next [State] Committee meeting. NOTE: If the suggester is not an employee of the organization making the recommendation to approve the suggestion, a copy of the suggestion and an eligibility certification will be submitted to the suggester's department for this determination.

7. If the recommended award is for [\$500] \$750 or more, the full report will be forwarded to the Director of the Division of Budget and Accounting for review and recommendation before final action by the Committee. If, however, the recommendation is not received within 20 calendar days from the Budget Bureau, the Committee will process the suggestion.

8. (No change.)
9. Suggesters will [ordinarily] be notified of whether or not their Option No. 1 suggestion is approved within 60 days of the submission date unless there are complications, such as the need for a trial period or unavoidable delays in implementation or evaluation. In these cases, however, the suggester, upon request, will be given a periodic status report on the progress of the suggestion. Extensions of processing time to departmental committees will be granted by the Secretary only for valid reasons.

10. Any Option No. 1 suggestion, for which an extension has not been granted, which is not processed within the stated timeframes by the departmental committee will be identified and a "delinquent notice" will be forwarded to the departmental committee chairperson. If this notice is ignored, the Executive Secretary will refer the matter to the [department head] department's chief executive officer with a request that the [suggestion] matter be resolved.

11. (No change.)
12. Awards approved by the Committee will be processed for payment by the [Executive] Secretary.
13. - 14. (No change.)

15. Option No. 2 suggestions, which must ordinarily concern only the general area of work to which the suggester is regularly assigned, are those where the suggester elects to work directly with the departmental committee and supervisory staff of his/her agency. A copy of the suggestion is sent to the New Jersey State Employees' Awards Program to protect the employee's rights, and the employee then participates directly in the development and refinement of the suggestion. When completed, the departmental committee submits to the State Employees' Awards Committee a copy of the suggestion, their recommendation and evaluation, and, in the cases where adoption of the suggestion is recommended, the endorsement of the [department head's] chief executive officer and an eligibility certification. All other pertinent provisions of the regulations apply equally to these suggestions.

16. Suggestions (Option No. 1 or No. 2) which are disapproved by the departmental committee may, for cause, be referred back for reconsideration and in the event of an impasse, referred directly to the [department head] chief executive officer by the Committee. If

referred to the [department head] **chief executive officer**, the Committee will include justification as to why the suggestion should be reconsidered.

22-1.103[g]f Records Maintained by the State Committee:  
1. - 3. (No change.)

22-1.103[h]g Records Maintained by Departmental Committees:

1. - 4. (No change.)

22-1.103[j]h Appeals Procedure:

1. - 3. (No change.)

4. In reviewing appealed rejections, the [State] Committee will notify suggesters of the time and place of the meeting and afford them an opportunity to appear in person.

5. (No change.)

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

Renumber 6. - 7. as 7. - 8.

[8]9. An appeal involving a question of interpretation of program regulations or a ruling in special cases may, at the discretion of the Secretary, be referred directly to the [State] Committee without referral to the departmental committee.

[9]10. The [State] Committee shall render a final administrative determination[.]; any further appeal should be pursued in a judicial forum.

[10]11. The [State] Committee may order a hearing concerning a suggestion where the suggestion raises disputed material, factual issues unsolved by the usual suggestion review procedures. The hearing may be presided over by a hearing officer or the Committee [itself].

[11]12. The State Committee will reopen a decision if new evidence and/or new argument is presented which, if accepted, would change the outcome. Before reopening is considered, the [proponent] suggester must satisfy the Committee that it was impossible to present these matters during the original appeal.

[12]13. (No change in text.)

22-1.103[k]i Evaluation of Intangible Benefits of a Suggestion:

Where the value of a suggestion cannot be measured entirely or precisely in actual dollar savings, the following guide will be used to set a full or complementary dollar amount. Cognizance will be taken of cost of implementation with relation to values derived, especially where there is little or no savings.

1. - 5. (No change.)

Awards for suggestions with an intangible value may exceed the guide shown above in exceptional situations providing sufficient justification is supplied. [Ordinarily, however, the amount calculated should be between \$25 - \$100. Where more than \$100 is recommended the departmental report must justify the exception, providing sufficient information for the Committee to support the action.] (It is possible that an intangible award would be of such import that would warrant an award of up to the maximum award limit.)

[Form CS-75 will be used for intangible evaluations.]

22-1.103[d]j Awards:

The following regulations will apply to awards for those employees in salary range A-29 and below at the time of submission.

1. (No change.)

3. - 4. (No change.)

5. In those cases where the program award limit changes between the time the suggestion is received and the payment date, the [program rules] limit in effect [on

the actual implementation date will be used in determining the award amount.] At time of submission will govern the award.

6. (No change.)

7. Awards for those employees in salary ranges A30 and above at the time of submission will adhere to the following regulations.

i. For those suggestions involving first year savings to the State of \$10,000 to \$100,000, the award will be \$500.

ii. For those suggestions involving first year savings to the State of over \$100,000, the award will be \$1,000.

NOTE: For those employees at range A30 and above at the time of submission, there will be no cash award for suggestions covering savings of less than \$10,000 for the first year of implementation. In those cases, the Committee may authorize some other form of recognition.

8. The following regulations apply to employees in all salary ranges.

[7.]i. A suggester shall receive the full amount of the award, after deductions for taxes, when the suggestion is implemented. Where implementation is not complete but specific steps have been taken, a token, partial, or full award may be paid at the Committee's discretion. It shall be the responsibility of the departmental committee to inform the Secretary when a suggestion has been placed into operation. Where there is a question regarding date of implementation, the Committee shall make the final determination.

[8.]ii. A cash or other award shall be in addition to the regular compensation of the recipient[, and]. [the] The acceptance of such award shall constitute an agreement that the use of the suggestion by the State [of New Jersey of the suggestion for which the award is made] or any other public jurisdiction with which New Jersey has a reciprocal relationship shall not form the basis of a further claim of any nature upon the State of New Jersey by the employee, heirs, or assigns.)

[9.]iii. (No change in text.)

[10.]iv. (No change in text.)

[11.]v. Special awards consisting of plaques will be presented to suggesters whose accumulated awards total [\$5,000] \$10,000 or result in savings to the State of [\$50,000] \$100,000. In addition, they become members of an Advisory Board to the Committee. The Advisory Board will be called upon to comment and make recommendations on policy and program promotion.

[12.]vi. State "Suggester of the Year" will be selected by the Committee from among the [previous calendar years'] successful submissions of the previous calendar year and will be suitably recognized as determined by the Committee. The selection from nominations submitted by the Secretary will be based on:

—importance of the suggestion on a State and National level.

—savings and/or other benefits.

—public relations aspects and compatibility of the selection with the character and goals of the program.

[13.]vii. Departmental "Suggester of the Year" may be nominated by each department, office, commission, branch, or authority listed in these regulations. The nomination of one individual from each participating agency will be made by the departmental committee with confirmation of the [department head to the Secretary.] chief executive officer. The nomination must be approved by the Committee which will designate a uniform award and arrange for its procurement and presentation. Standards in selecting the nomination will be:

—the suggestion(s) must have been from the previous calendar year.

—importance or value of the suggestion to the department.

—the suggester must be an employee of the department as of the date nominated.

**22-1.103[i]k Procedure for Making Awards:**

1. After approval by the Committee or [Executive] Secretary, a check will be authorized by the State Treasurer and Budget Director to be drawn upon the [proper State appropriation] fund appropriated to the Departments of Civil Service for the payment of awards and prepared to the order of the suggester for the [gross] net amount of the award.

2. - 4. (No change.)

**Subpart 22-1.104 Awards for Heroism**

22-1.104a (No change.)

22-1.104b (No change.)

**22-1.104c Procedure for Processing**

1. - 2. (No change.)

3. The Committee shall consider the nomination and the departmental committee's recommendation and decide by majority vote whether or not an award should be made and the type of award. When an award is not authorized[,] by the Committee it shall be the responsibility of the Secretary to advise the nominator in writing, of the action of the Committee.

**22-1.104d Awards:**

1. Awards for heroism shall be letters of commendation, certificates, citations, plaques, medals or such other awards as the Committee may from time to time determine.

2. (No change.)

3. Presentation ceremonies shall be arranged by the [Executive] Secretary.

**Subpart 22-1.105 Awards for Professional Accomplishment**

**22-1.105a Program:**

Awards for professional accomplishment may be made to an employee in recognition of meritorious or distinguished accomplishments. The accomplishments need not fall entirely within the scope of normal duties, but shall be in the nature of a major contribution in a [definite] specific field, vocation, or profession, or personal outstanding act as conduct reflecting credit on the individual and the State service.

**22-1.105b Eligibility:**

Any State employee or group of State employees are eligible for this award if one or more of the following conditions are met:

1. Through [fruitful] study and investigation have initiated and successfully established new and outstanding methods, practices, plans or designs having fundamental values. (Such as—pioneering or research and development work in administration, engineering, law, medicine, natural resources, the social sciences, etc.)

2. - 4. (No change.)

**22-1.105c Procedure for Processing:**

1. (No change.)

2. The departmental committee shall make a thorough investigation of the nomination. Following investigation, the departmental committee shall meet and by majority vote, recommend approval or disapproval. If the recommendation is for disapproval, the original nomination shall be forwarded to the Secretary with an explanation of the reasons for disapproval, with supporting documents. If the recommendation is for approval, the original nomination

with recommendations and supporting documents shall be forwarded to the [department head] chief executive officer for his/her information. Then the original nomination with recommendations and supporting documents shall be forwarded to the Secretary for action by the Committee.

3. (No change.)

**22-1.105d Awards:**

1. Awards for professional accomplishment shall be letters of commendation, certificates, citations, plaques, medals or such other awards as the Committee may from time to time determine.

2. (No change.)

3. Presentation ceremonies shall be arranged by the [Executive] Secretary.

**Subpart 22-1.106 Awards for Service**

**22-1.106a [Longevity of Service:] Program:**

[1.] Awards for service shall be given to all employees who have completed the required number of years of employment with the State of New Jersey.

**22-1.106b Eligibility:**

[2.] 1. Service shall include employment in the classified or unclassified service in either a regular, provisional or temporary capacity.

[3.] 2. In determining years of employment the same basis will be used as is used for computing annual vacation leave (N.J.A.C. 4:1-17.10). Any dispute or question regarding eligible service shall be referred to the Committee for resolution.

[4. The awards shall be emblems and jewelry of uniform design which is approved by the Committee as follows:

Years of Service	Awards (plus certificate)
5 Year Award	Emblem only
10 Year Award	Jewelry with one ruby
15 Year Award	Jewelry with two rubies
20 Year Award	Jewelry with three rubies
25 Year Award	Jewelry with one 3-point diamond, two rubies
30 Year Award	Jewelry with one 3-point diamond, two blue sapphires
35 Year Award	Jewelry with one 6-point diamond, two emeralds
40 Year Award	Jewelry with two 6-point diamonds, one emerald
45 Year Award	Jewelry with three 6-point diamonds
50 Year Award	Jewelry with one 12-point diamond, two 6-point diamonds]

**[22-1.106b Retiring Employees:]**

[1. Awards for retiring State employees shall be given at the time of retirement, exclusive of vested retirement, to all those who have retired with pension from the State.]

[2. Service shall include employment in the classified or unclassified service in either a regular or temporary capacity. Any dispute or question regarding eligibility shall be referred to the Committee for resolution.]

[3. The awards shall consist of a "Certificate of Appreciation" for service to the State and a Retirement Recognition Award.]

[4. The "Certificate of Appreciation," signed by the Governor, will be supplied by the Awards Program staff upon request by the departmental Personnel Officer.]

[5. Only one Retirement Recognition Award will be presented to any employee.]

[6. The Retirement Recognition Awards will be mementos of uniform design which are approved by the Committee.]

**[22-1.106c Awards Presentation:]**

[1. It shall be the responsibility of each department to determine the employees who will be eligible for awards.]

[2. The presentation of awards to eligible employees at suitable ceremonies shall be the responsibility of departmental committees. The presentations will be made by the department head or his/her representative.]

[3. Departments will be responsible for any personalized markings desired on awards or certificates.]

**[Procedure for Operating Agencies in Obtaining Awards:]**

[1. For service awards—review personnel records prior to July 1 to determine employees who will be eligible in the coming fiscal year.]

[2. For service awards—distribute awards brochure (supplied by Secretary to eligible employees for 10 to 50 year awards.)]

[3. For service awards—by July 1, have eligible employees indicate choice of items to personnel office.]

[4. For service awards—summarize all departmental requests for awards and certificates, and report to the Secretary by July 15.]

[5. For retiring employees—distribute brochure illustrating mementos to prospective retiree, have him/her make selection and report to the Secretary as soon as possible.]

[6. Place order directly with the contract vendor at least 30 days prior to anticipated date of presentation. Set up funds on Form PB-77 followed by using agency Form PB-2 or confirming agency order invoice Form PB-82 direct to the contractor.]

**22-1.106c Procedure for Processing:**

1. Review personnel records prior to fiscal year to determine employees who will be eligible in the coming fiscal year.

2. By July 15 request of Secretary service awards cards and 5 year certificate.

**22-1.106d Awards:**

1. Awards for longevity of service shall be letters of commendation, certificates, citations, plaques, medals or such other awards as the Committee may from time to time determine.

2. The Committee shall determine the type of awards in each case and shall be responsible for the design and procurement of the awards.

3. Awards will be made in 5 year service increments beginning at 5 years of service and ending with 50 years of service.

4. Presentation ceremonies shall be the responsibility of the departmental committees and shall be conducted on a yearly basis.

**Subpart 22-1.107 Retirement Recognition Awards**

**22.1.107a Program:**

Awards for retiring State employees shall be given at the time of retirement, exclusive of vested retirement, to all those who have retired with pension from the State regardless of the amount of service time.

Only one Retirement Recognition Award will be presented to any employee.

**22-1.107b Eligibility:**

1. Service shall include employment in the classified or unclassified service in either a regular, provisional or temporary capacity. Any dispute or question regarding eligibility shall be referred to the Committee for resolution.

2. It shall be the responsibility of each department to determine the employees who will be eligible for awards.

**22-1.107c Procedure for Processing:**

1. Distribute brochure illustrating mementos to prospective retirees. Have them make selections and report to the Secretary as soon as possible.

**22-1.107d Awards:**

1. The awards shall consist of a "Certificate of Appreciation" for service to the State and a Retirement Recognition Award.

2. The "Certificate of Appreciation," signed by the Governor, will be supplied by the Awards Program staff upon request from the department.

3. The Retirement Recognition Awards will be of uniform design which are approved by the Committee.

4. Departments will be responsible for any personalized markings desired on awards or certificates.

5. The presentation of awards to eligible employees at suitable ceremonies shall be the responsibility of departmental committees. The presentations will be made by the chief executive officer or his/her representative.

6. Place order directly with the contract vendor in accordance with contract terms regarding delivery dates.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

The State Employees Awards Committee 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 1981-52.

**(a)**

## **COMMUNITY AFFAIRS**

### **THE COMMISSIONER**

#### **Adopted Amendment: N.J.A.C. 5:11-9.2 Relocation Assistance and Eviction Hearings**

**Effective Date: June 4, 1981**

On May 14, 1981, James A. Sinclair, Deputy Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:13B-10 and 20:4-10 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 5:11-9.2 concerning relocation assistance hearings as proposed in the Notice published April 9, 1981 at 13 N.J.R. 186(d), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 14, 1981 as R.1981 d.183.

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

**Adopted Repeal: N.J.A.C. 5:12  
State Aid for Urban Renewal Projects**

**Effective Date: June 4, 1981**

On May 14, 1981, James A. Sinclair, Deputy Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-56 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 5:12 concerning State aid for urban renewal projects as proposed in the Notice published April 9, 1981 at 13 N.J.R. 187(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 14, 1981 as R.1981 d.180.

(b)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

**Adopted Amendment: N.J.A.C. 5:23-2.6  
Uniform Construction Code Inspections**

**Effective Date: June 4, 1981**

On May 14, 1981, James A. Sinclair, Deputy Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-124 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 5:23-2.6 concerning inspections under the Uniform Construction Code as proposed in the Notice published April 9, 1981 at 13 N.J.R. 187(b), but with spelling, punctuation or other technical changes not in violation of N.J.A.C. 1:30-3.5: To wit, the reference to "N.J.A.C. 5:10-1" has been changed to read "N.J.A.C. 5:10."

An order adopting the rule was filed with the Office of Administrative Law on May 14, 1981 as R.1981 d.182.

(c)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

**Correction to Register: N.J.A.C. 5:24-1.3  
(13 N.J.R. 258(e))**

**Condominium and Cooperative Conversion  
Documents Required**

Take notice that an error appeared in the May 7, 1981 New Jersey Register at 13 N.J.R. 258(e) respecting the adoption of rules concerning condominiums and cooperative conversion (N.J.A.C. 5:24-1.3). The notice should have indicated that the rule was adopted with subsequent changes NOT so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

This Notice is published as a matter of public information.

(d)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

**Adopted Amendment: N.J.A.C. 5:25-5.5  
New Home Warranties and Builders' Registration  
Claims Procedure**

**Effective Date: June 4, 1981**

On May 14, 1981, James A. Sinclair, Deputy Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 46:3B-3(a) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 5:25-5.5 concerning new home warranties and builders' registration as proposed in the Notice published April 9, 1981 at 13 N.J.R. 187(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 14, 1981 as R.1981 d.181.

(e)

## EDUCATION

### STATE BOARD OF EDUCATION

**Proposed Amendment: N.J.A.C. 6:20-2.3  
Bookkeeping and Accounting in Local  
School Districts  
Budget and Cost Distribution Records**

**Public Hearing: July 1, 1981**

The State Board of Education, pursuant to authority of N.J.S.A. 18A:22-8, proposes to amend N.J.A.C. 6:20-2.3 concerning budget and cost distribution records.

#### Summary

The proposed amendment requires all local boards of education to adopt program-oriented budgeting in the 1983-84 budget. Currently, all local boards of education must adopt a program-oriented format for the 1982-83 school year. The change is intended to make it possible for boards of education to implement program-oriented budgeting in as cooperative a manner as possible by permitting sufficient time to make all the necessary changes. Requiring all districts to crosswalk their 1982-83 budget and submit the crosswalk by July 1, 1982, will insure that districts are making the necessary progress towards fully implementing program-oriented budgeting for the 1983-84 school year.

#### Social Impact

This amendment will affect all local boards of education in New Jersey and ease some of the concern which has been expressed concerning the timetable for implementation of program-oriented budgeting.

#### Economic Impact

This amendment has no economic impact beyond that of the original rule.

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

6:20-2.3 Budget and cost distribution records

(a)-(c) (No change.)

(d) Local boards of education may adopt, by board resolution, the approved program-oriented budget format

for the fiscal year 1979-80 budget, or for the fiscal year 1980-81 budget. All local boards of education shall adopt the approved program-oriented format for the fiscal year [1982-83] 1983-84 budget.

(e) The budget and cost distribution records of all districts that adopt a program-oriented system of budget preparation shall include, but not be limited to, the following classifications [and such other classifications and sub-items as the commissioner may prescribe]:

1. Regular instructional programs;
2. Special instructional programs;
3. Adult/continuing instructional programs;
4. [Summer programs] Other instruction;
5. [Instructional support] Support services pupil;
6. [Pupil support] Instructional staff services;
7. [Operational support] General administration;
8. [Community services] School administration;
9. [Non-program charges] Business/administrative;
10. [Special projects] Central services;
11. Other support services;
12. Community services.

(f) In preparation for the 1983-84 conversion, all districts shall crosswalk their 1982-83 budget to a program-oriented format and submit said crosswalk as part of classification documentation by July 1, 1982.

A public hearing concerning this amendment will be held as part of the regular monthly meeting of the State Board of Education on Wednesday, July 1, 1981 at 10:00 A.M., at:

Fifth Floor Conference Room  
225 West State Street  
Trenton, New Jersey

Individuals wishing to make oral comments at the meeting are asked to call the State Board office before 10:00 A.M. on Monday, June 29, 1981 (609-984-6024).

Interested persons may submit in writing, data, views, or arguments relevant to the proposed amendment on or before July 6, 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 1981-62.

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Notice of Petition for a Rule Creation of Regional School Districts

Pursuant to authority of N.J.S.A. 52:14B-4(f), the State Board of Education, at its regular meeting held May 6, 1981, referred to its Executive Committee for further review the petition for a rule submitted by Michael L. Ticktin.

The petitioner requested the State Board of Education to adopt a rule requiring the Commissioner of Education to create a regional district upon petition of any district if,

after public hearing, the Commissioner determines that such district is unable to provide a thorough and efficient education without having an effective school tax rate in excess of two percent.

This is a Notice of Petition for a rule submitted to the Office of Administrative Law for publication pursuant to N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-3.6.

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Adopted Amendment: N.J.A.C. 7:1C-1.5 90-Day Construction Permits Fees

Effective Date: June 4, 1981

On May 14, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-3 and 13:1D-33 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 7:1C-1.5 concerning fees for 90-day construction permits as proposed in the Notice published March 5, 1981 at 13 N.J.R. 123(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 15, 1981 as R.1981 d.187.

(c)

## ENVIRONMENTAL PROTECTION

### DROUGHT COORDINATION OFFICE DROUGHT COORDINATOR

#### Adopted Amendment: N.J.A.C. 7:1G-3.1 Adopted New Rules: N.J.A.C. 7:1G-5.4 through 5.7 Rules on Drought Crisis

Effective Date: May 1, 1981

Section II of Executive Order No. 104 delegates to the Drought Coordinator, Paul H. Arbesman, for procedural purposes, the Governor's power to adopt orders, rules and regulations pursuant to the Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq.

On April 20, 1981, Paul H. Arbesman, Drought Coordinator, pursuant to authority of Executive Order No. 104 and N.J.S.A. App. A:9-45 adopted an amendment to N.J.A.C. 7:1G-3.1 concerning the watering of non-commercial crops, and adopted new rules to be cited as N.J.A.C. 7:1G-5.4 through 5.7 concerning the use of fresh water for home vegetable gardens, the washing of refuse/garbage vehicles, the non-commercial application of pesticides, and street sweeping. This action is known as Order No. 4.

#### HOME VEGETABLE GARDENS

Numerous residents, particularly senior citizens, depend on crops grown in private vegetable gardens as an important food source, and to reduce food costs. Prohibiting the use of fresh water for home vegetable gardens use will also result in adverse economic impacts to certain segments of the horticulture industry. Recognizing the water needs to maintain home vegetable gardens in the drought area, and in concert with the socio-economic benefits home vegetable gardens provide to a significant segment of the residents of this State, the use of fresh

water for home vegetable gardens is permitted with strict limitations.

#### NON-COMMERCIAL APPLICATION OF PESTICIDES

The application of pesticides often requires the use of water via a hose or cannister spray. Dry applications procedures also require water to provide adequate percolation of the pesticides into the soil. Therefore, the restrictions against the fresh watering of plants prohibits the non-commercial application of pesticides with fresh water. Although the commercial application of pesticides is permitted, many residents of the State cannot afford this service. Consequently, they are unable to protect their lawns, shrubs and trees from destruction by pests.

It should also be noted that the spraying of pesticides by state, county and municipal agencies provides protection to thousands of forested acres on an annual basis.

#### WASHING OF REFUSE/GARBAGE VEHICLES

During the routine collection of refuse and garbage, the interiors of transporting trucks become soiled with various types of liquid and solid wastes. If not cleaned properly and periodically, these vehicles may create a nuisance or menace to the health of the refuse collector as well as to the general public. Due to the design and size of these vehicles, cleaning the interior portions with a bucket and brush is not practical. Also, washing the number of vehicles affected cannot be accomplished with collected rainwater and/or wastewater.

#### STREET SWEEPING

The washing of streets, driveways, sidewalks or other paved areas with fresh water in those communities under the "ban on non-essential water use" is prohibited under Executive Order No. 104. The practice of washing streets not only uses excessive amounts of water, but also is very visible to the general public. Moreover, the present water levels of the reservoirs in the drought area, cannot permit the use of fresh water for this purpose. Street sweeping, on the other hand, uses significantly less water than street washing. Also, street sweeping concentrates on the curb areas as opposed to the entire street.

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

#### 7:1G-3.1 Watering of non-commercial crops

The watering of non-commercial crops with fresh water is prohibited[.], unless otherwise permitted in this chapter.

#### 7:1G-5.4 Home vegetable gardens

(a) The use of fresh water for home vegetable gardens is permitted under the following restrictions:

1. The use of a hose, soak hose or automatic sprinklers is prohibited.
2. The use of rainwater and/or wastewater is encouraged.
3. The water used will be debited against the user's allotment. Therefore, the minimum amount of fresh water should be applied.

#### 7:1G-5.5 Washing of refuse/garbage vehicles

(a) The use of fresh water with a hose to wash refuse garbage trucks is permitted under the following conditions:

1. The use of a hose is restricted to the interior, difficult to reach, portions of the vehicles.
2. The amount of fresh water used should not exceed 75 percent of the user's allotment, if in an area subject to the rationing program.
3. The washing of the exterior vehicle body be restricted to collected rainwater and/or wastewater or at a commercial truck washing facility.

4. The minimum amount of fresh water be used to accomplish the desired purpose.

#### 7:1G-5.6 Non-commercial application of pesticides

(a) The use of fresh water is permitted in the application of pesticides under the following provisions:

1. All measures be taken to use nonpotable water for this purpose, whenever possible.
2. Application procedures be limited to areas subject to infestations. Indiscriminate application is prohibited.
3. The absolute minimum amount of water be used to accomplish the desired application. The use of hoses is prohibited unless prior approval for the specific application is received from the purveyor.
4. The fresh water used shall be debited against the user's allotment.

#### 7:1G-5.7 Street sweeping

(a) The use of fresh water for street sweeping is permitted with the following restrictions:

1. The minimum amount of water is used to perform the sweeping process.
2. Water be obtained from nonpotable sources such as streams, rivers, impoundments, lakes and other sources that are not used for drinking water supplies. The use of fresh potable water is prohibited.
3. A sign, which can be easily read, shall be attached to each street sweeper indicating the water is from nonpotable sources.
4. Each municipality must notify the Governor's Water Emergency Task Force in writing of the source and specific location of the nonpotable water that will be used for this purpose.

Pursuant to N.J.S.A. App. A:9-45 and N.J.S.A. 52:14B-2(a) these rules, which were filed with the Office of Administrative Law on May 1, 1981 as R.1981 d.147, are exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(a)

## ENVIRONMENTAL PROTECTION

### DROUGHT COORDINATION OFFICE DROUGHT COORDINATOR

Emergency Amendment: N.J.A.C. 7:1G-4.1  
Water Rationing Plan  
Horticultural Industry

Effective Date: May 6, 1981

On May 6, 1981, Paul H. Arbesman, Drought Coordinator for the State of New Jersey, pursuant to authority of Executive Order No. 104 and N.J.S.A. App. A:9-45, adopted amendments to N.J.A.C. 7:1G-4.1 concerning the use of fresh water for horticultural purposes during the drought emergency. The amended policies have been reviewed and approved by the Governor's Citizens Task Force. This action is known as Order No. 6.

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

7:1G-4.1 Horticultural industry: nurseries, flower shops, garden centers, landscapers and lawn and tree services, sod farms

(a) (No change.)

(b) Newly planted stock at the premises of customers [(landscaping contracts)] may be watered up to [90] 150 days from the date of planting, provided the customers maintain a record of purchase for the stock. The use of fresh water from the customer's supply shall be debited against the household allotment under the Water Rationing Plan.

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

Pursuant to N.J.S.A. App. A:9-45 et seq. and N.J.S.A. 52:14B-2(a), this rule, which was filed with the Office of Administrative Law on May 7, 1981 as R.1981 d.159, is exempt from the notice, comment, and other ordinary rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

## (a)

# ENVIRONMENTAL PROTECTION

## DROUGHT COORDINATION OFFICE DROUGHT COORDINATOR

### Emergency Order Modifying Executive Order No. 104

#### Purveyors Covered by Water Rationing Plan

Effective Date: May 1, 1981

On April 16, 1981, Paul H. Arbesman, Drought Coordinator, pursuant to N.J.S.A. App. A:9-45, issued an Order modifying the Water Rationing Plan contained in Executive Order No. 104 (see 13 N.J.R. 195(c) and 13 N.J.R. 204(a)).

Full text of the order follows.

Paul H. Arbesman, Drought Coordinator for the State of New Jersey, pursuant to the authority of Executive Order No. 104 and N.J.S.A. App. A:9-45 hereby adopts an emergency order modifying the Water Rationing Plan contained in Executive Order No. 104 by the removal of certain purveyors from the requirements of the Water Rationing Plan, as set forth below, and placing said purveyors on "Standby Rationing," and by removing the Lambertville Water Company from the Water Rationing Plan.

Water supply reserves have been improved to a point where the pumping from Lake Hopatcong has ceased, major releases from Spruce Run-Round Valley reservoirs have ceased, and certain specific conditions exist such that the continuation of water rationing, for the purveyors set forth herein, is not achieving the water supply conservation benefits for which the Water Rationing Plan was imposed in Executive Order No. 104.

The placement of the purveyors listed below on "Standby Rationing," at this time, does not mean that drought conditions no longer exist in New Jersey. Nor does it mean that conservation of water supplies is no longer necessary. This action is being taken at this time in consideration of existing water supply conditions and the ability of the affected purveyors to reinstitute the water rationing plan program expeditiously, should water rationing be reimposed. Reimposition of the water rationing plan will take place should water supply reserve conditions deteriorate to a point that rationing is required to preserve dwindling water supplies.

The conditions under which the purveyors set forth below are removed from the Water Rationing Plan are as follows:

1. That the purveyors continue to obtain data on the occupancy of customers' structures, customer base de-

mand and other information required to reimpose rationing on immediate notice.

2. That planning for the reimposition of rationing and the implementation of all emergency measures called for under Executive Order No. 104 be continued.

3. That the customer base demand to be utilized in any reimposition of rationing be that originally calculated as a result of Executive Order No. 104.

4. That the non-essential use ban continue in effect in the municipalities served by the purveyors affected by the removal from rationing.

This action is being taken after consultation with, and the approval of the Governor's Water Emergency Task Force, Governor's Citizens' Advisory Committee and Governor Brendan Byrne.

Now therefore, I hereby Order that the following purveyors be removed from the Water Rationing Plan imposed pursuant to Executive Order No. 104 and placed on "Standby Rationing" under the conditions set forth above.

Elizabethtown Water Company  
Edison Water Department  
Middlesex Water Company  
New Brunswick Water Department  
Franklin Twp. Water Department  
North Brunswick Water Department  
Perth Amboy Water Department  
Chatham Borough Water Department  
Highland Park Water Department  
East Brunswick Water Department  
Rahway Water Department  
Winfield Material Housing Corporation  
Manville Water Department  
Rocky Hill Water Department  
Milltown Water Department  
Butler Water Department

I further order that the Lambertville Water Department be removed from the Water Rationing Plan, without conditions. The conditions which justified imposition of the Water Rationing Plan on this purveyor no longer exist.

Pursuant to N.J.S.A. App. A:9-45 and N.J.S.A. 52:14B-2(a) this Order, which was filed with the Office of Administrative Law on May 1, 1981 as R.1981 d.146, is exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

## (b)

# ENVIRONMENTAL PROTECTION

## DROUGHT COORDINATION OFFICE DROUGHT COORDINATOR

### Emergency Order Modifying Executive Order No. 104

#### Purveyors Covered by Water Rationing Plan

Effective Date: May 7, 1981

On May 7, 1981, Paul H. Arbesman, Drought Coordinator, pursuant to authority of N.J.S.A. App. A:9-45 issued an Order modifying the Water Rationing Plan contained in Executive Order No. 104 (see 13 N.J.R. 195(c) and 13 N.J.R. 204(a)).

Full text of the Order follows.

Paul H. Arbesman, Drought Coordinator for the State of New Jersey, pursuant to the authority of Executive Or-

der No. 104 and N.J.S.A. App. A:9-45 hereby adopts an emergency order modifying the Water Rationing Plan contained in Executive Order No. 104 by the removal of certain purveyors from the requirements of the Water Rationing Plan, as set forth below, and placing said purveyors on "Standby Rationing."

Water supply reserves have been improved to a point where the reservoirs of the Commonwealth Water Company are full, and the data on the groundwater supplies in the region indicates that rationing may be discontinued at this time, without affecting groundwater or surface water supplies.

The placement of the purveyors listed below on "Standby Rationing," at this time, does not mean that drought conditions no longer exist in New Jersey. Nor does it mean that conservation of water supplies is no longer necessary. This action is being taken at this time in consideration of existing water supply conditions and the ability of the affected purveyors to reinstitute the water rationing plan program expeditiously, should water rationing be reimposed. Reimposition of the water rationing plan will take place should water supply reserve conditions deteriorate to a point that rationing is required to preserve dwindling water supplies.

The conditions under which the purveyors set forth below are removed from the Water Rationing Plan are as follows:

1. That the purveyors continue to obtain data on the occupancy of customers' structures, customer base demand and other information required to reimpose rationing on immediate notice.

2. That planning for the reimposition of rationing and the implementation of all emergency measures called for under Executive Order No. 104 be continued.

3. That the customer base demand to be utilized in any reimposition of rationing be that originally calculated as a result of Executive Order No. 104.

4. That the non-essential use ban continue in effect in the municipalities served by the purveyors affected by the removal from rationing.

This action is being taken after consultation with, and the approval of the Governor's Water Emergency Task Force, Governor's Citizens' Advisory Committee and Governor Brendan Byrne.

Now therefore, I hereby Order that the following purveyors be removed from the Water Rationing Plan imposed pursuant to Executive Order No. 104 and placed on "Standby Rationing" under the conditions set forth above.

Commonwealth—except the Little Falls Division (Little Falls is served by Passaic Valley Water Commission.)

- Woodbridge Township Water Department
- Allendale Water Department
- Hohokus Water Department
- Mahwah Water Department
- Oakland Water Department
- Park Ridge Water Department
- Ramsey Water Department
- Ridgewood Water Department
- Waldwick Water Department
- Caldwell Water Department
- East Orange Water Department
- Essex Fells Water Department
- North Caldwell Water Department
- Fairfield Water Department
- South Orange Water Department
- Orange Water Department
- Roseland Water Department
- Riverdale Water Department
- Hawthorne Water Department
- Pompton Lakes Municipal Utilities Authority

Peapack-Gladstone Water Department  
Franklin Lakes portion of the Hackensack Water Company

Here follows a complete list of the status of all purveyors on either rationing or standby rationing pursuant to Executive Order No. 104 (\*Status: "SBR" refers to standby rationing; "R" refers to rationing).

**WATER USERS IN THE FOLLOWING MUNICIPALITIES WHO ARE SERVED BY ANY OF THE PURVEYORS LISTED ARE ON EITHER RATIONING OR STANDBY RATIONING AS INDICATED:**

**COUNTY: BERGEN**

Municipality	*Status	Purveyor
All Municipalities	SBR	Allendale Water Department
	R	—Elmwood Park Water Department
	R	—Fairlawn Water Department
	R	—Garfield Water Department
	R	—Hackensack Water Company
	SBR	Hawthorne Water Department
	SBR	—Ho-Ho-Kus Water Department
	R	—Lodi Water Department
	R	—Lyndhurst Water Department
	SBR	Mahwah Water Department
	R	—North Arlington Water Department
	SBR	Oakland Water Department
	SBR	—Park Ridge Water Department
	SBR	—Ramsey Water Department
	SBR	—Ridgewood Water Department
	R	—Saddle Brook Water Department
	SBR	—Waldwick Water Department
	R	—Wallington Water Department
	SBR	Hackensack Water Company (Franklin Lakes Div.)

**COUNTY: ESSEX**

Municipality	*Status	Purveyor
All Municipalities	R	—Belleville Water Department
	R	—Bloomfield Water Department
	SBR	—Caldwell Water Department
	R	—Cedar Grove
	SBR	—Commonwealth Water Company
	SBR	—East Orange Water Department
	SBR	—Essex Fells Water Department
	SBR	—Fairfield Water Department
	R	—Glen Ridge Water Department
	R	—Jersey City Water Department
	SBR	—Livingston Twp. Div. of Water
	R	—Montclair Water Bureau
	R	—Newark Water Department
	SBR	—North Caldwell Water Department
	R	—Nutley Water Department
	SBR	—Orange Water Department
	SBR	—Roseland Water Department
	SBR	—South Orange Water Department
	R	—Verona Municipal Utilities Authority
	R	—West Caldwell Water Department

**COUNTY: HUDSON**

Municipality	*Status	Purveyor
All Municipalities	R	—Bayonne Water Department
	R	—E. Newark Water Department
	R	—Hackensack Water Company
	R	—Harrison Water Department
	R	—Hoboken Water Department
	R	—Jersey City Water Department
	R	—Kearny Water Department

**COUNTY: HUNTERDON**  
**Municipality \*Status Purveyor**  
 Tewksbury SBR—Elizabethtown Water Company

**COUNTY: MERCER**  
**Municipality \*Status Purveyor**  
 Lawrence Twp. SBR—Elizabethtown Water Company  
 Princeton Borough  
 Princeton Twp.  
 West Windsor Twp.

**COUNTY: MIDDLESEX**  
**Municipality \*Status Purveyor**  
 Carteret Borough SBR—East Brunswick Water Department  
 Dunellen Borough SBR—Edison Township Water Department  
 East Brunswick Twp. SBR—Elizabethtown Water Company  
 Edison Twp. SBR—Highland Park Water Department  
 Highland Park Borough SBR—Middlesex Water Company  
 Metuchen Borough SBR—Milltown Water Department  
 Middlesex Borough SBR—New Brunswick Water Department  
 Milltown Borough SBR—North Brunswick Water Department  
 New Brunswick City SBR—Perth Amboy Water Department  
 North Brunswick Twp. SBR—Woodbridge Township Water Department  
 Perth Amboy City  
 Piscataway Twp.  
 Plainsboro Twp.  
 South Plainfield Borough  
 Woodbridge Twp.

**COUNTY: MORRIS**  
**Municipality \*Status Purveyor**  
 Butler SBR—Butler Water Department  
 Chatham Borough SBR—Chatham Water Department  
 Chatham Township SBR—Commonwealth Water Company  
 Chester Township R —Lincoln Park Water Department  
 Kinnelon SBR—Peapack-Gladstone Water Department  
 Lincoln Park R —Pequannock Water Department  
 Passaic Township SBR—Riverdale Water Department  
 Pequannock  
 Riverdale

**COUNTY: PASSAIC**  
**Municipality \*Status Purveyor**  
 Bloomingdale SBR—Butler Water Department  
 Clifton City R —Commonwealth Water Co. (Little Falls Div.)  
 Haledon R —Haledon Water Department  
 Hawthorne SBR—Hawthorne Water Department  
 Little Falls R —Passaic Valley Water Commission  
 North Haledon SBR—Pompton Lakes M.U.A.  
 Passaic City R —Totowa Water Department  
 Paterson R —Wayne Twp., Division of Water  
 Pompton Lakes R —West Paterson Water Department  
 Prospect Park  
 Totowa  
 Wayne  
 West Milford  
 West Paterson

**COUNTY: SOMERSET**  
**Municipality \*Status Purveyor**  
 All Municipalities SBR—Commonwealth Water Company  
 SBR—Elizabethtown Water Company  
 SBR—Franklin Twp. Department of Public Works  
 SBR—Manville Water Department  
 SBR—North Brunswick Water Department  
 SBR—Peapack-Gladstone Water Department  
 SBR—Rocky Hill Water Department

**COUNTY: UNION**  
**Municipality \*Status Purveyor**  
 All Municipalities R —City of Elizabeth Water Department  
 SBR—Commonwealth Water Company  
 SBR—Elizabethtown Water Company  
 SBR—Rahway Water Company  
 SBR—Winfield Mutual Housing Corporation

This Order, which was filed with the Office of Administrative Law on May 7, 1981 as R.1981 d.158, is exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF CONTROL RESOURCES

Adopted Amendments: N.J.A.C. 7:7E  
 Coastal Resource and Development Policies

Effective Date: June 4, 1981

On May 14, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-9, 13:19-16, and 17, and 12:5-3 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:7E concerning coastal resource and development policies as proposed in the Notice published February 5, 1981 at 13 N.J.R. 76(a), but with subsequent changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on May 15, 1981 as R.1981 d.186.

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

Rule Pre-proposal: N.J.A.C. 7:11-2  
 General Rate Schedule  
 Delaware and Raritan Canal Water

Public Hearing: To be Announced

Pursuant to the provisions of Chapter 168 of the Laws of 1949 (N.J.S.A. 13:13-12.4 and 12.9) and in compliance with the six-month notice provision of the applicable rules and regulations, the Department of Environmental Protection plans to revise the general rate schedule of rates and charges for the Delaware and Raritan Canal water to

reflect increased costs of operation and maintenance. The revised rate schedule will amend existing regulations found at N.J.A.C. 7:11-2, which became effective July 1, 1979. These new revisions are proposed to become effective on January 1, 1982. This matter is known within the Department as Docket No. DEP 025-81-05.

The Division of Water Resources will hold a public hearing to provide the opportunity for public comments and statements on the proposed revisions to the rates and charges to be paid for raw water withdrawn from the Delaware and Raritan Canal. The full text of the proposed changes will be provided to interested parties as defined in N.J.S.A. 13:13-12.9a at least 30 days prior to the scheduled public hearing (date and location to be announced).

Any inquiries or comments concerning the proposed rate revision should be directed to:

Michael J. Galley, Assistant Director  
Water Supply Facilities Element  
Division of Water Resources  
Department of Environmental Protection  
P.O. Box 5196  
Clinton, New Jersey 08809  
(201) 638-6121

Pursuant to N.J.S.A. 58:25-11 and 12, the Clean Water Council in the Department of Environmental Protection is an interested and advisory committee respecting rules on this subject (see N.J.S.A. 52:14B-4(e) and N.J.A.C. 1:30-3.2(b)5). The Clean Water Council can be contacted at the following address:

Clean Water Council  
CN 029  
Trenton, New Jersey 08625

This is a pre-proposal (see N.J.A.C. 1:30-3.2). Any rule concerning the subject of this pre-proposal must still comply with the rulemaking provisions of the Administrative Procedure Act.

**(a)**

**ENVIRONMENTAL PROTECTION  
DIVISION OF WATER RESOURCES**

**Rule Pre-proposal: N.J.A.C. 7:11-4  
General Rate Schedule  
Raritan River Basin System, Spruce Run-Round  
Valley Reservoir**

**Public Hearing: To be Announced**

Pursuant to the provisions of Chapter 34 of the Laws of 1958 (N.J.S.A. 58:22-10) and in compliance with the six-month notice provision of the applicable rules and regulations, the Department of Environmental Protection plans to revise the general rate schedule of rates and charges for the sale of water from the Spruce Run-Round Valley Reservoir Complex to reflect increased costs of operation and maintenance. The revised rate schedule will amend existing regulations found at N.J.A.C. 7:11-4, which became effective April 1, 1979. These new revisions are proposed to become effective on January 1, 1982. This matter is known within the Department as Docket No. DEP 024-81-05.

The Division of Water Resources will hold a public hearing to provide the opportunity for public comments and statements on the proposed revisions to the rates and charges to be paid for raw water withdrawn from the Spruce Run/Round Valley Complex. The full text of the proposed changes will be provided to interested parties as

defined in N.J.S.A. 58:22-10 at least 30 days prior to the scheduled public hearing (date and location to be announced).

Any inquiries or comments concerning the proposed rate revision should be directed to:

Michael J. Galley, Assistant Director  
Water Supply Facilities Element  
Division of Water Resources  
Department of Environmental Protection  
P.O. Box 5196  
Clinton, New Jersey 08809  
(201) 638-6121

Pursuant to N.J.S.A. 58:25-11 and 12, the Clean Water Council in the Department of Environmental Protection is an interested and advisory committee respecting rules on this subject (see N.J.S.A. 52:14B-4(e) and N.J.A.C. 1:30-32(b)5). The Clean Water Council can be contacted at the following address:

Clean Water Council  
CN 029  
Trenton, New Jersey 08625

This is a pre-proposal (see N.J.A.C. 1:30-3.2). Any rule concerning the subject of this pre-proposal must still comply with the rulemaking requirements of the Administrative Procedure Act.

**(b)**

**ENVIRONMENTAL PROTECTION**

**DIVISION OF WATER RESOURCES**

**Adopted Amendments: N.J.A.C. 7:12-1.1, 1.3,  
2.3, 2.6, and 2.11**

**Adopted New Rules: N.J.A.C. 7:12-2.13 and 2.14**

**Classification of Shellfish**

**Condemnation of Shellfish Beds**

**Effective Date: June 4, 1981**

On May 14, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 13:1B-5 et seq. and 58:24-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:12-1.1, 1.3, 2.3, 2.6 and 2.11 and new rules to be cited as N.J.A.C. 7:12-2.13 and 2.14 concerning the condemnation of certain shellfish beds as proposed in the Notice published April 9, 1981 at 13 N.J.R. 191(b), but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5.

An order adopting the rule was filed with the Office of Administrative Law on May 15, 1981 as R.1981 d.190.

**(c)**

**ENVIRONMENTAL PROTECTION**

**DIVISION OF WATER RESOURCES**

**Adopted Amendment: N.J.A.C. 7:13-1.11**

**Flood Hazard Area Delineations**

**Flood Delineations Along the Tenakill Brook,  
Demarest Brook, Cresskill Brook, Norwood  
Brook, Dwars Kill, Tappan Run, Sparkhill  
Brook, and Sparkhill Creek**

**Effective Date: June 4, 1981**

On April 30, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority

of N.J.S.A. 58:16A-50 et seq. and 13:1D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11 concerning flood delineations along various waterways as proposed in the Notice published November 6, 1980 at 12 N.J.R. 640(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 1, 1981 as R.1981 d.144.

**(a)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF WATER RESOURCES**

**Adopted Amendment: N.J.A.C. 7:13-1.11**

**Flood Hazard Area Delineations**

**Flood Delineations Along the Third River, St.**

**Paul's Brook, Second River, Second River  
Tributary, and Nishuane Brook**

**Effective Date: June 4, 1981**

On April 30, 1981, Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:16A-50 et seq. and 13:1D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 7:13-1.11 concerning the delineation of specified areas along the Third River, St. Paul's Brook, Second River, Second River Tributary, and Nishuane Brook as flood hazard areas as proposed in the Notice published November 6, 1980 at 12 N.J.R. 640(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 1, 1981 as R.1981 d.145.

**(b)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH, GAME AND WILDLIFE**

**Adopted Amendment: N.J.A.C. 7:25-7.2**

**(7:25A-3.1)**

**Oyster Seed Beds**

**Effective Date: June 4, 1981**

On May 14, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5, 50:1-23 and 50:1-27 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 7:25-7.2 recodifying same as N.J.A.C. 7:25A-3.1 concerning oyster seed beds as proposed in the Notice published April 9, 1981 at 13 N.J.R. 193(a), but with subsequent changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on May 15, 1981 as R.1981 d.189.

**(c)**

## **ENVIRONMENTAL PROTECTION**

### **DIVISION OF FISH, GAME AND WILDLIFE**

**Adopted New Rules: N.J.A.C. 7:25A-1.1, 1.2, 1.3**  
**Oyster Dredging Licenses**

**Effective Date: June 4, 1981**

On May 14, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 7:25A-1.1 through 1.3 concerning oyster dredging licenses as proposed in the Notice published April 9, 1981 at 13 N.J.R. 192(b), but with subsequent changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

Full text of the changed portion of the adoption follows (additions to proposal indicated in boldface thus).

#### **7:25A-1.3 Review**

The Division of Fish, Game and Wildlife and the Delaware Bay Shellfish Council will review the license limitations annually at a regularly scheduled council meeting.

An order adopting the rule was filed with the Office of Administrative Law on May 15, 1981 as R.1981 d.188.

**(d)**

## **ENVIRONMENTAL PROTECTION**

### **SOLID WASTE ADMINISTRATION**

**Adopted New Rule: N.J.A.C. 7:26-11**

**Resource Recovery Grants**

**Effective Date: June 4, 1981**

On May 14, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and P.L. 1980, c.70 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 7:26-11 concerning resource recovery grants as proposed in the Notice published January 8, 1981 at 13 N.J.R. 9(a), but with subsequent changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

Editor's Note: Rules concerning dam restoration grants which were proposed with rules concerning resource recovery grants were adopted at 13 N.J.R. 195(b).

An order adopting the rule was filed with the Office of Administrative Law on May 15, 1981 as R.1981 d.184.

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

Adopted Amendment: N.J.A.C. 7:27-10

Bureau of Air Pollution Control  
Sulfur in Coal

Effective Date: June 4, 1981

On May 14, 1981, Paul H. Arbesman, in the absence of Jerry Fitzgerald English, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:27-10 concerning sulfur in coal as proposed in the Notice published October 9, 1980 at 12 N.J.R. 571(a), but with subsequent changes not so substantial as to change the scope or effect of the original proposal (see N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on May 15, 1981 as R.1981 d.185.

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

Public Hearing: NJDEP Request for USEPA  
Approval of Underground Injection Control  
Program

Notice is hereby given that the New Jersey Department of Environmental Protection ("the DEP") intends to hold a public hearing concerning its submission to the U.S. Environmental Protection Agency of an application for federal approval of the State Underground Injection Control ("UIC") program. The DEP seeks federal approval of the UIC program pursuant to Section 1422 of the Safe Drinking Water Act (Pub. L. 93-523, as amended by Pub. L. 95-190 and Pub. L. 96-502). This matter is known within the Department as Docket No. DEP 026-81-05.

The UIC program under the Federal Safe Drinking Water Act is limited in scope to control of various types of subsurface emplacement of fluids by well injection. This kind of practice is not common in New Jersey where most ground water pollution results from leaking waste impoundments, landfills, spills, septic systems and other sources. The New Jersey "Water Pollution Control Act", N.J.S.A. 58:10A-1 et seq. deals with all pollutant discharges to ground waters. Thus, the Federal UIC program is being integrated into the State discharge permit program to eliminate overlap and duplication. Deep-well injection of wastes is not an accepted practice in New Jersey.

Written and oral comments concerning the submission may be presented on July 7, 1981 in the Meeting Room of the State Library in Trenton, N.J. The public hearing will be held from 10:00 A.M. until the end of the testimony. Written comments will also be accepted if they are post-marked no later than July 17, 1981 and mailed to Dr. Marwan M. Sadat, Assistant Director, Water Quality Management Element, Division of Water Resources, CN 029, Trenton, N.J. 08625.

The DEP proposed program submission consists of:

1. A letter to EPA requesting UIC program approval.

2. A complete program submission describing the State implementation responsibilities.

3. An Attorney General's Statement which includes citations to statutes and regulations which provide adequate legal authority for approval of the UIC program.

4. A Memorandum of Agreement which sets forth the extent of the State's responsibility for the delegated UIC program and procedures for the administration and enforcement of the program.

5. Copies of applicable State statutes and regulations, including the "NJPDES Regulations" N.J.A.C. 7:14A-1.1 et seq. Subchapter 5 of the NJPDES Regulations establish the State UIC regulatory program. Such regulations were adopted on March 6, 1981 after public notice and opportunity to comment. The NJPDES regulations provide that all underground injections are unlawful and subject to penalties unless authorized by permit or by rule. New Jersey's UIC program regulates underground injections under five defined classes of wells. No Class I, II or III well may be authorized if it results in the movement of contaminants into underground sources of drinking water. Technical requirements included in the regulations are designed to insure that such movement does not occur. Existing Class IV wells which inject waste into or above an underground source of drinking water are to be eliminated within six months of EPA's approval of the NJPDES program. New Class IV wells are prohibited. Class V wells will be inventoried and assessed. Most Class V wells are permitted by rule.

6. Public participation activities prior to UIC program submission.

Free copies of the full text of the proposed program submission may be obtained from Dr. Marwan M. Sadat at the address specified above.

Copies may also be reviewed before the public hearing at the following city or county public libraries: Burlington County (in Mt. Holly); Cape May County; Cherry Hill; Cumberland County (in Bridgeton); Elizabeth; Hackensack; Hunterdon County (in Flemington); Jersey City; Monmouth County (the Eastern Branch in Shrewsbury); Morris County (in Whippany); Newark; New Brunswick; Ocean County (in Toms River); Paterson; Phillipsburg; Salem; Somerset County (in Newton). In addition, copies can be viewed at the Stockton State College Library (Pomona); and the New Jersey State Library (Trenton). The Department shall finalize the UIC program submission after consideration of all public comments.

This Notice is published as a matter of public information.

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

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.

(a)

## HEALTH

### PUBLIC HEALTH COUNCIL

Adopted Amendment: N.J.A.C. 8:22-1  
Chapter XI, New Jersey State Sanitary Code  
Campground Sanitation

Effective Date: June 4, 1981

On April 13, 1981, the New Jersey Public Health Council, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:22-1 concerning campground sanitation as proposed in the Notice published March 5, 1981 at 13 N.J.R. 130(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 8, 1981 as R.1981 d.161.

(b)

## HEALTH

### THE COMMISSIONER

Adopted New Rules: N.J.A.C. 8:31-26.4, 8:42-1.8,  
8:43A-3.1, 8:43B-1.13  
Home Health Agencies, Ambulatory Care  
Facilities, and Hospital Facilities  
Child Abuse and Neglect

Effective Date: June 4, 1981

On May 4, 1981, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-5b, with the approval of the Health Care Administration Board, and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 8:31-26.4, 8:42-1.8, 8:43A-3.1, and 8:43B-1.13 concerning child abuse and neglect as proposed in the Notice published January 8, 1981 at 13 N.J.R. 12(a), but with subsequent changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

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

8:31-26.4 Child abuse and neglect

(a) The facility shall establish and implement written policies and procedures, [approved] reviewed by the Department and revised as required by the Department [and by the Division of Youth and Family Services of the New Jersey Department of Human Services], for reporting all diagnosed and/or suspected cases of child abuse and/or neglect in compliance with N.J.S.A. 9:6-1 et seq.<sup>1</sup>

(b) [The administrator shall ensure the development, implementation, and enforcement of all policies and procedures regarding the reporting on a 24-hour basis of all diagnosed and/or suspected cases of child abuse and/or

neglect to the Division of Youth and Family Services.] The facility shall have in effect written policies and procedures reviewed by the Department and revised as required by the Department to include but not be limited to the following:

1. The designation of a staff member(s) to be responsible for coordinating the reporting of diagnosed and/or suspected cases of child abuse and/or neglect on a 24-hour basis, recording the notification to Division of Youth and Family Services on the medical record, and serving as liaison between the facility and Division of Youth and Family Services.

2. The development of written protocols for the identification and treatment of abused and/or neglected children for the emergency room, clinic, and pediatrics, where such services exist, for admission and/or transfer to another facility, and for protective custody through the use of hospital hold in accordance with N.J.S.A. 9:6-8.16.

[(c) The facility shall have in effect written policies and procedures for the following.

1. The care and treatment of the child.

2. The identification of a suspected case of child abuse and/or neglect, including criteria for identifying suspected cases of child abuse and/or neglect based on "A Guide To Fulfilling Your Legal Responsibilities In Case of Suspected Child Abuse and Neglect" prepared by the Division of Youth and Family Services.<sup>1</sup>

3. The development of a system to ensure the reporting of each diagnosed and/or suspected case of child abuse and/or neglect by the facility's personnel upon the child's visit or admission to the facility.

4. The designation of a staff member(s) to be responsible for coordinating the reporting of diagnosed and/or suspected cases of child abuse and/or neglect on a 24-hour basis. The designated staff member(s) may perform this function in addition to other assignments.

5. The reporting of each diagnosed and/or suspected case of child abuse and/or neglect within one hour by telephone to the local Division of Youth and Family Services office during business hours, as listed in the facility's policies and procedures, and to the toll-free emergency hot-line (800-792-8610) at all other times.

i. The verbal report shall provide at least the following information: child's name, age, and address; child's present location; parent's (guardian's) name and address; nature and extent of the injury or description of the condition observed; name and address of the facility; and name of the person making the verbal report.

ii. The date, time, and to whom the report is given shall be documented in the patient's medical record by the person making the verbal report.

6. Submitting to the local Division of Youth and Family Services office, within 48 hours of the telephone report, a written notification of each diagnosed and/or suspected case of child abuse and/or neglect which shall include a medical report if the child is examined by a physician.

i. A copy of the written notification shall be retained in the patient's medical record.

7. The development of written protocols including at least nursing and medical protocols for the emergency room and out-patient services, where such services exist, for admission and/or transfer to another facility and for cases of sexual abuse and failure to thrive secondary to nutritional deprivation.

8. A policy for obtaining protective custody of abused and/or neglected children through the use of hospital hold, in accordance with N.J.S.A. 9:6-8.16<sup>1</sup>.

9. Ensuring that the facility's staff orientation plan and staff education plan include materials and contents re-

(Continued on page 354)

# INDEX OF RULES IMPLEMENTING 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 March 8, 1979.

N.J.A.C.  
CITATION

DOCUMENT ADOPTION NOTICE  
CITATION (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. 144(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. 144(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. 144(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 calthood brucella vaccination	R.1981 d.173	13 N.J.R. 318(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)
2:69-1.11	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

3:1-12	Multiple-party deposit accounts	R.1980 d.480	12 N.J.R. 686(d)
3:6-1	Repeal reporting of ten year dormant accounts	R.1980 d.435	12 N.J.R. 627(c)
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)
3:8-3.1	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)
3:19-1.6	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)
3:30-2.1	Reserve requirements	R.1981 d.90	13 N.J.R. 185(a)
3:41	Cemetery rules	R.1980 d.449	12 N.J.R. 628(a)

(Title 3, Transmittal 16 dated July 17, 1980)

**N.J.A.C.  
CITATION**

**DOCUMENT ADOPTION NOTICE  
CITATION (N.J.R. CITATION)**

**CIVIL SERVICE — TITLE 4**

4:1-8.6	Amend qualifications for promotional examinations
4:1-9.1	Amend review of scoring key
4:1-11.7	Amend employment lists
4:1-12.15	Extension of certification list
4:1-16.7	Suspension, fines and demotions for disciplinary purposes
4:1-17.9	Amend disability leave and sick leave injury
4:1-17.24	Unused sick leave payments

R.1981 d.92	13 N.J.R. 186(c)
R.1980 d.236	12 N.J.R. 383(c)
R.1980 d.406	12 N.J.R. 628(b)
R.1981 d.127	13 N.J.R. 257(a)
R.1981 d.107	13 N.J.R. 257(b)
R.1980 d.231	12 N.J.R. 383(b)
R.1980 d.398	12 N.J.R. 566(c)

(Title 4, Transmittal 14 dated May 17, 1980)

**COMMUNITY AFFAIRS — TITLE 5**

5:10	Amend maintenance of hotels and multiple dwellings
5:10-19.11	Amend maintenance of hotels and multiple dwellings
5:10-19.11	Emerg. amend fire protection
5:11-7.1-7.5	Amend eviction and relocation
5:11-9.2	Relocation assistance hearings
5:12	Repeal State aid for urban renewal projects
5:18	Repeal rules on rentals
5:19	Repeal rules of practice of Bureau of Housing Inspection
5:22	Rules on exemptions from taxation
5:22-1.5	Amend tax abatement
5:23	Amend Uniform Construction Code
5:23	Amend Uniform Construction Code
5:23-1.4, -2	Uniform Construction Code
5:23-2.5	Uniform Construction Code
5:23-2.6	Uniform Construction Code inspections
5:23-2.7	Rooming and boarding houses and Uniform Code
5:23-2.7	Amend UCC: Certificate of occupancy
5:23-3	Uniform Construction Code
5:23-3.2	Uniform Construction Code
5:23-3.3	Emerg. amend Uniform Construction Code
5:23-4.8	Uniform Construction Code
5:23-4.9	Repeal plan waivers
5:23-5.2, 5.11	Uniform Construction Code
5:23-6	Readopt solar facility tax exemption
5:24-1.3	Condominium and cooperative conversion
5:25	Amend new home warranty
5:25	Readopt New Home Warranty and Builders' Registration
5:25-1.3, 4.2, 5.5	Amend new home warranties and builders registration
5:25-5.5	New home warranties and builders' registration
5:26	Readopt planned real estate development full disclosure
5:26	Planned Real Estate Development Full Disclosure Act
5:27	Rooming and boarding houses and Uniform Code
5:27-5.2, 5.8	Emerg. amend rooming and boarding houses
5:28	State Housing Code (1980)
5:30-4.4	Amend capital budgets and improvement programs
5:30-9.1	Financial administration
5:30-9.2	Form of tax collection record
5:30-9.3	Tax collector examination
5:30-17	Ratify rules concerning cooperative pricing and joint purchasing system
5:37	Emerg. rules on Deferred Compensation Program for county and municipal employees
5:37	Emergency amend deferred compensation
5:80	Amend determining rents or carrying charges in developments financed by HFA
5:100-1.6	Amend ombudsman subpoenas

R.1981 d.95	13 N.J.R. 189(d)
R.1980 d.500	13 N.J.R. 7(c)
R.1980 d.536	13 N.J.R. 7(f)
R.1981 d.69	13 N.J.R. 189(b)
R.1981 d.183	13 N.J.R. 332(a)
R.1981 d.180	13 N.J.R. 333(a)
R.1980 d.234	12 N.J.R. 569(a)
R.1980 d.205	12 N.J.R. 305(a)
R.1980 d.206	12 N.J.R. 305(b)
R.1980 d.334	12 N.J.R. 504(a)
R.1980 d.316	12 N.J.R. 452(a)
R.1980 d.508	13 N.J.R. 7(d)
R.1981 d.134	13 N.J.R. 258(b)
R.1981 d.133	13 N.J.R. 258(c)
R.1981 d.182	13 N.J.R. 333(b)
R.1980 d.376	12 N.J.R. 569(b)
R.1981 d.45	13 N.J.R. 123(a)
R.1981 d.132	13 N.J.R. 258(d)
R.1981 d.133	13 N.J.R. 258(c)
R.1980 d.537	13 N.J.R. 8(a)
R.1981 d.133	13 N.J.R. 258(c)
R.1980 d.276	12 N.J.R. 452(b)
R.1981 d.134	13 N.J.R. 258(b)
R.1980 d.303	12 N.J.R. 452(c)
R.1981 d.131	13 N.J.R. 258(e)
R.1980 d.316	12 N.J.R. 452(d)
R.1980 d.522	13 N.J.R. 7(e)
R.1980 d.158	12 N.J.R. 250(a)
R.1981 d.181	13 N.J.R. 333(d)
R.1981 d.70	13 N.J.R. 189(c)
R.1981 d.130	13 N.J.R. 259(a)
R.1980 d.376	12 N.J.R. 569(b)
R.1980 d.546	13 N.J.R. 71(a)
R.1981 d.68	13 N.J.R. 189(a)
R.1981 d.3	13 N.J.R. 73(b)
R.1981 d.2	13 N.J.R. 73(a)
R.1981 d.122	13 N.J.R. 260(a)
R.1981 d.121	13 N.J.R. 260(b)
R.1980 d.243	12 N.J.R. 388(b)
R.1980 d.456	12 N.J.R. 633(b)
R.1980 d.557	13 N.J.R. 71(b)
R.1980 d.234	12 N.J.R. 388(a)
R.1980 d.233	12 N.J.R. 387(a)

(Title 5, Transmittal 14 dated March 20, 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)
6:20-2.6(d)4	Bookkeeping and accounting in local school districts	R.1980 d.381	12 N.J.R. 569(d)
6:20-2.12	Bookkeeping and accounting in local districts	R.1980 d.427	12 N.J.R. 639(a)
6:20-5.1	Repeal special State aid for children resident in institutions	R.1980 d.426	12 N.J.R. 638(b)

**N.J.A.C.  
CITATION**

6:20-5.3 Repeal rules on emergency State building aid  
 6:21-1.4 Pupil transportation: retirement of school buses  
 6:29-7.1 Amend family life education programs  
 6:39-1.3, 1.4 Amend Statewide assessment  
 (Title 6, Transmittal 16 dated May 17, 1980)

**DOCUMENT ADOPTION NOTICE  
CITATION (N.J.R. CITATION)**

R.1980 d.425 12 N.J.R. 638(a)  
 R.1980 d.382 12 N.J.R. 569(e)  
 R.1980 d.353 12 N.J.R. 505(c)  
 R.1980 d.352 12 N.J.R. 505(b)

**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.R. 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-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-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)
7:1H	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)
7:7E	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)
7:9-15	Grants for restoring publicly owned freshwater lakes	R.1980 d.374	12 N.J.R. 575(e)
7:12-1.1, 1.3, -2	Condemnation of certain shellfish beds	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	Pollutant discharge and waste management	R.1981 d.84	13 N.J.R. 194(c)
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)
7:24	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)
7:25-6	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. 340(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)
7:25-7.13	Crab dredging	R.1980 d.396	12 N.J.R. 576(e)
7:25-9.2	Penalties for shellfish law violations	R.1980 d.395	12 N.J.R. 576(d)
7:25-9.4	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-10	Repeal of various rules	R.1980 d.433	12 N.J.R. 643(a)
7:25-12.1	Amend preservation of clam resource	R.1980 d.521	13 N.J.R. 11(b)
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)
7:25A-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-3.1	Oyster seed beds recodification	R.1981 d.189	13 N.J.R. 340(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)
7:26-11	Resource recovery grants	R.1981 d.184	13 N.J.R. 340(d)
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)

**N.J.A.C.  
CITATION**

**DOCUMENT ADOPTION NOTICE  
CITATION (N.J.R. CITATION)**

7:27A-1.4	Repeal of various rules	R.1980 d.433	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 (Title 7, Transmittal 15 dated July 17, 1980)	R.1981 d.13	13 N.J.R. 91(e)

**HEALTH — TITLE 8**

8:7-1.7	Amend health officer licensure	R.1980 d.317	12 N.J.R. 467(b)
8:7-1.9(a)	Amend health officer qualifications	R.1980 d.168	12 N.J.R. 272(c)
8:19	Newborn hearing screening program	R.1980 d.173	12 N.J.R. 273(d)
8:21-1.13	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
8:21-1.29	Labeling, sale and distribution of cosmetics for professional use only	R.1980 d.218	12 N.J.R. 317(a)
8:21-1.32, 1.33	Amend drug labeling	R.1980 d.320	12 N.J.R. 467(e)
8:21-6	Certified milk	R.1980 d.403	12 N.J.R. 579(a)
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)
8:25-3.2(a)	Amend physical examinations regarding Youth Camp Safety Act standards	R.1980 d.169	12 N.J.R. 272(d)
8:30	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:30-2.2	Appointment of administrator	R.1980 d.364	12 N.J.R. 518(b)
8:30-2.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:31-26.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:31-26.4	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(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	Amendments concerning plan review fee	R.1980 d.256	12 N.J.R. 405(b)
8:31A-5.5	Amend hospital cost reporting procedures	R.1980 d.271	12 N.J.R. 407(a)
8:31A-6	1981 Hospital Rate Setting Rules in SHARE Manual	R.1980 d.269	12 N.J.R. 406(d)
8:31A-7	1981 SHARE guidelines	R.1980 d.270	12 N.J.R. 406(e)
8:31B-2	Uniform bill-patient summaries (inpatient)	R.1980 d.361	12 N.J.R. 517(b)
8:31B-3	Amend hospital procedural and methodological regulations	R.1980 d.455	12 N.J.R. 645(c)
8:31B-3.48	Utilization review	R.1980 d.318	12 N.J.R. 467(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)
8:31B-5	Utilization review	R.1980 d.318	12 N.J.R. 467(c)
8:33H	Policy manual for certificate of need reviews, long term care	R.1980 d.404	12 N.J.R. 579(b)
8:34-1.29, 1.30	Administrative experience regarding nursing home administrators	R.1980 d.170	12 N.J.R. 273(a)
8:37	Amend expiration date	R.1980 d.257	12 N.J.R. 406(a)
8:37-4.4(a)	Administrators and intermediate care facilities	R.1980 d.363	12 N.J.R. 518(a)
8:37-4.5	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39	Amend effective date	R.1980 d.257	12 N.J.R. 406(a)
8:39-1.1	Amend definition of ancillary nursing personnel	R.1980 d.171	12 N.J.R. 273(b)
8:39-1.1, 1.11	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:39-1.13(h)	Administrators, long term care facilities	R.1980 d.365	12 N.J.R. 518(c)
8:39-1.15, 1.25	Amendments to Manual of Standards for Licensure of Long-Term Care Facilities	R.1980 d.258	12 N.J.R. 406(b)
8:42-1.8	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:42-1.8, 2.1, 2.8	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:42-3	Amend expiration date of standards, alcohol abuse residential and inpatient treatment facilities	R.1980 d.272	12 N.J.R. 407(b)
8:43-1.1	Definition of boarding home	R.1980 d.366	12 N.J.R. 518(d)
8:43-1.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43-2.13	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
8:43-4.1(a)	Amendments to standards for licensure of new boarding homes for sheltered care	R.1980 d.172	12 N.J.R. 273(c)
8:43-4.6	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43-6.9	Amend Manual for Licensure of Residential Health Care Facilities	R.1980 d.529	13 N.J.R. 13(e)
8:43-9.2	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43A-1.72	Amend expiration date of standards	R.1980 d.273	12 N.J.R. 407(c)
8:43A-3.1	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:43A-3.1, 9.3	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)
8:43B-1.13	Child abuse and neglect	R.1981 d.157	13 N.J.R. 342(b)
8:43B-5.1	Employee health examinations	R.1980 d.399	12 N.J.R. 578(c)

**N.J.A.C.  
CITATION**

**DOCUMENT ADOPTION NOTICE  
CITATION (N.J.R. CITATION)**

8:43B-15.1, 16.1, 17.4	Employee health examinations
8:43F-1.1, 3.7	Employee health examinations
8:50	Repeal rules on local boards of health and personnel
8:51	Amend local board of health standards
8:51-1.2(a)	Amend local board of health
8:57-1.1-1.18	Amend reportable disease rules
8:65-5.4	Amend maintenance of records and inventories
8:65-10.1	Amend controlled dangerous substances
8:65-10.1, 10.2	Emergency amend controlled dangerous substances
8:65-10.2	Amend controlled dangerous substances
8:65-10.4	Amend controlled dangerous substances
8:65-10.4, 10.8	Emergency amend controlled dangerous substances
8:65-10.8	Amend exempt chemical preparations
8:65-11.7	Use of Dextropropoxyphene in narcotic treatment
8:71	Deletions to list of interchangeable drug products
8:71	Amend list of interchangeable drug products
8:71	Additions to the list of interchangeable drug products
8:71	Amend interchangeable drug products
8:71	Amend interchangeable drug products
8:71	Amend interchangeable drug products
8:71	Emergency amend interchangeable drug products
8:71	Amend list of interchangeable drug products

R.1980 d.399	12 N.J.R. 578(c)
R.1980 d.399	12 N.J.R. 578(c)
R.1980 d.402	12 N.J.R. 578(d)
R.1980 d.321	12 N.J.R. 467(f)
R.1980 d.319	12 N.J.R. 467(d)
R.1980 d.498	13 N.J.R. 13(b)
R.1980 d.360	12 N.J.R. 517(a)
R.1980 d.322	12 N.J.R. 467(g)
R.1981 d.50	13 N.J.R. 132(b)
R.1980 d.323	12 N.J.R. 468(a)
R.1980 d.327	12 N.J.R. 468(b)
R.1981 d.50	13 N.J.R. 132(b)
R.1980 d.180	12 N.J.R. 316(b)
R.1980 d.328	12 N.J.R. 468(c)
R.1980 d.254	12 N.J.R. 394(c)
R.1980 d.255	12 N.J.R. 405(a)
R.1980 d.263	12 N.J.R. 406(c)
R.1980 d.454	12 N.J.R. 645(b)
R.1981 d.25	13 N.J.R. 131(b)
R.1981 d.26	13 N.J.R. 131(c)
R.1981 d.27	13 N.J.R. 132(a)
R.1981 d.81	13 N.J.R. 217(d)

(Title 8, Transmittal 13 dated March 20, 1980)

**HIGHER EDUCATION — TITLE 9**

9:1-1.1	Amend definition of "college"
9:2-1.1, 1.2	Amend admission and baccalaureate degree standards for State Colleges
9:2-2.8	Amend "visiting specialist" title at State colleges
9:2-3	State College reduction in force policies
9:2-8.1-8.10	Amend admission and degree standards for State Colleges
9:5-1.1, 1.2, 1.3, 1.4	Resident/non-resident tuition charges at public colleges and universities
9:7-2.12	Amend Tuition Aid Grant and Garden State Scholarship Programs
9:7-4.1	Amend Garden State scholarship eligibility requirements
9:7-4.4, -6	Graduate fellowships
9:7-4.6	Amend academic eligibility for undergraduate grants
9:7-6	Tuition Benefit Program
9:9-5.2	Amend Graduate Insured Loan procedures and policies
9:9-5.4	Amend Graduate Insured Loan
9:11-1.8, 1.9	EOF guidelines and program support regulations
9:11-1.13, 1.22	Amend student refunds and repayment
9:12-1	EOF guidelines and program support regulations
9:16-1	Physician/dentist Loan Advisory Committee
9:16-1.3-1.5	Physician-dentist loan redemption program

R.1980 d.524	13 N.J.R. 14(a)
R.1981 d.19	13 N.J.R. 133(a)
R.1980 d.525	13 N.J.R. 14(b)
R.1981 d.38	13 N.J.R. 133(b)
R.1981 d.19	13 N.J.R. 133(a)
R.1980 d.428	12 N.J.R. 661(a)
R.1980 d.461	12 N.J.R. 661(b)
R.1980 d.212	12 N.J.R. 317(b)
R.1980 d.462	12 N.J.R. 694(d)
R.1981 d.99	13 N.J.R. 220(b)
R.1980 d.324	12 N.J.R. 469(b)
R.1980 d.339	12 N.J.R. 520(a)
R.1980 d.339	12 N.J.R. 520(a)
R.1981 d.100	13 N.J.R. 220(c)
R.1980 d.523	13 N.J.R. 13(g)
R.1981 d.100	13 N.J.R. 220(c)
R.1980 d.309	12 N.J.R. 469(a)
R.1981 d.60	13 N.J.R. 220(a)

(Title 9, Transmittal 14 dated March 20, 1980)

**HUMAN SERVICES — TITLE 10**

10:37	Amend community mental health services
10:49-1.2	Amend recipient controls
10:49-1.5	Amend recipient controls
10:49-1.7	Utilization of insurance benefits
10:49-1.12	Amend medical assistance claims
10:49-1.17	Amend suspension of provider from Medicaid program
10:49-1.18, 1.23	Amend nondiscrimination of handicapped recipients
10:49-1.27	Final audits
10:49-5.3, 5.4	Amend recipient fair hearings
10:49-5.6	Amend recipient fair hearings
10:49-6.8	Compromising claims
10:49-7.1	Provider reinstatement
10:51	Amend Pharmaceutical Services Manual
10:51	Amend Pharmaceutical Assistance to Aged
10:51-App.B,D	Amend Pharmaceutical Services Manual
10:51-App. B, D	Pharmaceutical Services Manual

R.1980 d.479	12 N.J.R. 704(g)
R.1980 d.549	13 N.J.R. 100(c)
R.1980 d.549	13 N.J.R. 100(c)
R.1981 d.123	13 N.J.R. 272(a)
R.1980 d.278	12 N.J.R. 481(a)
R.1980 d.501	13 N.J.R. 17(a)
R.1980 d.247	12 N.J.R. 418(d)
R.1981 d.114	13 N.J.R. 273(a)
R.1980 d.512	13 N.J.R. 17(f)
R.1980 d.512	13 N.J.R. 17(f)
R.1980 d.502	13 N.J.R. 17(b)
R.1980 d.378	12 N.J.R. 599(a)
R.1980 d.469	12 N.J.R. 704(b)
R.1980 d.470	12 N.J.R. 704(c)
R.1980 d.471	12 N.J.R. 704(d)
R.1981 d.124	13 N.J.R. 274(a)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
10:51-4.5	Repeal payments for pharmaceutical consultants	R.1981 d.101	13 N.J.R. 228(c)
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)
10:52-1.6	Amend outpatient hospital services	R.1980 d.313	12 N.J.R. 483(c)
10:52-1.6(c)	Reimbursement for outpatient hospital services	R.1980 d.337	12 N.J.R. 536(a)
10:52-1.16	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:52-1.17	Reimbursement for out-of-State inpatient hospital services	R.1981 d.162	13 N.J.R. 358(b)
10:53-1.1, 1.4	Amend Hospital and Special Services Manual: Professional Standards Review Organization	R.1981 d.51	13 N.J.R. 147(c)
10:53-1.6	Special Hospital Services Manual	R.1980 d.392	12 N.J.R. 600(c)
10:53-1.14	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:54-1.1	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.2	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.19	Definition of specialist, Physician's Services Manual	R.1980 d.463	12 N.J.R. 703(d)
10:54-1.22	Routine chest X rays	R.1981 d.125	13 N.J.R. 292(b)
10:54-1.23	Abortions	R.1980 d.264	12 N.J.R. 419(b)
10:54-3	Amend Procedure Code Manual	R.1980 d.511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	R.1981 d.111	13 N.J.R. 299(a)
10:56-3.15	Orthodontics	R.1981 d.113	13 N.J.R. 299(b)
10:58	Repeal of Independent Clinic Services Manual	R.1980 d.351	12 N.J.R. 536(d)
10:59-1.7, 1.8, 1.10, 1.11, 2.11	Repair of durable medical equipment	R.1980 d.510	13 N.J.R. 17(d)
10:61-1.4	Record retention requirements	R.1981 d.110	13 N.J.R. 299(c)
10:63-1.4	Amend consultations in Long Term Care Manual	R.1980 d.340	12 N.J.R. 536(c)
10:63-1.4	Amend LTCM: Prior authorization for occupational therapy services	R.1980 d.477	12 N.J.R. 704(c)
10:63-1.8	Amend clinical records in long-term care facilities	R.1981 d.33	13 N.J.R. 146(c)
10:63-1.14	Nurses' notes in long term care facilities	R.1980 d.393	12 N.J.R. 600(d)
10:63-1.19	Amend LTCSM: Termination of Medicaid eligibility	R.1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	R.1981 d.23	13 N.J.R. 146(a)
10:63-3.1	Amend reimbursement to Long Term Care Facilities	R.1981 d.87	13 N.J.R. 227(a)
10:63-3.18, 3.19	Long term care rate review guidelines	R.1980 d.377	12 N.J.R. 586(d)
10:63-3.21	Long-term care per diem rates	R.1980 d.341	12 N.J.R. 536(b)
10:63-3.21	Temporary enjoyment of implementation	R.1980 d.341	13 N.J.R. 361(a)
10:66	Amend Independent Clinic Manual	R.1980 d.249	12 N.J.R. 418(f)
10:66-1.2	Amend Independent Clinic Manual: Specialist payments	R.1980 d.478	12 N.J.R. 704(f)
10:66-1.15	Amend changes of reimbursement for independent clinics	R.1980 d.248	12 N.J.R. 418(e)
10:66-3.3	Procedure codes for Medicaid	R.1981 d.112	13 N.J.R. 299(e)
10:81-2.7	Amend PAM: Deprivation of parental support in AFDC-C	R.1981 d.28	13 N.J.R. 146(b)
10:81-3.27	Amend documentation in AFDC transfers	R.1980 d.330	12 N.J.R. 483(f)
10:81-3.37, 3.38	Amend PAM: Identification of resources	R.1980 d.450	12 N.J.R. 664(b)
10:81-7.22, 7.26	Amend payment of burial and funeral costs	R.1980 d.244	12 N.J.R. 518(a)
10:81-7.32	Amend subpoena notification	R.1980 d.329	12 N.J.R. 483(e)
10:82-1.2	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.3	Amend grant effective date	R.1980 d.331	12 N.J.R. 484(a)
10:82-2.13	Amend ASH: Allowances	R.1980 d.294	12 N.J.R. 481(b)
10:82-2.14	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-2.14	Amend ASH: Established monthly earnings	R.1981 d.47	13 N.J.R. 147(b)
10:82-2.20	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-3.1	Repeal ASH: Rules on resources	R.1980 d.451	12 N.J.R. 664(c)
10:82-3.2	Inclusion of burial plots as exempt resource	R.1980 d.383	12 N.J.R. 599(b)
10:82-3.2	Amend ASH: Savings	R.1980 d.442	12 N.J.R. 663(d)
10:82-3.2	Amend ASH: HUD community development block grants	R.1981 d.96	13 N.J.R. 227(b)
10:82-4.6	Disregard of certain allowances and payments in AFDC	R.1980 d.384	12 N.J.R. 599(c)
10:82-4.9	Amend ASH	R.1980 d.332	12 N.J.R. 484(b)
10:82-4.13	Contributions of support by legally responsible relative	R.1980 d.389	12 N.J.R. 600(a)
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 directors 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 out-of-State individuals entering New Jersey medical facilities	R.1980 d.245	12 N.J.R. 418(b)
10:85-3.2	Amend GAM	R.1980 d.252	12 N.J.R. 419(a)
10:85-3.2	Amend General Assistance application process	R.1980 d.514	13 N.J.R. 18(a)
10:85-3.3	Allowance schedule	R.1980 d.310	12 N.J.R. 483(a)
10:85-3.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.3	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
10:85-3.3	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-3.3	Amend GAM: "Immediate need"	R.1980 d.486	12 N.J.R. 724(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)
10:85-3.4	Treatment of funds in trust or joint accounts in GA eligibility	R.1980 d.388	12 N.J.R. 599(f)
10:85-3.4	Amend GAM: Savings	R.1980 d.452	12 N.J.R. 664(d)
10:85-3.5	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
10:85-3.6	GAM: Overpayments and underpayments	R.1980 d.391	12 N.J.R. 600(b)
10:85-4.6	Amend GAM: Emergency grants	R.1980 d.538	13 N.J.R. 18(d)
10:85-4.8	Amend payment of burial and funeral costs	R.1980 d.436	12 N.J.R. 663(c)
10:85-5.2	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-5.2	Amend GAM: Diagnostic-Related Group payments	R.1980 d.515	13 N.J.R. 18(b)
10:85-5.2, 5.3	Amend General Assistance Manual	R.1980 d.311	12 N.J.R. 483(b)
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, 5.4	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-5.8, 5.9	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-6.5	Amend GAM: Repayment by SSI recipients	R.1980 d.551	13 N.J.R. 100(d)
10:85-6.8	Amend general assistance clients in certain municipalities	R.1980 d.252	12 N.J.R. 419(a)
10:85-7.2	Amend GAM: Receipt of assistance	R.1981 d.53	13 N.J.R. 147(d)
10:85-8.2	Amend GAM: Referral for Medicaid	R.1980 d.466	12 N.J.R. 704(a)
10:85-8.3	GAM: Referral and appeal procedures for prospective SSI recipients	R.1981 d.160	13 N.J.R. 363(b)
10:85-App. C	Amend GAM: Income and allowance standards	R.1980 d.295	12 N.J.R. 482(a)
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)
10:87-5.10	FSM: Shelter cost deductions	R.1980 d.387	12 N.J.R. 599(e)
10:87-6.9, 6.11 6.13, 6.15	Amend Food Stamp Manual	R.1980 d.459	12 N.J.R. 40(c)
10:87-12	Amend Food Stamp allotment and income	R.1980 d.296	12 N.J.R. 482(b)
10:87-12.1	Emergency amend FSM: Standard utility allowance	R.1980 d.418	12 N.J.R. 663(b)
10:87-12.1, 12.2, 12.4	Emergency amend Food Stamp Manual	R.1980 d.558	13 N.J.R. 100(e)
10:89	Emerg. Home Energy Assistance	R.1980 d.497	12 N.J.R. 724(b)
10:89-3.6	Emergency rule on Home Energy Assistance	R.1980 d.548	13 N.J.R. 100(b)
10:94-4, -5, -8	Medicaid Only: Income and resource eligibility	R.1981 d.177	13 N.J.R. 364(b)
10:100-3.5, 3.6, 3.7	Amend payment of burial and funeral costs	R.1980 d.246	12 N.J.R. 418(c)
10:109-App.I, II	Salary increases for county welfare agencies' employees	R.1980 d.386	12 N.J.R. 599(d)
10:120- Foreword	Amend DYFS administrative foreword	R.1980 d.308	12 N.J.R. 482(c)
10:121-5.1	Medical information form	R.1981 d.63	13 N.J.R. 226(a)
10:122	Amend child care standards	R.1980 d.314	12 N.J.R. 483(d)
10:122A	Recodify AFDC Foster Care	R.1980 d.314	12 N.J.R. 483(d)
10:122B	Recodify Family Day Care	R.1980 d.314	12 N.J.R. 483(d)
10:123-2	Boarding homes	R.1980 d.371	12 N.J.R. 586(c)
10:123-3	Adopt personal needs allowance	R.1980 d.358	12 N.J.R. 536(e)
10:130	Dependent/neglected children's shelters	R.1980 d.446	12 N.J.R. 664(a)

(Title 10, Transmittal 14 dated May 17, 1980)

#### CORRECTIONS — TITLE 10A

10A:33	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:35	Repeal parole regulations	R.1980 d.367	12 N.J.R. 600(e)
10A:70-1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-1.11	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:70-8.1	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71	Parole Board rules	R.1980 d.359	12 N.J.R. 538(a)
10A:71-3	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(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:71-3.20—3.28	Amend State Parole Board rules	R.1980 d.488	12 N.J.R. 724(c)
10A:71-7.7	Notice for preliminary hearings	R.1981 d.106	13 N.J.R. 302(a)
10A:71-7.15	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)
10A:71-7.18	Amend State Parole Board rules	R.1980 d.434	12 N.J.R. 665(a)

(Title 10A, Transmittal 5 dated May 17, 1980)

**N.J.A.C.  
CITATION**

**DOCUMENT ADOPTION NOTICE  
CITATION (N.J.R. CITATION)**

**INSURANCE — TITLE 11**

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)
11:5-1.16	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)

(Title 11, Transmittal 15 dated July 17, 1980)

**LABOR AND INDUSTRY — TITLE 12**

12:15-1.5	Contribution rates of governmental entities	R.1980 d.354	12 N.J.R. 543(a)
12:15-1.3	Maximum weekly benefit rates	R.1980 d.355	12 N.J.R. 543(b)
12:15-1.4	Taxable wage base under Unemployment Compensation	R.1980 d.356	12 N.J.R. 543(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)
12:56	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	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)

(Title 12, Transmittal 13 dated July 17, 1980)

**LAW AND PUBLIC SAFETY — TITLE 13**

13:2-23.31	Amend employment of police officers; combination sales	R.1980 d.526	13 N.J.R. 41(c)
13:2-24.4	Amend various regulations	R.1981 d.71	13 N.J.R. 238(b)
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)
13:28-1.3	Toilet facilities in beauty shops	R.1981 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)
13:30-8.1	Amend fee schedules	R.1980 d.527	13 N.J.R. 41(d)
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)
13:33-1.41	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)
13:35-6.2	Guidelines for externship programs	R.1981 d.149	13 N.J.R. 367(b)

**N.J.A.C.  
CITATION**

**DOCUMENT ADOPTION NOTICE  
CITATION (N.J.R. CITATION)**

13:35-6.6	Amend prescriptions for controlled dangerous substances	R.1981 d.5	13 N.J.R. 104(c)
13:35-6.16	Uses of amphetamines and sympathomimetic amines	R.1980 d.380	12 N.J.R. 609(c)
13:35-6.16(a)	Uses of amphetamines and sympathomimetic 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)
13:35-9	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 standards	R.1981 d.24	13 N.J.R. 150(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)
13:37-1.26	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)
13:40-6.1	Repeal engineers' and surveyors' fee for transmittal of grades or certification	R.1980 d.417	12 N.J.R. 671(b)
13:41-1.2, 1.3	Amend rules governing use of seals	R.1980 d.445	12 N.J.R. 672(e)
13:45A-14.4, 14.5	Amend unit pricing of consumer commodities in retail establishments	R.1980 d.444	12 N.J.R. 672(d)
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)

**PUBLIC UTILITIES — TITLE 14**

14:3-7.12, 7.13	Notice of discontinuance and bill disputes	R.1980 d.555	13 N.J.R. 105(b)
-----------------	--	--------------	------------------

(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:21	Residential Energy Conservation Service (RCS) Program	R.1980 d.516	13 N.J.R. 44(a)

(Title 14A, Transmittal 6 dated July 17, 1980)

**STATE — TITLE 15**

(Title 15, Transmittal 12 dated July 17, 1980)

**PUBLIC ADVOCATE — TITLE 15A**

(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)
16:21	State aid to counties and municipalities	R.1980 d.127	12 N.J.R. 215(a)
16:22	Urban revitalization, special demonstration and emergency projects	R.1980 d.333	12 N.J.R. 553(b)
16:26-1.1	Traffic signal information	R.1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal control of traffic and parking on NJDOT property	R.1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	R.1981 d.150	13 N.J.R. 372(c)
16:28-1.3	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28-1.11	Speed limits: Terrill Road	R.1980 d.145	12 N.J.R. 289(c)
16:28-1.15	Speed limits along Route 13	R.1981 d.152	13 N.J.R. 372(d)
16:28-1.18	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(c)
16:28-1.23	Emergency amend speed limit on Route 18	R.1981 d.34	13 N.J.R. 158(b)
16:28-1.49	Emergency amend speed zone along Route 35	R.1981 d.59	13 N.J.R. 243(a)
16:28-1.67	Amend speed zones along Routes 34 and U.S. 202	R.1981 d.74	13 N.J.R. 243(c)
16:28-1.72, 1.77	Speed zones on Routes U.S. 206, N.J. 29	R.1980 d.346	12 N.J.R. 553(d)
16:28-1.81	Speed zones on Route N.J. 49	R.1980 d.346	12 N.J.R. 553(d)
16:28A-1.2	Amend restricted parking on U.S. Routes 1 and 9	R.1980 d.413	12 N.J.R. 675(a)
16:28A-1.4	Emergency amend restricted parking along Route 4	R.1981 d.35	13 N.J.R. 159(a)
16:28A-1.7	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.76	13 N.J.R. 243(f)
16:28A-1.7	Restricted parking along Route U.S. 9	R.1981 d.77	13 N.J.R. 243(a)
16:28A-1.7	Route US 9 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.9	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.13, 1.15	Route US 22 and Route 23 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.19	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)

**N.J.A.C.  
CITATION**

**DOCUMENT ADOPTION NOTICE  
CITATION (N.J.R. CITATION)**

16:28A-1.19	Route 28 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	R.1981 d.156	13 N.J.R. 373(b)
16:28A-1.19, 1.20	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.21	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.21	Restricted parking: Route 30	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.22	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.22	Amend restricted parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.23	Route 33 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.25	Route 35 parking	R.1980 d.289	12 N.J.R. 496(a)
16:28A-1.25	Route 35 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.26	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.26	Amend restricted parking	R.1980 d.290	12 N.J.R. 496(b)
16:28A-1.29	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.32, 1.33	Amend restricted parking	R.1980 d.291	12 N.J.R. 496(c)
16:28A-1.33	Emerg. amend restricted parking on Route 47	R.1980 d.414	12 N.J.R. 675(b)
16:28A-1.33	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.34	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.35	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.37	Restricted parking along Route 70	R.1981 d.76	13 N.J.R. 243(f)
16:28A-1.44	Route 88 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.46, 1.51	Restricted parking: Routes 130, 168	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.55	Restricted parking and speed zones on State highways	R.1980 d.475	12 N.J.R. 727(d)
16:28A-1.55	Restricted parking along Routes 15, 18 and U.S. 202	R.1981 d.75	13 N.J.R. 243(e)
16:28A-1.57	Restricted parking along U.S. 206	R.1981 d.77	13 N.J.R. 244(a)
16:28A-1.57	Route US 206 parking	R.1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	R.1981 d.154	13 N.J.R. 374(a)
16:28A-1.61	Amend restricted parking	R.1980 d.293	12 N.J.R. 496(d)
16:28A-1.61	Restricted parking: Route 41	R.1980 d.347	12 N.J.R. 554(a)
16:28A-1.61—1.63	Amend restricted parking	R.1980 d.292	12 N.J.R. 496(d)
16:28A-1.64	Route 41 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.65	Route 15 parking	R.1981 d.151	13 N.J.R. 373(a)
16:28A-1.65, 1.66	Restricted parking along Routes 15, 18, and U.S. 202	R.1981 d.75	13 N.J.R. 243(e)
16:28A-1.67	Route 63 parking	R.1981 d.155	13 N.J.R. 374(b)
16:28A-1.68	Route 93 parking	R.1981 d.153	13 N.J.R. 373(d)
16:29-1.22	No passing zones	R.1981 d.78	13 N.J.R. 244(b)
16:29-1.23	No passing zones on Route 179	R.1981 d.79	13 N.J.R. 244(c)
16:30-3.1(c)	Amend lane usage on Route 35	R.1980 d.342	12 N.J.R. 553(c)
16:30-5.1	Amend traffic and parking at Metro Park Train Station	R.1980 d.128	12 N.J.R. 289(b)
16:30-7.2	Amend limited access prohibition along U.S. 9 and Route 444	R.1981 d.73	13 N.J.R. 243(d)
16:30-8	No trespassing zones	R.1981 d.36	13 N.J.R. 159(b)
16:31-1.4, 1.7	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31-1.15	Turns along various State highways	R.1980 d.412	12 N.J.R. 674(a)
16:31A	Amend prohibited right turns on red signals	R.1980 d.518	13 N.J.R. 44(c)
16:41-16	Amend permits for use or occupancy of State-owned railroad property	R.1981 d.103	13 N.J.R. 244(d)
16:54	Licensing of aeronautical facilities	R.1981 d.141	13 N.J.R. 374(c)
16:65-1.1	Amend definition of "prequalification committee"	R.1981 d.72	13 N.J.R. 243(b)
16:72	N.J. Transit procurement policies and procedures	R.1981 d.176	13 N.J.R. 374(d)

(Title 16, Transmittal 13 dated March 20, 1980)

**TREASURY-GENERAL — TITLE 17**

17:1-1.3	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-1.15, 2.6, 4.2	Amend administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-4.13	Amend pension cash purchase discounts	R.1980 d.302	12 N.J.R. 497(d)
17:1-4.22	Amend availability of medical records	R.1981 d.86	13 N.J.R. 247(d)
17:1-4.32	Administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-8.1	Repeal responsibility of director for Social Security	R.1981 d.1	13 N.J.R. 111(c)
17:1-8.3	Emergency rule on Social Security referendum	R.1980 d.467	12 N.J.R. 728(b)
17:1-8.7, 8.8, 8.12	Amend pension reporting	R.1980 d.301	12 N.J.R. 497(c)
17:1-8.13, 8.14	Administration	R.1981 d.85	13 N.J.R. 247(c)
17:1-11.9	Repeal dental insurance coverage for covered dependents	R.1980 d.487	12 N.J.R. 729(a)
17:2-2.1, 2.3	Amend Public Employees' Retirement System: Enrollment	R.1981 d.58	13 N.J.R. 247(b)
17:3-1.4	Amend teachers' pension member-trustee election	R.1980 d.405	12 N.J.R. 678(a)
17:3-3.4	Amend contributory insurance rate of contribution	R.1980 d.175	12 N.J.R. 354(a)
17:3-4.1	Amend creditable salary	R.1981 d.30	13 N.J.R. 162(a)
17:3-6.6	Teachers' Pension and Annuity Fund: Retirement credit	R.1981 d.140	13 N.J.R. 376(a)

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
17:4-1.8, 1.11	Amend Police and Firemen's Retirement System	R.1980 d.135	12 N.J.R. 290(a)
17:4-2.6	Amend enrollment dates	R.1981 d.57	13 N.J.R. 247(a)
17:4-3.3, 4.10, -6	Amend police and firemen's retirement	R.1980 d.135	12 N.J.R. 290(a)
17:5-1.7	Amend State Police Retirement System	R.1980 d.209	12 N.J.R. 355(d)
17:5-5.7, 5.8	Amend State Police Retirement	R.1980 d.209	12 N.J.R. 355(d)
17:8-1.6	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(b)
17:8-2.10, 2.11	Repeal Supplemental Annuity reports and remittances	R.1980 d.419	12 N.J.R. 678(b)
17:8-3.3	Amend variable benefit account and withdrawals	R.1980 d.530	13 N.J.R. 47(b)
17:9-2.15	Amend major medical reimbursement	R.1980 d.300	12 N.J.R. 497(b)
17:9-2.16	Policy provisions adoption for State Health Benefits Program	R.1981 d.138	13 N.J.R. 376(b)
17:9-5.8	Medicare refunds	R.1981 d.139	13 N.J.R. 376(c)
17:12-1.1, 2.4, 2.5, 2.7, 2.8, 3.3	Amend administrative procedures of Purchase Bureau	R.1980 d.142	12 N.J.R. 293(a)
17:12-7.2(a)	Amendments concerning debarment, suspension and disqualification of a person	R.1980 d.141	12 N.J.R. 292(a)
17:16-5.5	Amend fund classification	R.1980 d.315	12 N.J.R. 497(e)
17:16-31.7— 31.12	Amend common Treasury Fund A	R.1980 d.235	12 N.J.R. 436(a)
17:16-41	Amend Cash Management Fund	R.1980 d.443	12 N.J.R. 679(a)
17:20-5.10	Emergency amend agent's compensation	R.1980 d.460	12 N.J.R. 681(a)
17:21-1.4	3-Of-A-Kind Instant Lottery	R.1980 d.372	12 N.J.R. 619(b)
17:21-8.1	Emergency amend unclaimed prize money	R.1980 d.459	12 N.J.R. 680(b)
17:21-11	Emergency rules on 10th Anniversary instant lottery	R.1981 d.11	13 N.J.R. 112(a)
17:21-11	Emergency adoption: Baseball instant lottery	R.1981 d.136	13 N.J.R. 312(a)
17:21-11	Emergency adoption: Super Bingo	R.1981 d.171	13 N.J.R. 376(d)
17:21-12.1, 13.1	Emergency amend Pick-It and Pick-4 Lotteries	R.1980 d.458	12 N.J.R. 680(a)
17:21-15	Pick-6 (Lotto) Lottery	R.1980 d.136	12 N.J.R. 290(b)
17:21-15	Emergency amend Pick-6 (Lotto) lottery	R.1980 d.496	12 N.J.R. 730(a)
17:21-16	Emergency rules on Jersey Jackpot Lottery	R.1980 d.507	13 N.J.R. 45(a)

(Title 17, Transmittal 14 dated March 20, 1980)

#### TREASURY-TAXATION — TITLE 18

18:7-11.12	Emergency extension of time for filing corporate return	R.1981 d.163	13 N.J.R. 377(a)
18:12-6A.6	Adoption on home improvement exemption	R.1980 d.335	12 N.J.R. 554(c)
18:12-6A.7	Home improvement exemptions	R.1980 d.553	13 N.J.R. 111(b)
18:12-7.12	Emergency amend Homestead Rebate filing date	R.1980 d.517	13 N.J.R. 47(a)
18:12A	Amend county boards of taxation	R.1980 d.490	12 N.J.R. 731(a)
18:12A-1.20	County boards of taxation	R.1981 d.44	13 N.J.R. 165(a)
18:24-15.2, 15.3, 15.6	Amend Sales and Use Tax Act	R.1980 d.489	12 N.J.R. 729(b)
18:25	Emergency rules on Atlantic City Luxury Tax	R.1980 d.437	12 N.J.R. 678(c)
18:35-1.14	Amend partnerships under the Gross Income Tax Act	R.1981 d.6	13 N.J.R. 111(d)
18:37	Emergency amend spill compensation and control tax	R.1980 d.484	12 N.J.R. 728(c)

(Title 18, Transmittal 15 dated July 17, 1980)

#### TITLE 19 SUBTITLES A-L — OTHER AGENCIES (Except Casino Control Commission)

19:8-2.11	Garden State Arts Center	R.1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	R.1981 d.115	13 N.J.R. 315(a)
19:8-3.1	Tolls on Garden State Parkway	R.1981 d.170	13 N.J.R. 378(b)
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)
19:25	Election activity	R.1980 d.348	12 N.J.R. 557(a)
19:25	Lobbying	R.1980 d.350	12 N.J.R. 558(a)
19:25-8	Rules on lobbying disclosure	R.1980 d.349	12 N.J.R. 557(b)
19:25-15	Amend public financing of General Election for Governor	R.1981 d.54	13 N.J.R. 248(b)
19:25-16	Amend public financing of primary election for Governor	R.1980 d.491	12 N.J.R. 732(b)
19:25-19.1-19.6	Interim public financing of gubernatorial primary elections	R.1980 d.411	12 N.J.R. 681(b)
19:30-4.4	EDA: Targeting of Authority assistance	R.1981 d.168	13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	R.1981 d.167	13 N.J.R. 378(d)

(Title 19, Transmittal 15 dated July 17, 1980)

#### TITLE 19 SUBTITLE K — CASINO CONTROL COMMISSION

19:41-9	Amend license fees	R.1980 d.483	12 N.J.R. 732(a)
19:45	Amend casino accounting and internal controls	R.1980 d.504	13 N.J.R. 48(a)

(Title 19 Subtitle K, Transmittal 2 dated July 17, 1980)

(Continued from page 342)

garding the identification and reporting of diagnosed and/or suspected cases of child abuse and/or neglect, the legal aspects, such as immunity from liability, the violations for failure to make reports, and protective custody for the child (hospital hold), and the treatment and prevention of child abuse and/or neglect.

(d) The facility shall establish a multidisciplinary child protection team consisting of at least a physician, a registered professional nurse, and a social worker which shall be responsible for, but not limited to, the following:

1. Acting as liaison between the facility and the Division of Youth and Family Services;
2. Developing criteria for the identification of a child who has or may have been abused and/or neglected and identifying indicators of child abuse and/or neglect based on "A Guide to Fulfilling Your Legal Responsibilities In Case of Suspected Child Abuse and Neglect"<sup>1</sup>;
3. Assisting in and/or reporting suspected or diagnosed cases of child abuse and/or neglect identified within the facility to the designated staff member(s), in accordance with the facility's policies and procedures;
4. Developing policies and procedures for the functioning of the team, including goals and objectives, requirements for documentation of meetings, availability of team members, and receiving of reports of cases;
5. Assisting in the development and implementation of written protocols for the care and treatment of cases of child abuse and/or neglect;
6. Assisting in and initiating case referrals, for example, for consultation and/or evaluations, and being available to provide consultation regarding cases of child abuse and/or neglect; and
7. Assisting in the development of, and participating in, staff orientation and educational programs regarding child abuse and/or neglect, and documenting these activities.]

[(e)] (c) The standards herein shall not apply to the following health care facilities:

1. Long-Term Care Facilities;
2. Non-Residential Medical Day Care Facilities;
3. Residential Health Care Facilities (Boarding Homes for Sheltered Care);
4. Nursing Homes;
5. Intermediate Care Facilities;
6. [Standards for Licensure of] Residential and Inpatient Drug Treatment Facilities.

<sup>1</sup> Copies of the Law [and the Guide] can be obtained from the local district office of Division of Youth and Family Services (DYFS) or from the Office of Program Support, Division of Youth and Family Services, Trenton, New Jersey 08625.

8:42-1.8(q) (No change from proposal.)

8:43A-3.1(s) (No change from proposal.)

8:43B-1.13 (No change from proposal.)

An order adopting the rules was filed with the Office of Administrative Law on May 6, 1981 as R. 1981 d.157.

(a)

## HEALTH

### DRUG UTILIZATION REVIEW COUNCIL

Proposed Amendment: N.J.A.C. 8:71  
Interchangeable Drug Products

Public Hearing: June 24, 1981

Robert G. Kowalski, Chairman of the Drug Utilization Review Council in the Department of Health, pursuant to authority of N.J.S.A. 24:6E-6(b), proposes to amend N.J.A.C. 8:71 concerning the list of interchangeable drug products.

#### Summary

These proposed additions will expand the list of interchangeable drug products.

#### Social Impact

The social impact of these additions is expected to be minimal. These proposed additions will expand the opportunity for consumers to save money on prescriptions through the use of generic medicines in place of brand name medicines.

#### Economic Impact

Consumers will save money, but the extent of the savings caused by these specific additions cannot be quantified.

Full text of the proposed amendment follows (additions indicated in boldface thus).

Allopurinol tabs 100, 300 mg	B-W
Amitriptyline HC1 tabs 10, 25, 50, 75, 100	Ikapharm
Amitriptyline HC1 tabs 150 mg	MSD, Ikapharm
Ampicillin caps 250, 500 mg	Pfizer
Ampicillin for susp. 125/5, 250/5 ml	Pfizer
Aspirin with codeine tabs 15, 30, 60 mg	B-W
Belladonna alkaloids with phenobarbital elixir	Bay
Bromodiphenhydramine comp. expect./codeine	Bay
Butabarbital sodium tabs 15, 30 mg	Lemmon
Cephadroxil monohydrate caps, 500 mg	Bristol
Chlorthalidone tabs 25, 50 mg	Mylan
Chlorzoxazone/acetaminophen tabs	Premo, McNeil, Deena
Clotrimazole cream 1%, solution 1%, vaginal cream 1%	Miles
Clotrimazole vaginal tabs 100 mg	Miles
Cloxacillin sodium caps 250, 500 mg	Biocraft
Cloxacillin sodium for soln. 125 mg/5 ml	Biocraft
Dihydroergotoxine mesylate s.l. tabs 0.5, 1.0 mg	Premo
Diphenhydramine cough syrup	Bay, Halsey
Dipyridamole tabs 25 mg	Cord
Erythromycin ethylsuccinate susp. 200/5 ml	NPC
Gramicidin, neomycin, nystatin, triamcinolone cream	Byk-Gulden, Clay-Park, Premo
Gramicidin, neomycin, nystatin, triamcinolone oint.	Byk-Gulden, Clay-Park, Premo
Imipramine HC1 tabs, 10, 50 mg	Premo
Isosuprine HC1 tabs, 10, 20 mg	Generic

<b>Penicillin G postassium tabs</b> 200,000 U; 400,000 U	<b>Biocraft</b>
<b>Phenylbutazone alka caps</b>	<b>Generic</b>
<b>Phenylbutazone tabs 100 mg</b>	<b>USV</b>
<b>Potassium gluconate elixir</b>	<b>Bay</b>
<b>Sulfasalazine tabs, 500 mg</b>	<b>Danbury</b>
<b>Spirolactone tabs, 25 mg</b>	<b>Mylan</b>
<b>Tolbutamide tabs, 500 mg</b>	<b>Danbury</b>
<b>Triamcinolone acetonide cream</b> 0.5%	<b>Byk-Gulden</b>
<b>Trimethoprim with</b> sulfamethoxazole tabs 80 mg/400 mg; 160 mg/800 mg	<b>Biocraft</b>
<b>Triprolidine HCl with</b> pseudoephedrine HCl tabs	<b>Generic</b>

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Proposed Amendment: N.J.A.C. 10:49-1.9**  
**Administration Manual**  
**Prior Authorization for Out-of-State Hospital Services**

**Public Hearing: None**

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b, proposes to amend N.J.A.C. 10:49-1.9 concerning prior authorization for out-of-State hospital services.

#### Summary

This proposed regulation will require prior authorization from the New Jersey Medicaid program for both inpatient and outpatient services in out-of-State hospitals. Emergency services are exempt from this requirement.

#### Social Impact

New Jersey Medicaid recipients will still be able to receive the same services as before. The limitation is really directed to the providers of health care services, who will be required to complete the respective prior authorization form if the service is to be rendered out-of-State.

#### Economic Impact

It is anticipated that utilization of New Jersey providers will result in some cost savings to the Medicaid program, as some services are more expensive when rendered by out-of-State providers. However, exact figures are not available as it is not known if there will be a significant increase in utilization of New Jersey providers. The economic impact on providers would vary greatly, depending on the number of New Jersey Medicaid recipients being treated.

Full text of the proposed amendment follows (additions indicated in boldface thus).

10:49-1.9 Policy on out-of-State medical care and services

(a) (No change.)

1. (No change.)

2. When medically necessary covered services other than inpatient and outpatient non-emergency hospital services are obtained by a New Jersey Medicaid-eligible individual in the states of New York, Pennsylvania or Delaware;

i. Prior authorization from the New Jersey Medicaid Program is required for inpatient and outpatient non-emergency hospital services which are to be provided outside New Jersey.

Note: Any covered service requires prior authorization as a prerequisite for reimbursement to New Jersey providers, also requires prior authorization if it is to be provided in any other state. Services which require prior authorization are described in the specific Medicaid provider manual.

3. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

A public hearing concerning these proposed additions will be held on June 24, 1981 at 10:00 A.M. at:

Training Room A  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, N.J. 08625

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Thomas T. Culkin, Executive Director  
Drug Utilization Review Council  
Department of Health  
Box 1540  
Trenton, N.J. 08625  
(609) 984-2157

The Drug Utilization Review Council 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 1981-51.

(a)

## HIGHER EDUCATION

### HIGHER EDUCATION ASSISTANCE AUTHORITY

#### Notice of Correction:

N.J.A.C. 9:9-1.3 (13 N.J.R. 219(a))

#### Student Loan Program Loan Limits

In the April 9, 1981 New Jersey Register at 13 N.J.R. 219(a), errors occurred respecting proposed rules concerning loan amounts for the guaranteed student loan program.

Full text of the rule as it should have appeared follows.

#### 9:9-1.3 Loan amounts

(a)-(c) (Correct as published.)

(d) The total amount of loans to any one student shall not exceed [\$7,500 for the undergraduate course of study or \$15,000 if graduate study is included.] \$12,500 for the dependent undergraduate student, \$15,000 for the independent undergraduate student, or \$25,000 for the graduate student, including any loans borrowed under this program as an undergraduate student.

(e)-(g) (Correct as published.)

This notice is published as a matter of public information.

Administrative Practice Officer  
Division of Medical Assistance  
and Health Services  
324 East State Street  
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 rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-69.

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed New Rule: N.J.A.C. 10:50-3 Transportation Services Manual Lower Mode Transportation Services

#### Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7a and b, proposes a new rule to be cited as N.J.A.C. 10:53-3 concerning lower mode transportation services (van service).

#### Summary

The proposed new rule will create a third type of transportation service, in addition to ambulance and invalid coach. This new type of transportation service is designed to transport Medicaid recipients to and from medical care providers. This service should make an appropriate type of transportation more accessible to Medicaid recipients. Prior authorization will be required.

Federal regulations (42 CFR 431.53) require the State Medicaid agency to assure necessary transportation for recipients to and from providers for the purpose of obtaining Medicaid services, and to describe the methods (of transportation) that will be used.

#### Social Impact

This proposal should enable Medicaid recipients to receive transportation at a level consistent with their physical condition.

#### Economic Impact

Reimbursement for this service will be limited to vans (with or without lift equipment) and will be based on a set maximum fee allowance. The cost per ride will be lower than for invalid coach. However, total expenditures for the entire Medicaid program can not be determined at this time, because it is not known how many Medicaid recipients will utilize this new service, but a cost saving is anticipated since it will provide a lower cost alternate transportation service. The cost to the transportation providers can not be estimated because it is not known how many providers will elect to participate in this new system.

Full text of the proposed new rule follows.

#### CHAPTER 50

#### TRANSPORTATION SERVICES MANUAL

#### SUBCHAPTER 3. LOWER MODE TRANSPORTATION SERVICES

##### 10:50-3.1 Definitions

"Approved vehicle" means a van which meets licensing

and inspection requirements of the New Jersey Division of Motor Vehicles. The van may have lift equipment. The driver of the vehicle must have a current motor vehicle operator's license issued by the New Jersey Division of Motor Vehicles.

"Lower mode transportation services" means the use of an approved vehicle to transport an eligible individual who, by reason of health condition at the time transportation is requested, requires neither ambulance nor invalid coach, and who is going to and/or from a medical care provider whose services are approved by the New Jersey Medicaid program.

##### 10:50-3.2 Provisions for participation

(a) Each transportation carrier must be individually approved by the New Jersey Department of Human Services, Division of Medical Assistance and Health Services, as a provider of ambulance and/or invalid coach services in order to be considered for approval and reimbursement of lower mode transportation services rendered to Medicaid eligible persons (refer to N.J.A.C. 10:50-1.2 for provisions of participation for ambulance/invalid coach services).

(b) Providers currently approved for ambulance and/or invalid coach services who wish to apply as a lower mode transportation provider must contact:

Chief Provider Enrollment Unit  
Division of Medical Assistance and Health Services  
CN 712  
Trenton, New Jersey 08625

##### 10:50-3.3 General policies

(a) If a transportation service is operated by an organization which has established a policy of providing service without cost for a specific class of individuals, or individuals living within a given area, then it shall be understood that such service is also available without cost to persons falling within such category who are covered under the New Jersey Medicaid Program.

(b) Services not directly reimbursable by the New Jersey Medicaid Program include transportation by passenger car, taxi, train, bus and other public conveyances. Inquiry should be made to the County Welfare Agency for reimbursement.

##### 10:50-3.4 Basis of payment

(o) "Lower mode transportation charge" is an all-inclusive sum which covers assisting the person into and out of the vehicle when necessary at the point of origin and the point of destination, waiting time and mileage.

(b) Lower mode transportation shall be reimbursed on the basis of customary charge, not to exceed the following maximums:

1. Lower mode transportation charge, per passenger, one way—\$5.50.
2. Lower mode transportation charge, per passenger, round trip—\$11.00.

(c) Prior authorization from the patient's Local Medical Assistance Unit is required for lower mode transportation services. Prior authorization procedures include:

1. Written or telephone request from the transportation provider or from the patient to the appropriate LMAU in the county in which the patient resides.
2. Review of the request by the LMAU administrator or administrative designate at the LMAU.
3. Written authorization from the LMAU or telephone authorization confirmed in writing by the LMAU to be sent to the patient and to the transportation provider.
4. Written denial or authorization to be sent to the patient. In those instances in which the request is made

by the transportation provider, a copy of the denial letter will also be sent to the provider.

5. Authorization may span a period of up to three months from the first date of service. Subsequent requests for authorization are necessary only after the specified time frame of the previous authorization period has been exceeded.

6. Authorization is limited to those transportation services provided to patients who are eligible for Medicaid benefits at the time the transportation is provided. Eligibility for Medicaid benefits must be confirmed with the patient each time a transportation service is provided. If the patient becomes ineligible for Medicaid benefits, the transportation authorization becomes invalid.

10:50-3.5 Lower mode transportation services; maximum allowable fees

(a) The following procedure codes, descriptions and maximum allowances are recognized for reimbursement by the New Jersey Medicaid Program.

Procedure Codes	Description	Maximum Allowance
61XX*	Lower mode transportation, per person, one way	\$ 5.50
61XX*	Lower mode transportation, per person, round trip	\$11.00

\*Includes loading, waiting and mileage charges.

10:50-3.6 Billing procedures

(a) This section contains information for the submission of a claim for lower mode transportation services. Billing should be done on a monthly basis. In all cases, claims must be submitted to Prudential Insurance Company no later than 90 days after the last date services were rendered.

(b) Transportation claim form MC-12 must be used when submitting a claim for lower mode transportation services. A trip verification form must be attached to the claim form to be considered for reimbursement (see (d) below).

1. Instructions for completion of form MC-12 are as outlined in N.J.A.C. 10:50-2.6 with the following exceptions:

i. Item 11, Physician ordering transportation, is not applicable.

ii. Item 12, Report of Services:

(1) Insert the procedure code as specified in N.J.A.C. 10:50-3.5.

(2) It is not necessary for the provider to note waiting time, mileage or other services rendered.

iii. Item 13, Required Information, is not applicable.

iv. Item 14, Authorization request information, is not applicable.

(c) The transportation provider is required to obtain a recipient signature on a standard Medicaid Patient Certification Form to certify that the lower mode transportation service(s) was received and to obtain authorization for the release of patient information.

1. The requirements for Patient Certification, as outlined in N.J.A.C. 10:50-2.9, are applicable to lower mode transportation services.

(d) Lower mode transportation does not require a physician's prescription. However, a trip verification form, signed by an authorized individual at the medical destination point, must be completed and attached to the claim form.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 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 rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-68.

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amendment:

N.J.A.C. 10:52-1.3 and 10:53-1.3

Manual for Hospital and Special Hospital Services Same Day Surgery

Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b, proposes to amend N.J.A.C. 10:52-1.3 and 10:53-1.3 concerning "Same Day Surgery".

#### Summary

Certain surgical procedures will have to be done by a hospital outpatient department or in an out-of-hospital setting to be reimbursed by the Medicaid program. The purpose of this regulation is to prevent unnecessary hospital admissions, i.e., overnight stays. The regulation does allow the admitting physicians to admit patients when there are complicating factors that would interfere with the patient's ability to participate safely in a "Same Day Procedures" program. Approximately 60 hospitals in New Jersey already participate in a "Same Day Surgical" program.

#### Social Impact

Medicaid recipients will still be able to receive the same services with less time spent in the hospital. Medicaid providers will still be reimbursed for rendering these services, as long as they do not admit patients unless there are complicating factors.

#### Economic Impact

It is anticipated there will be a cost saving to the Medicaid program because there will be less money spent on inpatient hospital days. However, exact figures are not currently available. The economic impact on hospitals will vary depending on whether they were using inpatient days for these surgical procedures. Hospitals will still be reimbursed for these procedures, but not on an inpatient basis.

Full text of the proposed amendment (without a listing of the "same day procedures" which can be obtained from the address below) follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

10:52-1.3 Noncovered inpatient hospital services

10:53-1.3 Noncovered inpatient special hospital services

(a) (No change.)

1.-9. (No change.)

10. Admissions primarily for rest cure, custodial or convalescent care, and so forth:

i. Rest cure, custodial convalescent or sanatorium care, diet therapy for exogenous obesity;

ii. Surgical procedures which can be done on a hospital outpatient or out-of-hospital basis are included but not limited to the "Same Day Procedures" list.

(1) Exceptions will be made in the following circumstances:

(A) If, in the opinion of the admitting physicians, complicating factors exist that would interfere with the patient's ability to participate safely in a "Same Day Procedures" program, the admitting physician must admit the patient to a regular floor and document clearly on the patient's chart what these factors are; or

(B) If, in the course of the patient's postoperative stay, complications arise and there is a need to extend the patient's stay, the attending physician must document these complications on the chart.

(C) If lack of proper home post-operative care is documented.

[ii.] iii. (No change in text.)

[iii.] iv. (No change in text.)

For N.J.A.C. 10:52-1.3: 11.-15. (No change.)

For N.J.A.C. 10:53-1.3: 11.-14. (No change.)

(b) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer  
Division of Medical Assistance  
and Health Services  
324 East State Street  
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 rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-66.

**(a)**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES**

**Proposed Amendments: N.J.A.C. 10:52-1.3  
and 10:53-1.3**

**Hospital and Special Hospital Services Manual  
Pre-Admission Testing**

**Public Hearing: None**

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b, proposes to amend N.J.A.C. 10:52-1.3 and 10:53-1.3 concerning pre-admission testing.

**Summary**

This proposed regulation will require Medicaid recipients to undergo pre-admission testing prior to elective surgery. Pre-admission testing may be done in a hospital, but not in an inpatient setting. The purpose of this regulation is to insure Medicaid recipients receive necessary medical services at an appropriate setting.

**Social Impact**

It is not anticipated that there will be a significant social impact on Medicaid recipients and providers because there is no reduction in services or in payment for the services.

**Economic Impact**

It is possible that a cost savings of up to \$900,000 (State and Federal costs) may accrue to the Department of Human Services in FY 1982. This estimate was calculated by multiplying 80 percent of the average daily accommodation charge for inpatient hospital services by 40 percent (the variable cost of accommodations) by 40 percent of the elective surgical admissions for the most recent calendar year. This estimate does not include hospitals participating in the Diagnosis Related Group (DRG) Project. Savings for these hospitals will not be experienced by the Department until FY 1983 or 1984. The economic impact on providers will vary, depending on how many inpatient days were utilized for elective surgical procedures.

Full text of the proposed amendments follows (additions indicated in boldface thus).

10:52-1.3 Noncovered inpatient hospital services

10:53-1.3 Noncovered inpatient special hospital services

(a) Benefits are not payable for any services rendered or items dispensed or furnished in connection with:

1. - 7. (No change.)

8. Inpatient hospital services rendered prior to the day it is medically necessary for the diagnostic services and/or surgical or medical treatment for which the patient is admitted; including:

i. **Diagnostic, laboratory and radiology services which could have been rendered to the patient prior to a scheduled elective admission.**

For N.J.A.C. 10:52-1.3: 9. - 15. (No change.)

For N.J.A.C. 10:53-1.3: 9. - 14. (No change.)

(b) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries relating thereto, should be addressed to:

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

Any comments submitted are available for public review at the above address. Copies of the proposed changes are also available for public review at each local Medicaid office.

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 publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-72.

**(b)**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES**

**Adopted New Rule: N.J.A.C. 10:52-1.17  
Hospital Services Manual**

**Reimbursement for Out-of-State Inpatient  
Hospital Services**

**Effective Date: June 4, 1981**

On April 27, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7

and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 10:52-1.17 concerning reimbursement for out-of-State inpatient hospital services as originally proposed in the Notice published January 10, 1980 at 12 N.J.R. 24(a). This rule was repropoed in the Notice published January 8, 1981 at 13 N.J.R. 15(a) and is being adopted with subsequent changes not so substantial as to change the scope or effect of the original proposal (N.J. A.C. 1:30-3.5).

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

10:52-1.17 Out-of-State inpatient hospital services

(a) **Out-of-State approved hospitals are hospitals with a valid provider agreement with the Title XIX agency in the state in which they are located.**

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

1.-2. (No change.)

(c) **Out-of-State non-approved hospitals are hospitals without valid provider agreements with the Title XIX agency in the state in which they are located.**

[(b)] (d) (No change in text.)

1.-3. (No change.)

[(c)] (e)

1. **The weighted per diem calculation is the product of the SHARE rate multiplied by the Title XIX patient days for each and every New Jersey hospital participating in the SHARE system. The sum of this product for all hospitals divided by the sum of all Title XIX days produces the weighted per diem.**

2. **A weighted per diem for a base year will be calculated and be updated every three years. Compounded inflation will be applied to the base year, each year until a new base year is determined. The inflation factor used will be that which is part of the SHARE system.**

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

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

i. (No change.)

ii. **Based on the information provided in the SHARE budget, the Department of Health will notify the hospital, the Hospital Service Plan of New Jersey (New Jersey's Medicaid's contractor for out-of-State hospitals) and the New Jersey Medicaid program of the approved rate of reimbursement. Appropriate procedures included in this SHARE system may be followed if the hospital wishes to appeal the rate.**

iii. **For SHARE rates, settlement will be based upon actual costs. Hospitals electing the SHARE option must submit a SHARE actual cost study to the Director, Health Economics Services, and a Cost Report form HCFA 2552 [SSA-2552] to the Hospital Service Plan of New Jersey.**

iv. (No change.)

An order adopting this rule was filed with the Office of Administrative Law on May 8, 1981 as R.1981 d.162.

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Proposed New Rule: N.J.A.C. 10:52-1.19  
Hospital Services Manual  
Out-of-State Outpatient Hospital Services**

**Public Hearing: None**

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7, proposes to adopt a new rule to be cited as N.J.A.C. 10:52-1.19 concerning reimbursement for services rendered in out-of-State hospital outpatient departments.

#### Summary

This proposed regulation will govern reimbursement for out-of-State hospital outpatient departments who provide outpatient and emergency room services to financially eligible New Jersey Medicaid (Title XIX) recipients. Only services covered by the Medicaid program will be reimbursed. The New Jersey Medicaid program has already received approval from Region II, Department of Health and Human Services. Therefore, the Division of Medical Assistance and Health Services will commence reimbursement utilizing the methodology described below for services rendered on or after July 1, 1981.

#### Social Impact

This regulation will enable the Division to pay hospitals for services rendered to Medicaid recipients who require out-of-State medical treatment.

#### Economic Impact

This particular cost item is a small component of the total Medicaid budget. It is not expected to increase or decrease costs to the Medicaid program by any significant amount.

Full text of the proposed new rule follows.

#### 10:52-1.19 Out-of-State outpatient hospital services

(a) **Reimbursement for outpatient services in out-of-State approved hospitals will be based on the rate of reasonable covered charges approved by the Title XIX agency in the state in which the hospital is located.**

(b) **Reimbursement for outpatient services in out-of-State non-approved hospitals is limited to an initial visit for emergency services and will be based on the rate of reasonable covered charges approved by the Title XIX agency in the state in which the hospital is located.**

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer  
Division of Medical Assistance  
and Health Services  
P.O. Box 2486  
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 publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-71.

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Proposed Amendments: N.J.A.C. 10:57-1.4 and 1.9  
Podiatry Services Manual  
Prior Authorization for Certain Services**

**Public Hearing: None**

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-6a(8) and 30:4D-7(b), proposes to amend N.J.A.C. 10:57-1.4 and 10:57-1.9 concerning prior authorization for debridement of toenails.

#### Summary

This proposed rule will require prior authorization for debridement of toenails. The purpose is to prevent possible overutilization without denying Medicaid recipients a service when it is medically necessary.

#### Social Impact

The social impact should be minimal because Medicaid recipients will still be able to receive this service, and providers will still be reimbursed.

#### Economic Impact

There might be some cost savings to the Division if the control mechanism, i.e., prior authorization, causes a reduction in this particular service. The economic impact on providers would vary, depending on the number of Medicaid recipients being treated. The fee for the service remains the same.

Full text of the proposed amendments follows (additions indicated in boldface thus).

10:57-1.4 Noncovered services; definitions

(a) (No change.)

(b) The following foot care services are not covered:

1.-2. (No change.)

3. Routine foot care, routine hygienic care:

i. Exceptions:

(1)-(2) (No change.)

(3) Treatment of fungal (mycotic) and other infections of the feet and toenails are covered services.

**Note: Debridement of hypertrophic toenail treatments more frequent than once every two months must be referred for prior authorization to the Podiatry Unit of the New Jersey Health Services Program, CN-712, Trenton, New Jersey 08625.**

10:57-1.9 Prior authorization

(a) The following services need prior approval by the Podiatry Services Unit, Division of Medical Assistance and Health Services, CN-712, Trenton, New Jersey 08625.

1.-2. (No change.)

**3. Routine debridement of toenails, more than once every two months.**

(b) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 8, 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 rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-70.

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

**Proposed Amendment: N.J.A.C. 10:63-3.8  
Long Term Care Services Manual  
Nursing Care Costs**

**Public Hearing: None**

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7, proposes to amend N.J.A.C. 10:63-3.8(b)6 concerning reasonableness limits for nursing care costs.

#### Summary

The proposed rule will reduce the reasonableness "screen" for nursing care in long term care facilities to 115 percent of median industry costs.

#### Social Impact

There may be some reduction in the amount of direct nursing care to patients in long term care facilities; however, the proposed rule will still allow applicable nursing care standards to be maintained. The impact on long term care facilities will vary depending on the percentage of Medicaid recipients in a given facility. Some facilities may choose to reduce staffing levels, whereas others may continue present staffing levels by obtaining reimbursement from sources other than Medicaid.

#### Economic Impact

It is estimated that there will be a savings of approximately four million dollars annually (federal and State shares combined).

The economic impact on the nursing home industry will depend on the choice made by a particular long term care facility. If a long term care facility maintains current staffing levels, funding will have to come from a source other than Medicaid. If a long term care facility reduces what is deemed to be unnecessary staffing, then the economic impact will be minimal.

The Division is changing its level of reimbursement to comply with recently enacted federal legislation allowing for payment of reasonable and adequate costs (Medicare/Medicaid Omnibus Reconciliation Act of 1980 (P.L. 96-499)).

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

10:63-3.8 Routine patient care expenses

(a) (No change.)

(b) Reasonableness limits for nursing services (RN's, LPN's and other) will be established as follows.

1.-5. (No change.)

6. The reasonableness limit for total nursing care will be established at [110] 115 percent of this total, in order to allow for variations in staffing patterns, mix of nursing personnel, and so forth. [This 10 percent latitude will be reduced to the extent that compensation rates of individuals in a LTCF exceed 125 percent of the compensation rates of comparable positions in other LTCF's.]

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

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer  
Division of Medical Assistance  
and Health Services  
P.O. Box 2486  
Trenton, New Jersey 08625

Any comments submitted are available for public review at:

Division of Medical Assistance  
and Health Services  
324 East State Street  
Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see N.J.A.C. cation in the Register of a notice of adoption.

1:30-3.5). The adopted rule becomes effective upon publication. This proposal is known as PRN 1981-42.

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Notice of Court Order: N.J.A.C. 10:63-3.21 Long Term Care Services Manual Long Term Care Per Diem Rates

Take notice that pursuant to an Order issued by the United States District Court for the District of New Jersey (Civil Action No. 80-2725), temporarily enjoining the implementation of N.J.A.C. 10:63-3.21 concerning a 50 percent reduction in long term care per diem rate increases, the Department of Human Services will propose to rescind this rule in a future issue of the New Jersey Register.

According to the Department, this rule (which was adopted on an emergency basis on August 1, 1980, the full text of which appears in the September 4, 1980 New Jersey Register at 12 N.J.R. 536(b) as R.1980 d.341) was never fully implemented as a result of a change in policy.

This notice is published as a matter of public information.

(b)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amendment: N.J.A.C. 10:64-1.9 Hearing Aid Services Manual Reimbursement Policy

#### Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b, proposes to amend N.J.A.C. 10:64-1.9 concerning reimbursement for hearing aids by deleting the current text in its entirety and substituting new text therefor.

#### Summary

This proposed rule changes the method of reimburse-

ment for hearing aids. The current method pays the provider the manufacturer's suggested list price, or three times cost less 20 percent. The proposed method will pay providers cost plus fee for service. The Federal Department of Health and Human Services has strongly suggested that this method of reimbursement be utilized when paying for hearing aids. Other State agencies receiving federal funds are already utilizing this method.

#### Social Impact

It is not anticipated that there will be any social impact, as Medicaid recipients will still be able to obtain the services, and providers will still be reimbursed for rendering these services.

#### Economic Impact

It is anticipated there will be a cost savings of approximately \$100,000 to the Division. Providers will initially experience a decline in profits until they adjust their practices to meet the program requirements. Increased performance responsibilities are placed on providers which will improve the State's ability to monitor quality and quantity of service. However, the market place should adjust to the needs of the program and the public through competition.

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

#### 10:64-1.9 [Basis of payment] Reimbursement policies

[(a) Reimbursement shall be on the basis of the customary charge, not to exceed an allowance determined reasonable by the Commissioner, Department of Institutions and Agencies, and further limited by Federal policy relative to reimbursement of practitioners and other individual providers.

(b) In no event shall the allowance exceed the charge by the provider to other governmental agencies, or other groups or individuals in the community.]

(a) Purchase of new hearing aid: Reimbursement for a new hearing aid shall be the lower of the following charges:

1. Usual and customary fee; or
2. A fee consisting of the following charges:
  - i. Wholesale cost of the instrument; plus
  - ii. Wholesale cost of the earmold; plus
  - iii. A dispensing fee of \$175.00 for a monaural fitting.

or \$280.00 for a binaural fitting.

(b) Purchase of a reconditioned hearing aid: Reimbursement for a reconditioned hearing aid shall be the lower of the following charges:

1. Usual and customary fee; or
2. A fee consisting of the following charges:
  - i. Wholesale cost of the reconditioning; as per the factory or laboratory invoice; plus
  - ii. Wholesale cost of the earmold; plus
  - iii. A dispensing fee of \$175.00 for a monaural fitting.

(c) Reimbursement for returned hearing aid: Should it be determined at the follow-up examination that the prescribed hearing aid supplied has failed to provide the patient with the anticipated communication benefit, and that a different aid will not be prescribed (i.e., there will be no exchange), the dispenser shall be reimbursed for services and materials upon return of the hearing aid, at the lower of the following:

1. Usual and customary fee; or
2. A fee consisting of the following charges:
  - i. Wholesale cost of the earmold; plus
  - ii. Wholesale cost of the batteries, cord, and garment bag; plus
  - iii. The manufacturer's restocking fee, if any;

iv. A service fee of \$30.00.

(d) Purchase of a replacement aid within 36 months: Replacement of an aid which was purchased by the Medicaid program within the preceding 36 months, if not covered by the manufacturer's warranty, shall be reimbursed at the lower of the following:

- 1. Usual and customary fee; or
- 2. A fee consisting of the following charges:
  - i. Wholesale cost of the instrument, if new, or of the factory or laboratory reconditioning if a reconditioned unit; plus
  - ii. Wholesale cost of the earmold; plus
  - iii. A dispensing fee of \$50.00.

(e) Reimbursement for repairs: Reimbursement for repair of a hearing aid, if not covered by the manufacturer's warranty, shall be reimbursed at the lower of the following:

- 1. Usual and customary fee; or
- 2. A fee consisting of the following charges:
  - i. Manufacturer's cost of repair; plus
  - ii. A \$15.00 service fee.

(f) Reimbursement for replacement parts: Reimbursement for replacement parts, if not covered by the manufacturer's warranty, shall be reimbursed at the lower of the following:

- 1. Usual and customary fee; or
  - 2. A fee consisting of the following charges, depending upon the part or parts to be replaced.
    - i. Earmolds—wholesale cost plus \$10.00.
    - ii. Batteries, which shall be provided as a three month's supply—wholesale cost plus 50 percent.
- Note: Silver oxide batteries require prior authorization and approval by the Audiology Consultant.
- iii. Cords—wholesale cost plus \$1.00.
  - iv. Receivers—wholesale cost plus \$5.00.
  - v. Garment bags—wholesale cost plus \$2.00.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer  
Division of Medical Assistance  
and Health Services  
324 East State Street  
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 rule becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-67.

**(a)**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES**

**Proposed Amendment: N.J.A.C. 10:65-2.1  
Medical Day Care  
Change in Reimbursement Rate**

**Public Hearing: None**

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7b, proposes to amend N.J.A.C. 10:65-2.1 concerning reimbursement for Medical Day Care.

**Summary**

This proposed regulation will change the Medical Day Care per diem rate from 65 percent to 55 percent of the Intermediate Care Level IV(B) rate. Because freestanding Medical Day Care Centers are reimbursed by using an average of all Medical Day Care Center rates, their payment will be proportionally reduced.

**Social Impact**

It is not anticipated there will be a significant social impact on Medicaid recipients, as they will still be able to receive this service.

**Economic Impact**

There could be a cost savings to the Medicaid program if recipient utilization remains the same. The Division anticipates little economic impact on providers as the current reimbursement formula provides for more than adequate compensation for this particular service.

The Division is changing its level of reimbursement to conform to the principle that reimbursement for services be reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated long term care facilities. This concept was expressed in recently enacted federal legislation, the Medicare/Medicaid Omnibus Reconciliation Act of 1980 (P.L. 96-499), and applies specifically to skilled and intermediate care facility services (SNF's and ICF's). The Division is applying the same concept to Medical Day Care Services, which are provided in long term care facilities (SNF's and ICF's) and in freestanding facilities.

Full text of the proposed amendment follows (additions indicated in boldface thus).

10:65-2.1 Billing procedures

(a) (No change.)

1. (No change.)

2. Reimbursement: The center participating in the Medical Day Care Program must agree to accept the reimbursement rate established by the Medicaid Program. **In a long-term care facility, the Medical Day Care per diem rate is 55 percent of the Intermediate Care Facility-Level B rate for that facility. In freestanding facilities, the medical day care per diem rate is based on an average of the rate paid to long-term-care facility medical day care providers in effect as of July 1 and January 1 of each year. The reimbursement rates set for a Medicaid participant in Medical Day Care centers may not exceed charges for non-Medicaid patients. The per diem reimbursement shall cover cost of all services listed in N.J.A.C. 10:65-1.4 with the following exceptions:**

i. (No change.)

3.-4. (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before August 10, 1981. These submissions, and any inquiries relating thereto, should be addressed to:

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

Note: Any comments submitted are available for public review at the above address. Copies of the proposed changes are also available for public review at each local Medicaid office.

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 publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-74.

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Amendments:

N.J.A.C. 10:66-3.1, 3.2, 3.3

#### Manual for Independent Clinic Services Procedure Codes

#### Public Hearing: None

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-7, proposes to amend N.J.A.C. 10:66-3.1 concerning the procedure codes in the Independent Clinic Manual.

#### Summary

The proposed revisions include elimination of time parameters as a factor in determining reimbursement (except for procedure codes 9030 and 9071) and elimination of geographical divisions within the State. The purpose of this rule is to insure consistency with Physicians' Procedure Codes.

#### Social Impact

There is no social impact on Medicaid recipients or providers, since there is no change in the scope of services currently available under the program.

#### Economic Impact

It is projected that the changes will not increase or decrease the total annual expenditures of the Medicaid program in the areas affected, provided recipient utilization remains the same. In addition, there should be no change in reimbursement to providers, since the proposed revisions should result in fees for particular services "averaging out".

Full text of the proposed amendments to N.J.A.C. 10:66-3.1 and 3.2 (additions indicated in boldface thus; deletions indicated in brackets [thus]), and a summary of the changes to N.J.A.C. 10:66-3.3 follows.

#### 10:66-3.1 General policy

The coding and procedures in this manual have been developed to aid the provider in the preparation of claims. [Utilization of the code] The code must be used in conjunction with the narrative description [will ensure each]. This will ensure the Independent Clinic provider that all of the claims submitted under the same code will be reimbursed at the same fee.

#### 10:66-3.2 Use of procedure codes

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

[(e) For reimbursement of "Routine" visits the State is divided into three areas which approximate, but are not necessarily limited to these counties, divided as follows:

Area I: Hunterdon, Warren, Somerset, Sussex, Passaic, Bergen, Morris, Essex, Hudson, Union and Middlesex.

Area II: Mercer, Burlington, Ocean and Monmouth.

Area III: Cape May, Atlantic, Camden, Gloucester, Salem and Cumberland.]

Renumber (f)-(i) as (e)-(h).

#### 10:66-3.3 Procedure code listing

The amendments to this section are summarized as follows.

#### 1. Delete the following codes:

Examination and treatment:

0005—Routine or Follow-Up Visit, Brief

9007—Routine or Follow-Up Visit, Prolonged

Podiatry services:

0080—Routine or Follow-Up Visit, Podiatry

#### 2. Add the following codes:

Examination and treatment:

9006—Annual Health Maintenance Examination

0011—Preventive Health Care Through Age 20

Mental health services:

0051—Psychotherapy, Half Session

#### 3. Amend the following codes:

Examination and treatment:

9000—Initial Visit

0001—Routine or Follow-Up Visit

9008—Annual Health Maintenance Re-examination

9580—Early Periodic Screening Diagnosis Treatment (EPSDT) Birth Through 20 Years

Radiology—Certain codes revised—Section replaced with new pages

Other services:

#### 2. Hospitals

0003—Follow-Up, Hospital Day

Editor's Note: Full text of the amendments to N.J.A.C. 10:67-3.3 can be obtained by writing to the address indicated below.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer  
Division of Medical Assistance  
and Health Service  
P.O. Box 2486  
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 publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-43.

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

Adopted Amendments: N.J.A.C. 10:85-3.1,  
3.2 and 8.3

#### General Assistance Manual

#### Referral and Appeal Procedures for Prospective SSI Recipients

#### Effective Date: June 4, 1981

On May 7, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-3.1, 3.2, and 8.3 concerning referral and appeal procedures for recipients prospectively eligible for SSI as proposed in the Notice published March 5, 1981 at 13 N.J.R. 145(a), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 7, 1981 as R.1981 d.160.

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

**Proposed Amendments: N.J.A.C. 10:87-2,  
-3.18, -3.24, -4, -5, -7.16, -9, -11.11**

#### **Food Stamp Program**

**Supplemental Security Income (SSI) Joint  
Processing, Social Security Numbers,  
Verification Requirements and Service Plans**

**Public Hearing: None**

Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 proposes to amend N.J.A.C. 10:87-2.3, 2.12, 2.13, 2.19, 2.21, 2.22, 2.23, 2.24, 2.25, 2.26, 2.27, 2.28, 2.29, 2.30, 2.31, 2.34, 2.35, 2.37, 3.18, 3.24, 4.6, 4.8, 4.11, 4.12, 4.13, 5.6, 5.9, 5.10, 7.16, 9.2, 9.7, 9.14, 9.15, 9.16, 9.17, 9.18, 9.19, 9.20, 9.21 and 11.11 of the Food Stamp Manual concerning SSI joint processing, Social Security numbers, verification requirements and service requirements and service plans in the Food Stamp Program.

#### **Summary**

The Supplemental Security Income joint processing portion of the proposal would implement United States Department of Agriculture requirements for the joint processing of applications for SSI and Food Stamps. That portion of the proposal dealing with Social Security numbers would require, as a condition of eligibility, the provision of Social Security numbers by all adult Food Stamp recipients and all children with countable income. The verification requirements portion reflects new Federal requirements concerning factors of eligibility which must be verified prior to household certification. Additionally, this proposal, in accordance with Federal requirements, provides that county welfare agencies conduct needs assessments and develop service plans to ensure that the program addresses needs of potentially eligible individuals.

#### **Social Impact**

The joint processing and service plan portions will help assure that the program is accessible to the public. The remainder of the proposal will improve program integrity and accountability.

#### **Economic Impact**

The proposal is expected to have a minimal increase in administrative costs for the county welfare agencies.

Copies of the full text of the proposed amendments may be obtained from the person indicated below.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 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 publication in the Register of a notice of adoption.

This proposal is known as PRN 1981-60.

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

**Adopted Amendments: N.J.A.C. 10:94-4, -5,  
and -8**

#### **Medicaid Only**

**Income and Resource Eligibility**

**Effective Date: June 4, 1981**

On May 13, 1981, Timothy Carden, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:94-4, 5, and 8 concerning income and resource eligibility as proposed in the Notice published November 6, 1980 at 12 N.J.R. 663(a), but with spelling, punctuation and other technical changes not in violation of N.J.A.C. 1:30-3.5, and with subsequent substantive changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on May 14, 1981 as R.1981 d.177.

(c)

## CORRECTIONS

### STATE PAROLE BOARD

**Adopted Amendment: N.J.A.C. 10A:71-3.19**

#### **Parole Board Rules**

**Board Panel Action and Parole Eligibility**

**Effective Date: June 4, 1981**

On May 14, 1981, Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.48 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 10A:71-3.19 concerning Board panel action and the schedule of future parole eligibility dates as proposed in the Notice published April 9, 1981 at 13 N.J.R. 228(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 14, 1981 as R.1981 d.179.

(d)

## INSURANCE

### THE COMMISSIONER

**Proposed New Rule: N.J.A.C. 11:2-1.6**

#### **Insurance Group**

**Independent Testing Service**

**Public Hearing: None**

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6, 17:22-6.6, 17:22-6.9, 17B-22-9.1, 17B-22-10, 17B-22-11, 17B-22-13, 17B-22-17, 17B-22-21 and 17B-8.3, proposes to adopt a new rule to be cited as N.J.A.C. 11:2-1.6 concerning the form, content and administration of examinations with respect to the designation of an independent testing service to conduct examinations.

### Summary

This regulation sets forth the procedures for independent testers regarding the form, content and administration of examinations which enable the Commissioner to determine the competency of prospective licensees who wish to transact the business of insurance as agents, brokers and solicitors.

### Social Impact

The procedures contemplated will assure that examinations of licensees are evenly and professionally administered throughout the State. It is based on the Model Act promulgated by the National Association of Insurance Commissioners in order to effectuate consistent nationwide standards for licensees.

### Economic Impact

The result of the enactment of this regulation will accomplish the following:

1. Elimination of a \$10,000 budget annually for leasing three examination sites in the Newark, Trenton and Mount Laurel areas.

2. Elimination of the cost to the State of New Jersey for preparation and conducting of the examination. There will be no need to utilize Division personnel to prepare and proctor examinations twice monthly in the above-mentioned three locations, resulting in an annual person-day saving of 575. This will enable staff to be transferred from examination functions to other critical areas within the Division, not only resulting in increases in response time for the benefit of consumers, but also to be able to absorb additional duties within the Division without regard to requesting increased staff.

3. Elimination of the need to refund license fees to applicants who did not appear for examinations or who failed examinations. 85 percent of the approximate 1,500 refunds will not have to be made under the independent testing service, further resulting in increased productivity of existing staff.

Full text of the proposed new rule follows.

#### 11:2-1.6 Authorization and use of independent testing service

(a) Any contract authorized by N.J.S.A. 17:22-6.9a and N.J.S.A. 17B:22-9.1 entered into by the Commissioner of Insurance with an independent testing service shall include without limitation the following terms and conditions:

1. The designated testing service shall develop the examination program in accordance with the specifications approved by the Commissioner.

2. The examinations for insurance agent, broker and solicitor shall be administered two times per month but not to exceed 24 administration dates per year at such times and places as may be agreed upon by the Commissioner and the independent testing service provided that the independent testing service shall furnish the Commissioner four months prior notice of scheduled test administration dates.

3. The independent testing service shall establish at least four test centers within the State, provide all physical facilities and provide all test center personnel sufficient for test administration. At least one test center shall be in each of the following areas for each test administration: Newark, Trenton, Camden and Atlantic City.

4. Applicants taking insurance license examinations shall be required to pay either directly to the testing service, if so designated by the Commissioner, or to the Department a fee covering the actual cost of giving the examination.

5. The designated independent testing service shall mail tickets of admission to candidates no later than 10 days

prior to the date for which a test administration is scheduled or at such time as agreed upon by the independent testing service and the Commissioner.

6. The examination shall be administered in accordance with security measures established by the independent testing service and the Commissioner.

7. Scoring of all answer sheets returned to the independent testing service shall be completed promptly and no more than 15 business days after each test administration, the independent testing service shall provide to the Commissioner:

i. Alphabetical lists containing candidate names, addresses, identification numbers and scores of passing and failing candidates; and

ii. Summary statistics, separately for each test administration, indicating number of candidates registered, tested and absent, and passing scores utilized for the administration.

8. The independent testing service shall mail individual score reports to passing and failing candidates no more than 15 business days after each test administration.

9. The independent testing service shall review with the Commissioner on an annual basis all examination questions prior to their first use in New Jersey.

10. The independent testing service shall provide to the failing candidates diagnostic information by major content areas for each test beginning on a date mutually agreed upon by the Department and the testing service.

11. The independent testing service shall provide to the Commissioner on a quarterly basis cumulative, non-personally identifiable pass/fail data and diagnostic data by major content areas for each test for schools authorized to teach insurance in this State.

12. The Commissioner shall have the sole responsibility for establishing minimum qualifications and passing requirements of candidates.

13. The independent testing service shall defend and indemnify the Department of Insurance, the State of New Jersey as well as the agents, officers and employees thereof, and save them harmless from and against any and all claims, actions, damages, liability and expense in connection with loss of life, personal injury and/or damage to property arising from or out of the ownership, occupancy or use by the independent testing service of any facilities or any part thereof used by the independent testing service as test centers, occasioned wholly or in part by any act or omission of the independent testing service, its agents, contractors or employees.

14. The independent testing service shall provide technical and legal assistance to the Commissioner in the event of legal challenge to the validity of an examination prepared by and/or copyrighted by the independent testing service in which the State of New Jersey or any of its agencies, officers or instrumentalities is named as a party.

15. A contract of administration shall also provide that the independent testing service will keep in force at its own expense public liability insurance with respect to the test facilities and in form satisfactory to the Commissioner with minimum policy limits of \$1,000,000 bodily injury coverage for each occurrence; \$1,000,000 aggregate bodily injury coverage; \$500,000 property damage coverage for each occurrence; and \$1,500,000 aggregate property damage.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Joseph B. Kenney, Chief,  
License Division  
Department of Insurance  
201 East State Street  
Trenton, New Jersey 06825

The Department of Insurance 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 1981-64.

(a)

## LAW AND PUBLIC SAFETY

### BOARD OF DENTISTRY

Adopted New Rule: N.J.A.C. 13:30-8.12

Board of Dentistry Rules  
Dental Insurance Forms and  
Professional Misconduct

Effective Date: June 4, 1981

On March 11, 1981, the New Jersey State Board of Dentistry in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:1-21(e) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 13:30-8.12 concerning completion of dental insurance forms and professional misconduct as proposed in the notice published February 5, 1981 at 13 N.J.R. 102(c), but with subsequent changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

Full text of the changed portion of the adopted rule follows (additions to proposal indicated in boldface thus).

(a) Professional misconduct shall be construed to include but not be limited to the use or employment of dishonesty, fraud, deception or misrepresentation, by a licensee in submitting any claim form, bill, or governmental assistance form to a third party payor for dental services or services rendered to a patient enrolled in a dental prepayment contract plan.

(b) In addition, it shall be professional misconduct for a licensee rendering dental services or procedures to a patient enrolled in any dental prepayment contract plan to submit to a third party payor any claim form, bill, or governmental assistance form which contains any of the following:

- 1-3. (No change.)

An order adopting this rule was filed with the Office of Administrative Law on May 14, 1981 as R.1981 d.175.

(b)

## LAW AND PUBLIC SAFETY

### BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Adopted Amendment: N.J.A.C. 13:33-1.41

Examination Fee Schedules

Effective Date: June 4, 1981

On April 4, 1981, Carl E. Baumann, President of the

Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.13 and 45:1-3.2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:33-1.41 as proposed in the Notice published September 4, 1980 at 12 N.J.R. 546(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 4, 1981 as R.1981 d.148.

(c)

## LAW AND PUBLIC SAFETY

### BOARD OF MEDICAL EXAMINERS

Proposed New Rule: N.J.A.C. 13:35-1.5

Podiatry  
Military Service in Lieu of Internship

Public Hearing: None

Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 proposes to adopt a new rule to be cited as N.J.A.C. 13:35-1.5 concerning military service in lieu of internship (podiatry).

#### Summary

The proposal allows the Board of Medical Examiners to substitute a period of two years active military service for the internship and residency training program required by N.J.S.A. 45:5-2(5) in those cases where the applicant for licensure has been a commissioned officer and a physician and surgeon (podiatry) at a medical facility deemed equivalent to the one-year approved training program as set forth in the Medical Practice Act.

#### Social Impact

The proposal will allow applicants for licensure to substitute active military service as a physician and commissioned officer (podiatry) in those instances where such prior training is deemed by the Board to be substantially equivalent to an approved internship or residency training program (podiatry). As such, the proposal will allow the benefit of past experience to applicants for licensure without any diminution in appropriate training for licensure. Accordingly, additional unnecessary training may be avoided for applicants with past military experience.

#### Economic Impact

The proposal creates no discernible economic impact on the public at large and may tend to avoid adverse economic impact on the class of applicants for licensure which might result if additional, unnecessary training in the form of a residency or internship were required without regard to prior similar experience.

Full text of the proposed new rule follows.

13:35-1.5 Military service in lieu of internship (podiatry)

The Board may grant a license to practice podiatry to any person who shall furnish proof, satisfactory to the Board, that such person has fulfilled all of the formal requirements established by N.J.S.A. 45:5-1, and has served at least two years in active military service in the United States Army, Air Force, Navy, Marine Corps, Coast Guard or the U.S. Public Health Service as a commissioned officer and podiatrist in a medical facility which the Board determines constitutes the residency training

program required by N.J.S.A. 45:5-2(5) provided, however, that such military service occurred subsequent to graduation from an approved school of podiatry.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, President  
State Board of Medical Examiners  
28 West State Street  
Trenton, New Jersey 08625

The State Board of Medical Examiners 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 1981-54.

**(a)**

## **LAW AND PUBLIC SAFETY**

### **BOARD OF MEDICAL EXAMINERS**

**Proposed New Rule: N.J.A.C. 13:35-2.7**  
**Internship**  
**Military Service in Lieu of Internship**

**Public Hearing: None**

Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 proposes to adopt a new rule to be cited as N.J.A.C. 13:35-2.7 concerning military service in lieu of internship.

#### **Summary**

The proposal allows the Board of Medical Examiners to substitute a period of two years active military service for the internship and residency training program required by N.J.S.A. 45:9-8(3) in those cases where the applicant for licensure has been a commissioned officer and a physician and surgeon at a medical facility deemed equivalent to the one-year training program as set forth in the Medical Practice Act.

#### **Social Impact**

The proposal will allow applicants for licensure to substitute active military service as a physician and commissioned officer in those instances where such prior training is deemed by the Board to be substantially equivalent to an approved internship or residency training program. As such, the proposal will allow the benefit of past experience to applicants for licensure without any diminution in appropriate training for licensure. Accordingly, additional unnecessary training may be avoided for applicants with past military experience.

#### **Economic Impact**

The proposal creates no discernible economic impact on the public at large and may tend to avoid adverse economic impact on the class of applicants for licensure which might result if additional, unnecessary training in the form of a residency or internship were required without regard to prior similar experience.

Full text of the proposed new rule follows.

13:35-2.7 Military service in lieu of internship

The Board may grant a license to practice medicine and surgery to any person who shall furnish proof, satisfactory to the Board, that such person has fulfilled all of the

formal requirements established by N.J.S.A. 45:9-1 et seq., and who has served at least two years in active military service in the United States Army, Air Force, Marine Corps, Coast Guard or the U.S. Public Health Service as a commissioned officer and physician and surgeon in a medical facility which the Board determines constitutes the substantial equivalent of the one year approved internship or residency training program required by N.J.S.A. 45:9-8(3), provided, however, that such military service actively occurred subsequent to graduation from an approved medical school.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, President  
State Board of Medical Examiners  
28 West State Street  
Trenton, New Jersey 08625

The State Board of Medical Examiners 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 1981-53.

**(b)**

## **LAW AND PUBLIC SAFETY**

### **BOARD OF MEDICAL EXAMINERS**

**Adopted Amendment: N.J.A.C. 13:35-6.2**  
**General Administrative Regulations**  
**Guidelines for Externship Program**

**Effective Date: June 4, 1981**

On April 22, 1981 Edwin H. Albano, President of the State Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:35-6.2 concerning guidelines for externship programs as proposed in the Notice published March 5, 1981 at 13 N.J.R. 148(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 4, 1981 as R.1981 d.149.

**(c)**

## **LAW AND PUBLIC SAFETY**

### **BOARD OF MORTUARY SCIENCE**

**Proposed Amendment: N.J.A.C. 13:36-1.6**  
**Administration**  
**Board Fees and Charges**

**Public Hearing: None**

The Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38 and N.J.S.A. 45:1-3.2, proposes to amend N.J.A.C. 13:36-1.6 concerning fees and charges.

#### **Summary**

The proposed amendment makes the fees for all examinations equal and raises each examination fee to \$80.00.

The board now utilizes one uniform examination for mortuary science, funeral directing and embalming, and partial retests are no longer given. Therefore, there is no reason to differentiate among examination fees. Furthermore, the cost to the board for obtaining and administering the examination is now \$80.00 per person, so the increases are necessary to avoid a deficit.

**Social Impact**

The proposed amendment will have no significant social impact.

**Economic Impact**

The fee increases will cause applicants for licensure to pay more in order to take the examination. However, they also will enable the board to administer the examination without losing money.

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

(a) There shall be paid to the State Board of Mortuary Science the following fees set forth:

- 1. Certification fee ..... \$ 1.00
  - 2. Practitioner examination fee .....[\$50.00] \$ 80.00
  - 3. Practitioner reexamination fee .....[\$25.00] \$ 80.00
  - 4. Embalmer examination fee .....[\$25.00] \$ 80.00
  - 5. Funeral director examination fee ...[\$25.00] \$ 80.00
  - 6. Trainee registration fee ..... \$ 50.00
  - 7. Trainee reregistration fee ..... \$ 5.00
  - 8. New installation fee .....\$100.00
  - 9. New licenses ..... \$ 25.00
  - 10. Rules and regulations ..... \$ 1.00
  - 11. License renewal fee:
    - i. Practitioner ..... \$ 25.00
    - ii. Embalmer ..... \$ 25.00
    - iii. Funeral director ..... \$ 25.00
    - iv. License revival fee ..... \$ 75.00\*
- \*Plus \$25.00 for each year license is not renewed
- v. Certificates of registration ..... \$ 50.00

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Maurice W. McQuade, Executive Secretary  
State Board of Mortuary Science  
1100 Raymond Boulevard, Room 331  
Newark, New Jersey 07102

The Board of Mortuary Science 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 1981-57.

**(a)**

**LAW AND PUBLIC SAFETY**

**BOARD OF MORTUARY SCIENCE**

**Proposed Amendment: N.J.A.C. 13:36-5.12**

**Mortuaries  
Advertising**

**Public Hearing: None**

The Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38, proposes

to amend N.J.A.C. 13:36-5.12 concerning advertising of funeral services and funeral establishments.

**Summary**

The Board of Mortuary Science is concerned that several advertising practices currently in use by practitioners of mortuary science and owners of funeral homes, as well as practices in use in other commercial fields which may be adopted by funeral directors, deceive or mislead consumers. The proposed regulation is intended to prevent such deception by prohibiting certain misleading types of advertisements. In addition, it makes all licensees who are principals, partners or officers of each mortuary responsible for the form and content of that mortuary's ads and requires that consumers be informed in each ad of the licensee who is responsible for fulfillment of the terms of the ad.

**Social Impact**

The proposed amendment is expected to prevent misleading and deceptive advertisements. Therefore, consumers will be able to make more intelligent decisions in their selection of mortuary services.

**Economic Impact**

Although some funeral homes may increase their prices to make up for the increased cost to advertise necessitated by the additional information which the proposed amendment requires, it is believed that such increases will be insignificant. On the other hand, funeral costs to the public in general should decrease because consumers will not be misled by deceptive advertisements to purchase unnecessary or unwanted services and will be better able to compare prices among funeral establishments. Increased enforcement activities of the Board, however, will result in higher costs to the State.

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

**13:36-5.12 Advertising [contents]**

(a) **Definitions:** The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

1. "Advertisement" means any attempt, direct or indirect, by publication, dissemination, circulation or broadcast through the public media to induce any person or entity to purchase or enter into an agreement to accept mortuary or funeral services or merchandise.

2. "Public media" means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, letters, billboards, aerial displays, signs, television, radio, and any other similar item, document, publication or device used to communicate to the general public or to a specific group.

3. "Licensee" means practitioner of mortuary science as defined by N.J.S.A. 45:7-34(g).

4. "Price reduction statement" means a statement, suggestion or implication, direct or indirect, that a service or merchandise is being offered or made available for sale at a price less than the advertiser's routine price. The following words, terms and phrases or their substantial equivalent shall be deemed to indicate a price reduction statement: sale, discount, savings, price cut, bargain, reduced, prices slashed, clearance, regularly, usually, cut rate, originally, formerly, at cost, below cost, wholesale.

5. "Testimonial" means a statement by a person referring to his or his family's personal experience with a mortuary or licensee.

(b) All signs, stationery, [advertising in newspapers, publications and other media of advertising.] and advertisements must indicate the true firm name as registered

with the Board of Mortuary Science, however, this shall not apply to novelty items such as "Faintex," and pens.

(c) No licensee or owner of a mortuary shall cause to be published, disseminated, circulated or broadcast any advertisement which is false, fraudulent, deceptive or misleading or which misrepresents, suppresses, conceals, obscures or distorts any material fact.

(d) In addition, it shall be deceptive and misleading for any advertisement to contain the following:

1. The name of a person not licensed by the Board in connection with the name of a mortuary in any manner whatsoever, unless the unlicensed person is clearly and obviously identified in the advertisement as such by the use of the phrase "unlicensed and unable to make funeral arrangements or prepare human remains for funerals." The surname of an unlicensed person may appear in the title of a mortuary as registered with the Board.

2. A price reduction statement where the advertised or current price is in fact no less than the price at which the service or merchandise was offered for sale by the advertiser for a reasonable period of time at least 30 days prior to the advertisement. In the absence of the disclosure of the period during which an advertised price reduction will remain in effect, the period shall be deemed to be 30 days from the date of initial publication.

3. An offer of professional services or merchandise where such services or merchandise are in fact not available from the mortuary or are beyond the ability of the licensee to perform or supply.

4. A license number which has not been issued to the alleged licensee, has lapsed or has been revoked or currently suspended.

5. The name, address and telephone number of a mortuary which does not exist, has not been completely constructed or is not currently open for business.

6. A claim of professional superiority or superior quality of services or merchandise, unless such claim can be documented by the licensee upon demand by the Board.

7. Intimidation, undue pressure or undue influence.

8. Testimonials.

(e) An advertisement which refers to or sets forth a price shall disclose all services or merchandise which will be provided for that price. The name of the manufacturer and the model number of any casket which will be included for that price also shall be disclosed in the advertisement. Where a price is advertised, no additional charges shall be made for the advertised service or disposition unless the advertisement includes a specific delineation of additional services or merchandise which may be necessary.

(f) The responsibility for the form and content of any advertisement shall be joint and several among all licensees who are principals, partners, or officers of the mortuary identified in the advertisement.

(g) All advertisements shall contain the name, address, telephone number and license number of a licensee who is responsible for the fulfillment of the advertised terms and conditions.

(h) A copy of each printed advertisement and a video or audio tape recording of each broadcast advertisement shall be retained by the licensee for a period of three years from the date of initial publication or dissemination. Each such copy or tape shall be made available for review upon request by the Board.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Maurice W. McQuade, Executive Secretary  
State Board of Mortuary Science  
1100 Raymond Boulevard, Room 331  
Newark, New Jersey 07102

The Board of Mortuary Science 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 1981-59.

(a)

## LAW AND PUBLIC SAFETY

### BOARD OF MORTUARY SCIENCE

Proposed Repeal: N.J.A.C. 13:36-9.1  
Uniform Penalty Letter

Public Hearing: None

The State Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38, proposes to repeal N.J.A.C. 13:36-9.1 concerning the uniform penalty letter.

#### Summary

The proposed repeal will enable the Board of Mortuary Science to utilize revised forms of the uniform penalty letter. These revised forms give clearer notice of alleged violations and the rights of the alleged violators.

#### Social Impact

The repeal of the previous form of uniform penalty letter will have no significant social impact since this will be replaced by a new letter without a significant substantive change.

#### Economic Impact

The repeal of the previous form of uniform penalty letter will have no significant economic impact as there will be no cost increases.

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

13:36-9.1 [Uniform penalty letter] (Reserved)

[This form letter appears at N.J.A.C. 13:27-5.1 (Uniform penalty letter).]

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Maurice W. McQuade, Executive Secretary  
State Board of Mortuary Science  
1100 Raymond Boulevard, Room 331  
Newark, New Jersey 07102

The Board of Mortuary Science 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 1981-56.

**(a)**

**LAW AND PUBLIC SAFETY**

**BOARD OF NURSING**

**Adopted New Rule: N.J.A.C. 13:37-1.26**

**Board of Nursing Rules**

**Change of Address of Licensee**

**Effective Date: June 4, 1981**

On April 21, 1981, the New Jersey State Board of Nursing in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 13:37-1.26 concerning change of address of nursing licensees as proposed in the notice published March 5, 1981 at 13 N.J.R. 149(a), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 14, 1981 as R.1981 d.174.

**(b)**

**LAW AND PUBLIC SAFETY**

**BOARD OF OPTOMETRISTS**

**Proposed Amendment: N.J.A.C. 13:38-2.1**

**General Rules of Practice**

**Minimum Examination**

**Public Hearing: None**

Frances Stark, O.D., President of the Board of Optometrists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-4, proposes to amend N.J.A.C. 13:38-2.1 concerning the minimum examination to be performed on all patients.

**Summary**

These amendments will bring the required tests to be performed by optometrists on all patients into line with more modern equipment and procedures which are now available and those which will become available in the future. It also allows for certain objective testing to be done by ancillary personnel thereby freeing up the doctor's time for more meaningful testing.

**Social Impact**

This rule will open up new avenues of employment for individuals to be trained and work as optometric assistants.

**Economic Impact**

The optometrists are able to see more patients and spend more time with them since their time is not taken up with incidental and ancillary functions. The ultimate result is better and less expensive eye care to the consumer.

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

13:38-2.1 Minimum examination; record of conditions

(a) [As authorized under N.J.S.A. 45:12-11(v), an optometrist shall make a complete minimum examination and shall keep a record of the following conditions of every patient examined:

1. Complete history;
2. Naked visual acuity;
3. Detailed report of the external findings;

4. Ophthalmoscopic examination (media, fundus, blood vessels, etc.);
5. Corneal curvature measurements (dioptral);
6. Static retinoscopy;
7. Amplitude of convergence and accommodation;
8. Phoria and duction findings: horizontal and vertical, distance and near;
9. Subjective findings;
10. Fusion;
11. Stereopsis;
12. Color vision;
13. Visual fields (confrontation);
14. Visual fields, central (after age 40);
15. Prescription given and visual acuity obtained;
16. Corneal or scleral tonometry to be performed on every patient after 40 years of age unless contra-indicated.]

As authorized under N.J.S.A. 45:12-11(v), the following procedures shall be done on each and every patient examined and the findings shall be duly recorded:

1. Complete history;
2. Complete visual acuity findings;
3. Complete examination of the external eye and adnexae;
4. Complete examination of the internal parts of the eye;
5. Corneal measurements (keratometry) must be taken at the time of the original examination;
6. Objective refractive findings;
7. Subjective refractive findings;
8. Extra-ocular measurement (EOM);
9. Fusion, stereopsis, and color vision testing at the time of the original examination;
10. Visual fields; measurement of central and peripheral vision on all patients where indicated and possible;
11. Tonometry on all patients where possible unless contraindicated.

(b) The procedures specified in (b)1 through 7 below may be delegated to be performed by ancillary personnel under the doctor's supervision provided that such ancillary personnel have been trained, to the doctor's satisfaction, to perform such functions and only when the doctor is physically present on the premises and available for consultation. In addition, the doctor should maintain a record attesting to the type and extent of training provided to each individual employed an ancillary personnel under (b) of this section.

1. Complete history;
2. Determination of visual acuity with and without glasses or with pinhole;
3. Use of electronic equipment producing results not requiring judgment or interpretation by the ancillary personnel for objective refractive findings;
4. Fusion, stereopsis, and color vision testing;
5. Visual fields;
6. Instillation of drops into a patient's eye for the purpose of examination;
7. Teaching the patient how to care for the contact lenses and how to insert and remove them.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Frances Stark, O.D., President  
State Board of Optometrists  
1100 Raymond Boulevard, Room 501  
Newark, New Jersey 07102  
(201) 648-2012

The New Jersey State Board of Optometrists 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 1981-58.

**(a)**

## LAW AND PUBLIC SAFETY

### BOARD OF VETERINARY MEDICAL EXAMINERS

**Proposed Repeal: N.J.A.C. 13:44-3.1  
Uniform Penalty Letter**

**Public Hearing: None**

The State Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-9.9, proposes to repeal N.J.A.C. 13:44-3.1 concerning the uniform penalty letter.

#### Summary

The proposed repeal will enable the Board of Veterinary Medical Examiners to utilize revised forms of the uniform penalty letter. These revised forms give clearer notice of alleged violations and the rights of the alleged violators.

#### Social Impact

The repeal of the previous form of uniform penalty letter will have no significant social impact since this will be replaced by a new letter without a significant substantive change.

#### Economic Impact

The repeal of the previous form of uniform penalty letter will have no significant economic impact as there will be no cost increases.

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

13:44-3.1 [Uniform penalty letter] (Reserved)

[This form letter appears in N.J.A.C. 13:27-5.1 (Uniform penalty letter).]

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Maurice W. McQuade, Executive Secretary  
State Board of Veterinary Medical Examiners  
1100 Raymond Boulevard, Room 331  
Newark, New Jersey 07102

The Board of Veterinary Medical Examiners 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 1981-55.

**(b)**

## ENERGY

### BOARD OF PUBLIC UTILITIES

**Proposed New Rule: N.J.A.C. 14:3-7.11A  
Bills and Payments for Service  
Budget Billing Plans**

**Public Hearing: None**

The Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-12, proposes to adopt a new rule to be cited as N.J.A.C. 14:3-7.11A concerning budget billing plans for residential customers of all electric and gas utilities.

#### Summary

The proposed rule provides for a uniform plan applicable to residential customers of gas and electric utilities for budget billing and payments to be implemented by all gas and electric utilities in the State of New Jersey under the jurisdiction of the Board of Public Utilities. Currently, each such utility has its own practices concerning budget and payments billing. The rule is intended to permit the Board of Public Utilities to regulate budget billing and payment practices in a uniform manner.

#### Social Impact

This proposed new rule will affect the thousands of residential customers who are currently utilizing the various budget billing and payment plans offered by the gas and electric utilities in the State of New Jersey. The public will benefit from a single uniform plan and from the overview which the Board of Public Utilities would exercise concerning same.

#### Economic Impact

This new regulation will not have any economic impact on the Board of Public Utilities.

Residential customers of electric and gas utilities will derive an economic benefit as a result of established uniform requirements for monthly projected usage, fourth month and eighth month reviews of budget plans, and the right to negotiate a deferred payment agreement. If a customer elects to go off the budget plan, he may not be required to pay a down payment of more than 25 percent of the total outstanding bill due at the time a deferred payment agreement is made or executed.

Full text of the proposed new rule follows.

14:3-7.11 Requirements for budget billing and payment plans of gas and electric utilities for residential accounts

(a) Each gas and electric utility shall implement a budget payment billing plan for residential accounts, having the characteristics set forth below.

1. The plan shall be voluntary.
2. The plan shall begin in May of one year and run through April of the following year.
3. The monthly projected usage shall be determined by the following factors:
  - i. Usage on the account for the past season;
  - ii. Actual weather conditions encountered during the past season as compared to a normal year;
  - iii. Rate increases that have been granted;
  - iv. Energy adjustment or raw material adjustment charges that have been granted.
4. The utility shall total a customer's 12 months projected usage, and divide the total by 12 to determine the amount of monthly payments.

5. If a customer is a new customer with little or no prior use the budget amount shall be determined by an estimate of likely use.

6. Projected monthly budget billing shall be maintained so that comparisons will automatically be made between the actual use as determined by actual meter readings and the projected monthly billing amount. These comparisons shall occur in the fourth and eighth month (August and December) of a budget year. In the fourth month a customer whose actual bills vary from the projected bills by 75 percent of the monthly budget amount will have his budget billing and payments adjusted for the balance of the budget year. In the eighth month a customer whose actual bills vary from the projected bills by 50 percent of the monthly budget amount shall have his budget billing and payments adjusted for the balance of the budget year. A final bill for a plan year shall be issued in April and shall contain that month's budget amount plus an adjustment for any difference between the amount billed and the service rendered during the plan year.

7. A 12-month budget plan shall be offered to those customers not on the plan in the month of March. The customer shall begin the budget year in May of the year.

8. A utility shall notify plan customers in writing in the month of April of the customers' budget amount for the next budget year and of the budget revisions made during the preceding budget year.

9. Each plan bill shall contain the information required by N.J.A.C. 14:3-7.9 (Form of bill for metered service), N.J.A.C. 14:3-7.10 (Form of bill for unmetered service) and N.J.A.C. 14:3-7.11 (Method of billing). In addition, the plan bill shall show the monthly budget amount, the budget billing to date, the actual usage billing to date and the balance after payment of the bill.

10. A customer may go off a budget plan anytime he desires in which event the customer shall pay the amount owed for actual usage or agree to a stipulated payment agreement according to N.J.A.C. 14:3-7.13(c).

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Anthony J. Zarillo, Executive Officer  
Board of Public Utilities  
1100 Raymond Boulevard  
Newark, New Jersey 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 1981-50.

(a)

## TRANSPORTATION

### THE COMMISSIONER

Adopted Amendment: N.J.A.C. 16:26-1.1  
Electrical Bureau  
Traffic Signal Information

Effective Date: June 4, 1981

On May 5, 1981, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to

N.J.A.C. 16:26-1.1 concerning requirements for release of traffic signal information as proposed in the Notice published March 5, 1981, at 13 N.J.R. 152(b), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 11, 1981 as R.1981 d.164.

(b)

## TRANSPORTATION

### THE COMMISSIONER

Adopted Repeal: N.J.A.C. 16:27-1.4  
Traffic Engineering  
Traffic and Parking on NJDOT Property

Effective Date: June 4, 1981

On May 5, 1981, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and in accordance with the applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 16:27-1.4 concerning control of traffic and parking on NJDOT property as proposed in the Notice published March 5, 1981 at 13 N.J.R. 153(a), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 11, 1981 as R.1981 d.165.

(c)

## TRANSPORTATION

### THE COMMISSIONER

Adopted Amendment: N.J.A.C. 16:28-1.2  
Speed Limits for State Highways  
Route I-80

Effective Date: June 4, 1981

On April 27, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 16:28-1.2 concerning maximum speed limits along Route I-80 as proposed in the Notice published March 5, 1981 at 13 N.J.R. 153(b), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 6, 1981 as R.1981 d.150.

(d)

## TRANSPORTATION

### THE COMMISSIONER

Adopted New Rule: N.J.A.C. 16:28-1.15  
Speed Limits for State Highways  
Route 13

Effective Date: June 4, 1981

On April 27, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited as N.J.A.C. 16:28-1.15 concerning speed limits along Route 13 as proposed in the Notice published March 5, 1981 at 13 N.J.R. 155(a), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 6, 1981 as R.1981 d.152.

**(a)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

**Adopted Amendments: N.J.A.C. 16:28A-1.7,  
1.13, 1.15, 1.23, and 1.65**

**Restricted Parking and Stopping  
Routes 23, 33, 15, U.S. 9, and U.S. 22**

**Effective Date: June 4, 1981**

On April 27, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.7, 1.13, 1.15, 1.23 and 1.65 concerning restricted parking along various routes as proposed in the Notice published March 5, 1981 at 13 N.J.R. 154(a), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 6, 1981 as R.1981 d.151.

**(b)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

**Adopted Amendment: N.J.A.C. 16:28A-1.7  
and 1.19**

**Restricted Parking and Stopping  
Route U.S. 9 and Route 28**

**Effective Date: June 4, 1981**

On April 27, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.7 and 1.19 concerning restricted parking as proposed in the Notice published March 5, 1981 at 13 N.J.R. 157(b), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 6, 1981 as R.1981 d.156.

**(c)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

**Proposed Amendment: N.J.A.C. 16:28A-1.18  
Restricted Parking  
Route 27**

**Public Hearing: None**

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to amend N.J.A.C. 16:28A-1.18 concerning restricted parking along Route 27, Linden Township, Union County.

**Summary**

The proposed rule provides for "No Parking Zones" at bus stops along Route 27 in the City of Linden, Union County, and authorizes appropriate signs to be erected.

### **Social Impact**

This rule will restrict parking to the populace and create a "Bus Stop" in an area where pedestrians enter and exit from buses.

### **Economic Impact**

Buses will no longer have to park/stop where passengers request, but will have a designated area for stopping, saving time and energy. Additionally, this rule would cause a minimal amount of expenditures for the erection of signs which are already available.

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

16:28A-1.18 Route 27

(a) (No change.)

(b) The certain parts of State highway Route 27 described [herein below] in this subsection 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. - 13. (No change.)

14. Along the easterly side northbound in the City of Linden, Union County:

i. Far side bus stop: Chandler Avenue (105 feet).  
Renumber 14. - 16. as 15. - 17.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers  
Administrative Practice Officer  
New Jersey 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 1981-41.

**(d)**

## **TRANSPORTATION**

### **THE COMMISSIONER**

**Adopted Amendments: N.J.A.C. 16:28A-1.19,  
1.44, and 1.57**

**Adopted New Rule: N.J.A.C. 16:28A-1.68  
Restricted Parking and Stopping  
Routes 28, 88, 93, and U.S. 206**

**Effective Date: June 4, 1981**

On April 27, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.19, 1.44 and 1.57 and adopted a new rule to be cited as N.J.A.C. 16:28A-1.68 concerning restricted parking as proposed in the Notice published March 5, 1981, at 13 N.J.R. 155(b), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 6, 1981 as R.1981 d.153.

(a)

## TRANSPORTATION

THE COMMISSIONER

Adopted Amendments: N.J.A.C. 16:28A-1.23  
and 1.57

Restricted Parking and Stopping  
Route 33 and Route U.S. 206

Effective Date: June 4, 1981

On April 27, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.23 and 1.57 concerning restricted parking as proposed in the Notice published March 5, 1981 at 13 N.J.R. 156(a), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 6, 1981 as R.1981 d.154.

(b)

## TRANSPORTATION

THE COMMISSIONER

Adopted Amendments: N.J.A.C. 16:28A-1.25  
and 1.64

Adopted New Rule: N.J.A.C. 16:28A-1.69  
Restricted Parking and Stopping  
Routes 35, 41, and 63

Effective Date: June 4, 1981

On April 27, 1981, David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid, in the Department of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28A-1.25 and 1.64 and new rule to be cited as N.J.A.C. 16:28A-1.69 concerning restricted parking as proposed in the Notice published March 5, 1981 at 13 N.J.R. 157(a), without change.

An order adopting this rule was filed with the Office of Administrative Law on May 6, 1981 as R.1981 d.155.

(c)

## TRANSPORTATION

THE COMMISSIONER

Adopted Amendments: N.J.A.C. 16:54  
Licensing of Aeronautical Facilities

Effective Date: June 4, 1981

On April 28, 1981, Melvin Lehr, Assistant Commissioner of Transportation, pursuant to authority of N.J.S.A. 6:1-29 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:54 concerning licensing of aeronautical facilities as proposed in the Notice published May 8, 1980 at 12 N.J.R. 289(a), but with subsequent changes not so substantial as to change the scope or effect of the original proposal (N.J.A.C. 1:30-3.5).

An order adopting the rule was filed with the Office of Administrative Law on April 29, 1981 as R.1981 d.141.

(d)

## TRANSPORTATION

NEW JERSEY TRANSIT CORPORATION

Adopted New Rules: N.J.A.C. 16:72  
Procurement Regulations

Effective Date: June 4, 1981

On May 1, 1981, Jerome C. Premo, Executive Director of the New Jersey Transit Corporation in the Department of Transportation, pursuant to authority of N.J.S.A. 27:25-5(e) and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 16:72 concerning procurement policies and procedures as proposed in the Notice published March 5, 1981 at 13 N.J.R. 158(a), but with subsequent changes not so substantial as to change the scope or effect of the original proposal.

Full text of the changed portion of the rule as adopted follows (additions to proposal indicated in boldface thus).

16:72-3.7 Evaluation of proposals

Sealed technical proposals shall be opened, evaluated and ranked prior to the opening of the separate cost proposals. General evaluation criteria shall be outlined in the RFP.

An order adopting the rule was filed with the Office of Administrative Law on May 14, 1981 as R.1981 d.176.

(e)

## TREASURY

DIVISION OF PENSIONS

Proposed New Rule: N.J.A.C. 17:1-7.3  
Pension Increase Program

Administrative Fees and Investment Earnings

Public Hearing: None

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:3B-9, proposes to adopt a new rule at N.J.A.C. 17:1-7.3 concerning administrative fees and investment earnings for the Pension Adjustment Program.

### Summary

The proposed amendments establish administrative fees that the Division of Pensions is allowed to charge local employers for the administration expenses involved in the Pension Adjustment Program. These amendments also allow for a bookkeeping credit to be allowed to the local employer's account for such administrative fees if the investment earnings accumulated on the local employer's periodic contributions toward this Program exceeds the amount of the assessed fees. This is accomplished by accounting entries between accounts rather than actual cash payments.

### Social Impact

Only the State and local employers are affected by these proposed amendments on a direct basis since they are the contributors involved in this Program. Indirectly, the

general public may be affected by this proposal since their taxes ultimately pay a portion of any pension program.

**Economic Impact**

If the investment earnings achieved on the contributions involved in this Program are significantly large, the State will benefit by having any excess earnings transferred to its General Fund for utilization in its operations; the local employers will also benefit in such circumstances in the sense that they will not have to disburse any funds in order to pay the assessed administrative fees. Thus, some local employers may receive some financial relief with the adoption of these amendments.

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

**17:1-7.3 [(Reserved)] Administration fees; investment earnings**

(a) The certification by the Director of the Division of Pensions of the amounts payable by local employers shall include an administrative fee to reimburse the State for the cost of administering the Pension Adjustment Program on behalf of their employees. The fee shall be \$1.00 per pensioner or beneficiary.

(b) Administrative fees, assessable to local employers participating in the Pension Adjustment Program, will be recovered from investment earnings on contributions as long as such earnings exceed the fees assessable. Employers will be billed for the difference whenever the investment earnings are less than the administrative fees assessed.

(c) Excess earnings, remaining after the recovery of the assessment of the administrative fees, shall be transferred to the State of New Jersey—General Fund.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Director  
Division of Pensions  
20 West Front Street  
Trenton, N.J. 08625

The Division of Pensions 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 1981-38.

**(a)**

**TREASURY**

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**BOARD OF TRUSTEES**

**Proposed Amendment: N.J.A.C. 17:2-6.4**

**Public Employees' Retirement System  
Loan Repayments**

**Public Hearing: None**

The Board of Trustees of the Public Employees' Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17, proposes to amend N.J.A.C. 17:2-6.4 concerning loan repayments and retirants in the Public Employees' Retirement System.

**Summary**

The proposed new rules are necessary since Chapter 55, Laws of 1981, changes the provisions governing loans in the PERS. In the PERS, there is now no age limit for obtaining loans whereas it was previously set at 60 years of 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 PERS member may have at the time of his retirement.

**Social Impact**

PERS 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**

PERS 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 reduced until such amount is paid. If such member dies before the full amount due is paid, such member's beneficiaries and/or estate may have their benefits reduced accordingly.

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

**17:2-6.4 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 actuarial 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 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 July 6, 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, N.J. 08625

The Board of Trustees of the Public Employees' Retirement System 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 1981-40.

**(a)**

## TREASURY

### BOARD OF TRUSTEES OF THE TEACHERS' PENSION AND ANNUITY FUND

**Adopted Amendment: N.J.A.C. 17:3-6.6**  
**Teachers' Pension and Annuity Fund**  
**Retirement Credit**

**Effective Date: June 4, 1981**

On April 9, 1981, the Board of Trustees of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:3-6.6 concerning retirement credit as proposed in the Notice published March 5, 1981, at 13 N.J.R. 159(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on April 28, 1981 as R.1981 d.140.

**(b)**

## TREASURY

### STATE HEALTH BENEFITS COMMISSION

**Adopted New Rule: N.J.A.C. 17:9-2.16**  
**State Health Benefits Program**  
**Policy Provisions Adoption**

**Effective Date: June 4, 1981**

On April 13, 1981, the State Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted a new rule to be cited at N.J.A.C. 17:9-2.16 concerning policy provisions adoption in the State Health Benefits Program as proposed in the Notice published February 5, 1981 at 13 N.J.R. 110(b), without change.

An order adopting the rule was filed with the Office of Administrative Law on April 20, 1981 as R.1981 d.138.

**(c)**

## TREASURY

### STATE HEALTH BENEFITS COMMISSION

**Adopted Amendments: N.J.A.C. 17:9-5.8**  
**State Health Benefits Program**  
**Medicare Refunds**

**Effective Date: June 4, 1981**

On April 13, 1981, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with the applicable provisions of the Adminis-

trative Procedure Act, adopted amendments to N.J.A.C. 17:9-5.8 concerning Medicare refunds as proposed in the Notice published February 5, 1981 at 13 N.J.R. 110(c), without change.

An order adopting the rule was filed with the Office of Administrative Law on April 20, 1981 as R.1981 d.139.

**(d)**

## TREASURY

### LOTTERY COMMISSION

**Adopted Emergency Rule: N.J.A.C. 17:21-11**  
**Proposed New Rule: N.J.A.C. 17:21-11**  
**Super Bingo Lottery Game**

**Public Hearing: None**

**Emergency Rule Effective Date: May 12, 1981**

**Emergency Rule Expiration Date: July 11, 1981**

The New Jersey State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 52:14B-4(c), adopted an emergency new rule to be cited as N.J.A.C. 17:21-11 concerning the "Super Bingo" Lottery Game. Concurrently, this same rule is proposed for reoption on a non-emergent basis (see N.J.S.A. 52:14B-4(c) and N.J.A.C. 1:30-4.4(d).

#### Summary

The New Jersey State Lottery Commission's "Super Bingo" Lottery Game offers the public a game which features a weekly drawing and prizes which range from \$3.00 to \$100,000. Tickets may be purchased at any licensed Lottery agency. Cost of the ticket is \$1.00.

Each Wednesday a drawing will be held at which time five "Bingo" numbers will be drawn. These five numbers correspond to the five columns on the ticket. The player wins by completing one of the five rows on the ticket. Each row is entitled to a different prize, based on the number of "free" spots in that row. The ticket clearly identifies the prize for each row. In addition, at the time of the drawing one of five colors (orange, yellow, blue, pink or green) will be drawn. These colors correspond to the colors of the five rows on the ticket. Prizes double for any winning row on the ticket if that row matches the color drawn. Instructions for claiming prizes are available from any licensed lottery agent.

This game is similar to other weekly lottery games that have been run in the past. Prize structure and motif have been modified to reflect public response to previous games. This game is designed to replace the weekly lottery game that has just recently ended and to raise an estimated \$200,000 per week for aid to education and institutions and agencies.

#### Social Impact

These rules will affect only those people who elect to buy lottery tickets for this game. During the previous 10 years, the New Jersey State Lottery Commission has run several different weekly lottery games, all of which are similar in nature to this proposal. It is anticipated that the clientele who purchase tickets for this game will be substantially the same as the clientele that has purchased previous games of this nature. Ticket price will be one dollar.

#### Economic Impact

It is anticipated that the Lottery Commission will raise

an additional \$200,000 per week during the course of this game. As described by law, these revenues will be used as aid to education and institutions and agencies.

Copies of the full text of the emergency rule (proposed new rule) can be obtained from the person indicated below.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 1981 and inquiries as to submissions received and agency responses to those submission to:

New Jersey State Lottery Commission  
CN 041  
Trenton, New Jersey 08625  
Re: "Super Bingo" Rules

The New Jersey State Lottery Commission thereafter may adopt this proposal without further notice (see N.J. A.C. 1:30-3.5).

The proposal concerning the "Super Bingo" Lottery Game is known as PRN 1981-78.

The emergency rule concerning the "Super Bingo" Lottery Game was filed with the Office of Administrative Law on May 12, 1981 as R.1981 d.171.

## (a)

# TREASURY

## DIVISION OF TAXATION

### Adopted Emergency Amendment:

N.J.A.C. 18:7-11.12

### Proposed Amendment: N.J.A.C. 18:7-11.12

#### Corporation Business Tax Act

#### Extension of Time to File Return

### Public Hearing: None

### Emergency Amendment Effective Date:

May 11, 1981

### Emergency Amendment Expiration Date:

July 10, 1981

On May 8, 1981, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:10A-27 and the applicable provisions of the Administrative Procedure Act, and upon certification by the Governor of the State of New Jersey that an imminent peril exists (see N.J.S.A. 52:14B-41(c)), adopted an emergency amendment to N.J.A.C. 18:7-11.12 concerning an extension of time to file Corporation Business Tax Returns and interest and penalties. Concurrently the same rule is proposed for reoption on a non-emergent basis (see N.J.S.A. 52:14B-4(c) and N.J.A.C. 1:30-4.4(d)).

#### Summary

To respond to the imminent peril, a change in the rule is being made to insure prompt payment of essential State revenues. Without this adoption, a large amount of corporation taxes and interest would be lost to the State in the current fiscal year. The Emergency Rule and proposed amended rule provide for the imposition of interest and penalties on Corporation Business Tax payments made during an additional extended period for which an additional extension was granted. This results in increasing the interest rate and imposing a penalty as a condition for the granting of the additional extension.

#### Social Impact

The Emergency Rule and proposed amended rule will

only affect corporation business taxpayers who desire an additional extension beyond the first automatic extension for three months that is presently allowed. These amendments would require payments to be made by corporations which are more consonant with their tax liability, and would detract from the inducement to use those additional funds to obtain higher interest rates.

#### Economic Impact

The additional interest and penalty required to be paid by corporation business taxpayers will help compensate for the low interest rate presently allowed on tax payments made during additional extended periods. It is designed to prevent a diminution of State revenues. The increased interest rate will not be a burden upon the taxpayers since the 18 percent rate is below the present prime rate.

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

#### 18:7-11.12 Extension of time to file return; interest and penalties

(a) (No change.)

(b) (No change.)

1. If extension for a period in excess of three months is desired, request shall also be made on Tentative Return Form CBT-200T. [but the reasons therefor must be stated;] An additional extension of time to file a final return may be granted upon application for good cause shown made prior to the expiration of any extension previously granted, only on condition that the full amount of tax liability shall have been paid at the time such additional extension is requested;

2. (No change.)

3. Where any extension is granted, any unpaid portion of the tax, including any unpaid portion of the required tax prepayment for the succeeding year, in excess of the amount estimated and remitted will bear interest [on] at the rate of nine percent per annum if paid within the time fixed under the first automatic three month extension;

4. [If paid after the time fixed for extension, interest will be charged at the rate of one and one-half percent per month, or per fraction of a month, from the date the tax was originally due;] In the event that the full amount of tax so paid is less than 100 percent of the actual tax liability plus the prepayment required by law, as shown on the final return, the extension shall be deemed void ab initio and a penalty will be imposed at the rate of five percent of the full amount of tax plus interest on the amount of the underpayment at the rate of 1½ percent per month, or fraction thereof, computed from the original due date, plus such other penalties as may be provided by law.

5. (No change.)

(c) (No change.)

1. (No change.)

2. [If] With respect to an initial extension for a particular tax year, where the total estimated tax remitted is less than [75] 90 percent of the actual tax liability [plus] including the amount of prepayment required (N.J.S.A. 54:10A-15(d) and (e)) as shown on the final return, [and less than the amount of tax liability, plus prepayment on the preceding return,] the difference between the estimated tax and prepayment and the total tax including prepayment will be subject to a five percent penalty and an interest charge of 1½ percent per month, or fraction thereof, from the date such tax was originally due, to the date of payment[.] plus such other penalties as may be provided by law. [Such remittance shall not in any event, be less than the applicable minimum tax of \$25.00 for a

domestic corporation, \$50.00 for a foreign corporation or \$250.00 for an investment company, real estate investment trust or regulated investment company, plus the required prepayment.]

(d) (No change.)

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before July 6, 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 emergency amendment concerning an extension of time to file the Corporation Business Tax Act was filed with the Office of Administrative Law on May 11, 1981 as R.1981 d.163.

The proposal concerning an extension to file the Corporate Business Tax Return is known as PRN 1981-76.

(a)

## NEW JERSEY HIGHWAY AUTHORITY

### GARDEN STATE PARKWAY

Adopted Amendment: N.J.A.C. 19:8-2.11  
Garden State Arts Center

Effective Date: June 4, 1981

On May 12, 1981, F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-5j and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 19:8-2.11 concerning the Garden State Arts Center as proposed in the Notice published April 9, 1981 at 13 N.J.R. 247(e), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 12, 1981 as R.1981 d.169.

(b)

## NEW JERSEY HIGHWAY AUTHORITY

### GARDEN STATE PARKWAY

Adopted Amendment: N.J.A.C. 19:8-3.1  
Tolls

Effective Date: June 4, 1981

On May 12, 1981, F. Joseph Carragher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-5j and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 19:8-3.1 concerning tolls on the Garden State Parkway as proposed in the Notice published April 9, 1981 at 13 N.J.R. 248(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 12, 1981 as R.1981 d.170.

(c)

## ECONOMIC DEVELOPMENT AUTHORITY

Adopted Amendment: N.J.A.C. 19:30-4.4  
Targeting of Authority Assistance  
Projects Exempted

Effective Date: June 4, 1981

On May 11, 1981, Anthony M. Cuccia, Acting Executive Director of the Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted an amendment to N.J.A.C. 19:30-4.4 concerning the targeting of EDA assistance as proposed in the Notice published March 5, 1981 at 13 N.J.R. 165(d), but with spelling, punctuation, or other technical changes not in violation of N.J.A.C. 1:30-3.5.

Full text of the changed portion of the rule as adopted follows (additions to proposal indicated in boldface thus; deletions from proposal indicated in brackets [thus]).

19:30-4.4(a) 2.iv. An office building in which a single user occupies a minimum of 20,000 square feet [or] of net usable space as a central administrative office.

An order adopting the rule was filed with the Office of Administrative Law on May 12, 1981 as R.1981 d.168.

(d)

## ECONOMIC DEVELOPMENT AUTHORITY

Adopted New Rules: N.J.A.C. 19:30-5  
Administrative Rules  
Debarment of Applicants and Contractors

Effective Date: June 4, 1981

On August 13, 1980, Anthony M. Cuccia, Acting Executive Director of the Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-5 and in accordance with the applicable provisions of the Administrative Procedure Act, adopted new rules to be cited as N.J.A.C. 19:30-5 concerning debarment of applicants and contractors as proposed in the Notice published June 5, 1980 at 12 N.J.R. 356(a), without change.

An order adopting the rule was filed with the Office of Administrative Law on May 12, 1981 as R.1981 d.167.

(a)

## DELAWARE RIVER BASIN COMMISSION

### Notice on Intervention: Delaware River Basin Commission v. Bucks County Water and Sewer Authority, et al.

This notice is given pursuant to an Order entered by the Honorable Louis H. Pollak on April 29, 1981, directing the Delaware River Basin Commission (DRBC) to notify all persons and entities having an interest in DRBC Resolution No. 74-6 (imposing water charges for use or withdrawal of basin waters) concerning the status of this matter and their right to seek to intervene herein.

The United States Court of Appeals for the Third Circuit in Delaware River Basin Commission v. Bucks County Water & Sewer Authority, No. 80-1662, in a decision filed February 18, 1981, remanded this case to the U.S. District Court for further proceedings. The Court of Appeals has questioned the constitutionality of Section 15.1(b) of DRBC's Compact and DRBC Resolution No. 74-6, which exempt from water charges pre-1961 water users. The Opinion of this Court states in part:

" . . . we believe it more prudent to remand the present controversy than to grant final disposition by this Court. The difficulties attending any effort to divine legislative intent no doubt are greatly magnified when the legislature acted two decades past and left no clear trace of its designs. But as we earlier concluded, it is doubtful whether the actual purpose of the Congress need be established. So long as the Commission can proffer some purpose that the court may reasonably presume to have motivated the Congress that added Section 15.1(b) to the Compact, there will be available a standard against which to test the rationality of Resolution 74-6. We believe the Commission should have the opportunity to attempt this type of explanation.

"In addition, remand may prompt pre-1961 users to intervene in the lawsuit. Modification of the Resolution 74-6 exemption would adversely affect users, such as the City of Philadelphia, who currently enjoy immunity from water use charges. We believe it would be helpful, before final decision on the constitutionality of the Resolution is made, if representatives of these parties were provided an opportunity to appear before the court to advance their arguments for maintaining the current system of exemptions."

The Order of Judge Pollak authorizes persons and entities desiring to intervene in this matter and to participate therein to file an appropriate Motion of Intervention on

or before June 15, 1981. All parties seeking leave to intervene in this matter are also directed to appear at a conference in Judge Pollak's Courtroom in the U.S. District Court, Sixth and Market Streets, Philadelphia, Pennsylvania, at 9:30 a.m. on Thursday, June 18, 1981.

Counsel for the defendant, Bucks County Water and Sewer Authority, is Jaczun & Grabowski, One South Fifth Street, Perkasio, Bucks County, Pennsylvania 18944. Counsel for the plaintiff, Delaware River Basin Commission, is David J. Goldberg, 112 Nassau Street, Post Office Box 645, Princeton, New Jersey 08540. Anyone desiring further information concerning this matter may contact counsel for either party.

This Notice is published as a matter of public information.

(b)

## PALISADES INTERSTATE PARK COMMISSION

### Adopted Amendment: Palisades Interstate Park Rules, Section 412.3 Vehicles Requiring Permits

Effective Date: June 6, 1981

On June 6, 1980, the Palisades Interstate Park Commission, pursuant to authority of N.J.S.A. 32:14-20 adopted amendments to Section 412.3 of the Rules and Regulations for the New Jersey section of the Palisades Interstate Park concerning vehicles permitted to use parkways or park roads by written permit only.

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

Section 412.3 Vehicles permitted to use parkways or park roads by written permit only.

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

(e) Any vehicle carrying or adapted for carrying, more than [12] 14 passengers.

An order adopting the rule was filed with the Office of Administrative Law on April 20, 1981 as R.1981 d.137. This order is exempt from the notice, comment, and other rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

# INDEX FOR THIS ISSUE

(Continued from front cover)

Public hearing: Underground Injection Control program .....	341(b)	Proposed changes in mortuary advertising .....	368(a)
Notice of NPDES permits .....	341(c)	Proposed penalty letter repeal by mortuary board	369(a)
<b>HEALTH</b>		Board of Nursing licensee requirement .....	370(a)
Campground sanitation .....	342(a)	Proposed changes in required optometric tests ..	370(b)
Child abuse and neglect .....	342(b)	Proposed penalty letter repeal by veterinary board	371(a)
Proposed interchangeable drug additions .....	354(a)	<b>ENERGY</b>	
<b>HIGHER EDUCATION</b>		Proposed residential budget billing .....	371(b)
Correction to Register: Student loan limits .....	355(a)	<b>TRANSPORTATION</b>	
<b>HUMAN SERVICES</b>		Release of traffic signal information .....	372(a)
Proposed pre-approval on out-of-State services ..	355(b)	Repealed: Traffic rule on NJDOT property .....	372(b)
Proposed van service for Medicaid recipients ..	356(a)	Speed limits on Route I-80 .....	372(c)
Proposed "same day" surgery program .....	357(a)	Route 13 speed limits .....	372(d)
Proposed pre-entry tests for elective surgery ..	358(a)	Parking on Routes 23, 33, 15, U.S. 9, and U.S. 22 ..	373(a)
Payment for out-of-State inpatient services .....	358(b)	Parking on Routes 28 and U.S. 9 .....	373(b)
Proposed payment to out-of-State hospitals .....	359(a)	Proposed parking changes on Route 27 in Linden	373(c)
Proposed pre-approval on certain podiatry services ..	360(a)	Parking on Routes 28, 88, 93, and U.S. 206 .....	373(d)
Proposed cut in Medicaid funding of nursing homes ..	360(b)	Parking on Routes 33 and U.S. 206 .....	374(a)
Temporary injunction: N.J.A.C. 10:63-3.21 .....	361(a)	Parking on Routes 35, 41, and 63 .....	374(b)
Proposal on hearing aid reimbursement .....	361(b)	Licensing of aeronautical facilities .....	374(c)
Proposal on medical day care reimbursement ..	362(a)	New Jersey Transit procurement rules .....	374(d)
Proposed revisions in Independent Clinic Manual ..	363(a)	<b>TREASURY-GENERAL</b>	
GAM: Referral and appeal for prospective SSI recipients ..	363(b)	Proposed fees and credit for Pension Adjustment	374(e)
Proposed Food Stamp Program revisions .....	364(a)	Proposal on loan repayments to PERS .....	375(a)
Medicaid Only revisions .....	364(b)	Retirement credit in teachers' fund .....	376(a)
<b>CORRECTIONS</b>		Health Benefits Program: Policy provisions .....	376(b)
Parole Board rules .....	364(c)	Medicare refunds in State health program .....	376(c)
<b>INSURANCE</b>		Emergency adoption and proposal: Super Bingo ..	376(d)
Proposed standards for independent license-testing	364(d)	<b>TREASURY-TAXATION</b>	
<b>LAW AND PUBLIC SAFETY</b>		Emergency extension for Corporate Tax filing ....	377(a)
Dental insurance forms and misconduct .....	366(a)	<b>OTHER AGENCIES</b>	
Ophthalmic examination fees .....	366(b)	Garden State Arts Center .....	378(a)
Proposed military service for podiatry internship	366(c)	Tolls on Garden State Parkway .....	378(b)
Proposed military service for medical internship ..	367(a)	Economic Development Authority assistance ....	378(c)
Guidelines for medical externship programs .....	367(b)	EDA: Debarment of applicants and contractors ..	378(d)
Proposed increases in mortuary board fees .....	367(c)	Intervention notice: DRBC v. Bucks County Water	379(a)
		Palisades Park vehicle permit changes .....	379(b)

July Rules Filing Deadline.....	June 11
—————	
August Rules Filing Deadline.....	July 9