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# REGISTER

## REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS\*, PAGE 2568.

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# RULE PROPOSALS

**Interested persons** may submit, in writing, information or arguments concerning any of the following proposals until **November 20, 1985**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

On occasion, a proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice.

## AGRICULTURE

### (a)

#### DIVISION OF DAIRY INDUSTRY

##### Milk Dealers

##### Milk Coupon Restrictions

**Proposed Readoption: N.J.A.C. 2:48-5.1 and 5.2.**

**Proposed New Rules: N.J.A.C. 2:48-5.3 and 5.4.**

Authorized By: Arthur R. Brown, Jr., Secretary,  
Department of Agriculture.

Authority: N.J.S.A. 4:12A-1 et seq., specifically  
4:12A-20.

Proposal Number: PRN 1985-586.

Submit comments by November 20, 1985 to:  
Woodson W. Moffett, Jr., Director  
Division of Dairy Industry  
New Jersey Department of Agriculture  
CN 332  
Trenton, NJ 08625

The agency proposal follows:

#### Summary

Executive Order No. 66(1978) mandates the "sunsetting" of administrative rules unless they are reviewed and readopted prior to their expiration.

Pursuant to such Executive Order, the Division of Dairy Industry proposed to readopt N.J.A.C. 2:48-5.1 and 2:48-5.2 which would otherwise expire on December 2, 1985. The division also proposes two new rules 2:48-5.3 and 2:48-5.4 which permit use of milk coupons in certain cases.

The rules proposed for re-adoption are required for the effective administration and enforcement of the Milk Control Act, N.J.S.A. 4:12A-1 et seq. These rules continue to be adequate, reasonable and necessary for their intended purpose.

N.J.A.C. 2:48-5.1 and 5.2 restrict the use of coupons in milk promotions by permitting the use of coupons under circumstances which do not result in the sale of milk below cost and which promote the orderly marketing of milk for consumer benefit.

The proposed new rules specifically provide for unlimited use of coupons in promotions sponsored by State milk promotion councils and the National Milk Promotion Board and by restaurants for on-premise consumption.

#### Social Impact

The proposed re-adoption affects the regulation of dealer licensees of the Division of Dairy Industry and assures that consumers benefit from the use of coupons which are not destructive in the marketplace.

The proposed new rules make provisions for the unlimited use of coupons in milk promotions which do not lend themselves to destructive competition and which promote the sale of milk for consumer benefits.

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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, and twice-monthly since November 1981.

**Economic Impact**

The readoption of the rules will continue to provide guidelines for the use of coupons in milk promotion and promote stability in milk pricing. The new rules will encourage the use of couponing in generic promotion by dairy promotion councils and boards.

Full text of the proposed readoption appears in the New Jersey Administrative Code in N.J.A.C. 2:48-5.1 and 5.2.

Full text of the proposed new rules follows:

**2:48-5.3 Unlimited use of coupons by National Dairy Promotion Board permitted**

(a) It shall be lawful for the National Dairy Promotion Board of any state dairy promotion council to offer "cents off" or "refund" coupons on milk containers or any other medium for the promotion of dairy products including fluid milk, if the following conditions are met:

1. The cost of the coupon and the redemption thereof is borne entirely by the promotional organization; and
2. The coupons are offered without limitations on all milk sold in the State of New Jersey.

**2:48-5.4 Unlimited use of coupons in restaurant promotions permitted**

It shall be lawful for any promotional organization or milk processing dealer to enter into promotional arrangements with restaurant owners where coupons are used for promoting the sale of fluid milk or fluid milk products for consumption on the premises.

**BANKING**

**DIVISION OF CONSUMER COMPLAINTS, LEGAL AND ECONOMIC RESEARCH**

Proposals numbered PRN 1985-578, 579 and 585 are authorized by Mary Little Parell, Commissioner, Department of Banking.

**(a)**

**Modification of Commissioner's Order and/or Rehearing**

**Proposed New Rules: N.J.A.C. 3:1-2.24**

Authority: N.J.S.A. 17:1-8.1.

Proposal Number: PRN 1985-578.

Submit comments by November 20, 1985 to:  
Mary Little Parell  
Commissioner of Banking  
Department of Banking  
CN 040  
Trenton, NJ 08625

The agency proposal follows:

**Summary**

The proposed new rule prevents unfriendly takeovers where a previous Order of the Commissioner of Banking restricted stock transfers. The rule specifies the documents which an applicant must submit when seeking modification of an order, the standards which determine whether relief will be granted, notice requirements and whether a hearing will be required.

**Social Impact**

The proposed rule provide a clear and specific statement of Department policy and procedure regarding modifications of orders restricting stock transfers. This will provide certainty to stockholders of affected institutions and enhance the stability of affected institutions. It will contribute to increased confidence in the stability of the New Jersey banking system by prohibiting publicly contested fights for control of an affected institution. In addition, shareholder confidence in the consistency of Department of Banking policy will be enhanced.

**Economic Impact**

The price of shares of affected institutions will be more stable. This will comfort existing shareholders but minimize the possibility of speculative short term trading in the stock of an affected institution. No additional costs to the Department are anticipated.

Full text of the proposed new rule follows.

**3:1-2.24 Modification of Order and/or rehearing**

(a) When an applicant seeks relief from or modification of an existing Order which restricts stock transfers entered pursuant to authority granted to the Commissioner the applicant shall submit the following:

1. A fee in the amount of \$500.00;
2. An original certification of a copy of a resolution of three-quarters of the duly constituted Board of Directors of the regulated institution approving the request for relief or modification;
3. A memorandum setting forth the grounds for the proposed modification or relief, and outlining the changes in circumstances or new information creating the need for relief.

(b) The Department shall notify the applicant of receipt of a complete application within 10 days, and shall publish notice of the proposed modification in the weekly associations' bulletins of the New Jersey Bankers Association, the Savings Banks' Association of New Jersey, and the New Jersey Savings League. In its notification to the applicant, the Department will advise whether the application on its face appears to require a hearing. If a hearing is deemed necessary, the notice will also indicate the hearing date, location, time, and the procedures to be followed. Upon receipt of such notice from the Department, the applicant shall then mail notice to all shareholders of the affected institution and provide proof of mailing. Said notice shall include: the applicant's name; a brief statement of the nature of the application; if a hearing has been set, its date, time, and location; and the procedure for shareholders to file objections.

(c) The Commissioner reserves the right at any stage in the approval process to order that a hearing shall be conducted. Such order will be transmitted to the applicant and to all objectors and will inform them of the hearing date, time, location, and the procedures to be followed.

(d) The following standards shall be used to determine if relief from the existing Order shall be granted:

1. Would the proposed change contravene the plan which was the subject of existing order;
2. Would the proposed change have a negative effect on the subject institution, either through disruption of activities, turnover of key personnel, loss of public confidence, or otherwise;
3. Would the proposed change have a chilling effect on other similarly situated institutions;
4. Would the proposed change be fair and equitable to all shareholders;
5. Would the proposed change represent a change in the focus of the regulated institution's activities and create public harm;
6. Would the changes in circumstances render continued compliance with the existing Order burdensome in inequitable; and
7. Such other issues as the parties may deem necessary for a fair and equitable determination by the Commissioner based on all the relevant facts.

(e) In any instance where the Commissioner or his or her designee shall determine that the foregoing requirements or procedures of this section be unwarranted, inapplicable, unreasonable, unnecessary or not required, he or she may relax or dispense with any or all of the requirements and procedures established herein.

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## (a)

### Multiple-Party Deposit Accounts

#### Proposed Readoption: N.J.A.C. 3:1-12

Authority: N.J.S.A. 17:16I-1 et seq., specifically 17:16I-16.

Proposal Number: PRN 1985-585.

Submit comments by November 20, 1985 to:  
Deputy Commissioner  
CCLER  
CN 040  
Trenton, NJ 08625

The agency proposal follows:

#### Summary

Pursuant to Executive Order No. 66(1978), Multiple-Party Deposit Account regulations expire November 1, 1985. These regulations were reviewed by the Department of Banking in compliance with Executive Order No. 66(1978) and were found to be necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which they were originally promulgated. The Department of Banking proposes to readopt these regulations without change.

Under N.J.S.A. 17:16I-16, the Commissioner of Banking must prescribe the form and content of the deposit contracts which are subject to the Multiple-Party Deposit Account Act (N.J.S.A. 17:16I-1 et seq.). The rules proposed for readoption implement this underlying statutory requirement.

The purpose of the regulations is to clarify in the deposit contract the intent of the persons named in the deposit account, particularly as to rights of survivorship and whether or not such rights are intended to be created.

The rules provide definitions of applicable terms; types of

accounts and contracts affected; required content of the deposit contract; limitation of the rules and their effective date.

#### Social Impact

Multiple-party deposit account-holders will continue to benefit by this readoption by being informed of the rights of parties to these accounts. Financial institutions will continue to provide deposit contracts which conform in form and content to these regulations.

#### Economic Impact

Neither the public nor account-holders will be economically affected by the proposed readoption. Financial institutions will continue to provide deposit contracts forms in compliance with these regulations which entails a minimum of administrative cost. The Department may incur costs due to the enforcement of these regulations, if necessary.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 3:1-12.

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## (b)

### Qualifications on Commitment Fees

#### Proposed Amendments: N.J.A.C. 3:38-5.2

Authority: N.J.S.A. 17:1-8.1 and 17:11B-5.

Proposal Number: PRN 1985-579.

Submit comments by November 20, 1985 to:

William Lewis  
Deputy Commissioner of Savings & Loans  
Department of Banking  
CN 040  
Trenton, NJ 08625

The agency proposal follows:

#### Summary

The proposed amendment to N.J.A.C. 3:38-5.2(f) stipulates that commitment fees, whether or not stated to be non-refundable, shall be returned to the borrower if a contingency outside of the borrower's control is not met. There is no current comparable provision.

#### Social Impact

The proposed amendment to N.J.A.C. 3:38-5.2(f) will allow borrowers a refund of their commitment fee when, although the lender has promised to provide the funds, there are requirements imposed by parties to whom the lender have the power to affect, and those requirements are not met. Some potential borrowers currently believe that mortgage lenders can unilaterally negate their promises to provide funds and retain the commitment fee, thereby reaping unjust profits. This amendment enables the borrower to regain such commitment fees.

#### Economic Impact

Since mortgage lenders are already permitted to charge application fees, which cover their processing costs, the requirement that commitment fees be refundable under the specific situations outlined by the regulation will not represent

the loss of fees necessary to cover costs. There will be some loss to mortgage lenders due to the refunds, and an equivalent gain to borrowers. The Department will incur no additional costs and may, in fact, save money since complaints received as a result of such occurrences will be prevented.

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

3:38-5.2 Commitment process

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

(f) Before accepting a commitment fee, as defined in N.J.A.C. 3:38-4.1(a)4, the licensee shall have disclosed in writing the amount of the commitment fee, if charged as a separate fee. The commitment shall [set forth] state whether all or any part of the commitment fee is refundable[. If all or any part of the commitment fee is refundable, the licensee shall set forth the] and upon what terms and conditions [for the refund]. Commitment fees shall be refunded when the commitment is contingent upon approval by parties to whom the lender seeks to sell the loan; the loan purchaser's requirements are not met; and the borrower is powerless to attain compliance with those requirements. A refundable commitment fee shall not be considered a trust fund pursuant to N.J.A.C. 3:38-2.1(c).

(g)-(j) (No change.)

# COMMUNITY AFFAIRS

## DIVISION OF HOUSING AND DEVELOPMENT

The following proposals are authorized by John P. Renna, Commissioner, Department of Community Affairs.

Submit comments by November 20, 1985 to:

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

### (a)

#### Neighborhood Preservation Balanced Housing Program

#### Proposed New Rules: N.J.A.C. 5:14

Authority: P.L. 1985, c.222, section 20 (N.J.S.A. 52:27D-301 et seq., specifically 52:27D-320).  
Proposal Number: PRN 1985-588.

The agency proposal follows:

#### Summary

The proposed new rule is intended to implement the provisions of the "Fair Housing Act" (P.L. 1985, c.222) which authorizes the Department to provide financial assistance to municipalities for the development of low and moderate-income housing. Eligible activities and funding procedures and

criteria are set forth.

#### Social Impact

The establishment of a successful program to assist construction of low and moderate-income housing will help provide new affordable housing for residents of this State who do not have adequate opportunity to secure decent housing.

#### Economic Impact

Pursuant to P.L. 1985, c.222, \$2,000,000 has been appropriated for the Neighborhood Reservation Balanced Housing Program. In addition, revenue from the increased Realty Transfer Fee will be appropriated to this program after January 1, 1986. Adoption of this rule and implementation of the program will allow this money to be used quickly and efficiently to develop low and moderate-income housing.

Full text of the proposed new rule follows.

### CHAPTER 14

#### NEIGHBORHOOD PRESERVATION BALANCED HOUSING PROGRAM

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### 5:14-1.1 Purpose

The purpose of the Neighborhood Preservation Balanced Housing Program shall be to deliver housing affordable to low and moderate income households in viable neighborhoods in fulfillment of Section 20 of the Fair Housing Act of 1985. Consistent with the Act, a substantial percentage of Program awards shall be made to projects and programs in those municipalities receiving State aid pursuant to P.L. 1978, c.14 (C.52:27D-178 et seq.) The Department shall also target a percentage of Program awards to the special needs of "at-risk" groups, including the elderly, handicapped and single-parent families.

###### 5:14-1.2 Eligible applicants

Municipal governments shall be the only eligible applicants to the Neighborhood Preservation Balanced Housing Program; except that the municipality may designate other public, private and/or non profit development entities as part of its application.

###### 5:14-1.3 Eligible activities

(a) The Department shall award loans and/or grants for those activities listed below. For any eligible activity that does not specifically require 100 percent occupancy by low and moderate income households, the Department shall fund a project if it includes a substantial percentage of low and moderate income units. A substantial percentage shall generally be a percentage which is larger than 20 percent.

1. Rehabilitation of substandard housing units occupied or to be occupied by low and moderate income households;
2. Creation of accessory apartments to be occupied by low and moderate income households;
3. Conversion of nonresidential space to residential purposes provided a substantial percentage of the resulting housing units are to be occupied by low and moderate income households;
4. Acquisition of real property; demolition and removal of buildings; or construction of new housing that will be occupied by low and moderate income households, or any combination thereof;

5. Grants of assistance to eligible municipalities for costs of necessary studies, surveys, plans and permits, engineering, architectural and other technical services, cost of land acquisition and any buildings thereon, and cost of site preparation, demolition and infrastructure development for projects undertaken pursuant to an approved regional contribution agreement;

6. Assistance to a local housing authority, nonprofit or limited dividend housing corporation or association for rehabilitation or restoration of housing units which it administers which:

- i. Are unusable or in a serious state of disrepair;
- ii. Can be restored in an economically feasible and sound manner; and
- iii. Can be retained in a safe, decent and sanitary manner, upon completion of rehabilitation or restoration; and

7. Other housing program for low and moderate income housing including infrastructure projects directly facilitating the construction of low and moderate income housing not to exceed a reasonable percentage of the construction of the low and moderate income housing to be provided.

#### 5:14-1.4 Definitions

"Housing Region" shall mean a geographic area of no fewer than two nor more than four contiguous whole counties, as defined in "Mount Laurel II Challenge and Delivery of Low-Cost Housing" published by the Rutgers' Center for Urban Policy Research.

"Low income household" shall mean a household whose gross annual earnings are less than 50 percent of the median income for the region. Low income shall be considered synonymous with the term "very low income" in the document entitled "Section 8 Rental Assistance Program, Income by Family Size" published by the U.S. Department of Housing and Urban Development.

"Moderate income household" shall mean a household whose gross annual earnings are no less than 50 or more than 80 percent of the median income for the region. Modern income is synonymous with the term "low income" in the document entitled "Section 8 Rental Assistance Program, Income by Family Size" published by the U.S. Department of Housing and Urban Development.

## SUBCHAPTER 2. FUNDING

### 5:14-2.1 Funding cycles and application procedures

(a) The Department shall establish a deadline for one competitive funding cycle per year. Notice of such deadline shall be published in the New Jersey Register. During the competitive funding cycle, the Department shall accept applications from each housing region. Fundable projects shall receive firm or conditional commitments.

(b) If there are unallocated funds, the Department shall accept additional applications and make funding commitments to projects on a first come first served basis subject to the priorities outlined in 5:14-1.1.

(c) A municipality may submit unlimited applications, except that only one application per year shall be for a project designed to rehabilitate individual structure scattered through a designated neighborhood.

(d) The maximum project award shall be \$350,000. The Department may waive this limitation for what it considers compelling reasons.

(e) Multi-year commitments shall be considered by the Department on a case-by-case basis.

## SUBCHAPTER 3. FUNDING CRITERIA

### 5:14-3.1 Threshold criteria

(a) In order to be eligible for funding, an applicant shall demonstrate that:

1. At least 50 percent of housing units in a project will be affordable to low income households;
2. There is a plan to ensure that the required percentage of the program's beneficiaries are low and moderate income;
3. There is a plan to ensure that units will remain affordable and occupied by low and moderate income households;
4. The applicant or development entity has control of the project site;
5. The municipality has declared its intent to submit its fair share housing plan to the Affordable Housing Council or has agreed to a court ordered settlement of its low and moderate income housing obligation;
6. There is sufficient need for the program and the resources committed to the project are commensurate to the need.

### 5:14-3.2 Competitive criteria

(a) Eligible applications shall be reviewed on the basis of project specific criteria and the Department's assessment of municipal need. In evaluating municipal need, the Department shall consider the municipality's ranking on the State Community Need Index and the municipality's low and moderate income housing obligation (as determined by the Department). The Department shall give priority to applications from municipalities receiving State aid pursuant to P.L. 1978 c. 14 (C. 52:27D-178 et seq.). Projects will be favored which:

1. Provide more than 50 percent of the housing units to low income households or provide housing units to a diversity of income groups within the low and moderate income ranges;
  2. Use Neighborhood Preservation Balanced Housing funds and other subsidies most efficiently;
  3. Are successful in containing total project costs;
  4. Include a diversity of bedroom types of reasonable size;
  5. Demonstrate progress in developing construction and administrative plans;
  6. Demonstrate progress in receiving financial commitments to the proposed project;
- Are most likely to result in a stable neighborhood by addressing the needs of the its residents.

**(a)**

## Uniform Construction Code Annual Permits

### Proposed Amendments: N.J.A.C. 5:23-2.14, 4.18 and 4.20

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

Proposal Number: PRN 1985-566.

The agency proposal follows:

#### Summary

The annual construction permit program concerns work performed by an applicant's maintenance staff. The proposed amendments clarify the administration and enforcement of annual permit rules which were most recently amended at 17 N.J.R. 1029(a) and 17 N.J.R. 1756(b).

Duplicate submission of documentation supporting an annual permit application is required. The duplicate, after approval, will be returned and kept at the facility. Records required to be retained for three years are no longer to be designated as "permanent". An ambiguous reference to architectural or engineering drawings that might be "necessary" is clarified by changing the language to "required by law".

Work done under an annual permit that is normally inspected prior to closure may be done without waiting for inspection, but the inspector is given the power to order it reopened if there is reason to believe that a violation exists. Photographs of work taken prior to closure are required.

It is specified that it is only **modification** work affecting life safety systems that may not be done under an annual permit. Work involving the disturbing of asbestos which would require a permit is also forbidden to be done under an annual permit.

Application fees are expressly made non-refundable. It is made clear that the training registration is due prior to issuance of the annual permit, not upon application.

**Social Impact**

The proposed amendments include clarifications that will enhance uniformity in the administration of the code. Having an approved duplicate of the annual permit application available at the facility will increase the efficiency of inspection.

**Economic Impact**

Substituting a right to reopen enclosed work for a requirement that facility operators wait up to three days for an inspector to arrive would avoid costly delays. Making application fees non-refundable is economically detrimental to those who might apply for an annual permit and then change their minds. Making the training registration fee payable only prior to the issuance of the permit saves those who might be denied a permit, or who might not actually take it out, that \$100.00 fee.

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

5:23-2.14 Construction permits: when required

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

(c) Additional construction permits may be issued by the construction official to education, industrial, institutional, mercantile, business and government facilities based upon submission of the following in **duplicate**:

1.-8. (No change.)

(d) (No change.)

(e) Conditions of the annual permit:

1. The "annual permit" may be issued for building/fire protection, electrical, or plumbing work or any combination of those classifications of work, providing that the individual responsible for work done under the annual permit possesses knowledge of evidenced in accordance with N.J.A.C. 5:23-2.14(c)5, in the technical work classification for which the annual permit is sought.

i. **An approved copy of the annual permit application shall be kept at the facilities maintenance office for review by the Construction Official and appropriate subcode official.**

2.-4. (No change.)

5. A permanent work log, **approved by the construction official**, of all work done under the "annual permit" must be maintained at the facilities maintenance office. The log must contain the date, a brief description of the work, **photographs**

**for any work which was not inspected prior to closing as set forth in 8 below**, and the name of the person supervising the work. The log shall be retained for three years.

6. Architectural or engineering drawings, [if necessary] **as required by law** for work done under the annual permit, shall be prepared by a registered architect or licensed engineer as defined by the statutory requirements of the professional registration laws of this State and shall be kept permanently on file and be made available to the Construction Official and appropriate subcode official, for review upon request.

8. Work [, other than of a minor nature—similar to that listed in N.J.A.C. 5:23-2.17A,] that is normally inspected prior to closing [shall be inspected by appropriately licensed subcode official upon proper notice. This notice shall be given at least 24 hours prior to the time inspection is desired. Such inspection shall be conducted within three (3) business days of the time for which it was requested. The fee for such inspections will be the permit fee per subcode that has been established as a minimum fee for such subcode by the enforcing agency having jurisdiction, as set forth in N.J.A.C. 5:23-4.18 and 4.20] **shall be ordered to be reopened by the facility upon written notice from the Construction Official or appropriate subcode official if he has reason to believe that a violation is present. A photograph shall be taken of any work intended to be enclosed without inspection.**

9.-11. (No change.)

12. The following work is not permitted under an annual permit:

i.-vi. (No change.)

vii. Any **modification** work, **other than routine maintenance**, that affects life safety systems, such as, but not limited to:

- (1) Emergency lighting systems;
- (2) Smoke and heat detection systems;
- (3) Stand-by generator systems;
- (4) Emergency smoke evacuation systems.

viii. **Any work which would disturb asbestos and require a permit to perform.**

5:23-4.18 Standards for municipal fees

(a) General:

1.-3. (No change.)

4. The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers employed by the facility and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purposes of establishing the annual construction permit fee. Annual permits may be issued for building/fire protection, electrical and plumbing. **Annual permit fees shall be non-refundable.**

5. **Prior to the issuance of the annual permit, a [A] training registration fee of \$100 per subcode shall be submitted by the applicant to the municipal construction official, who shall forward the fee to the Department of Community Affairs, Bureau of Construction Code Enforcement, Training Section along with copies of the construction permit (Form F-170). Checks shall be made payable to "Treasurer, State of New Jersey".**

(b)-(e) (No change.)

5:23-4.20 Department fees

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

(c) Department (enforcing agency) fees:

1.-11. (No change.)

12. Prior to the issuance of the annual permit, a [A] training registration fee of \$100 per subcode shall be submitted by the applicant to the Department of Community Affairs, Bureau of Construction Code Enforcement, training section along with a copy of the construction permit (Form F-170). Checks shall be made payable to "Treasurer, State of New Jersey".

## ENVIRONMENTAL PROTECTION

The following proposals are authorized by Robert E. Hughey, Commissioner, Department of Environmental Protection.

(a)

### DIVISION OF WATER RESOURCES

#### Flood Hazard Area Delineation Delineated Flood Hazard Areas of Various Tributaries and Streams in the Raritan Basin (Project H)

#### Proposed Amendment: N.J.A.C. 7:13-7.1.

Authority: N.J.S.A. 13:1D-1 et seq. and 58:16A-50 et seq.

DEP Docket No. 056-85-09.

Proposal Number: PRN 1985-589.

A public hearing concerning this proposal will be held on:  
December 4, 1985, 1:00 P.M.  
Plainsborough Town Hall  
641 Plainsborough Road  
Plainsborough, N.J.

Submit written comments by December 11, 1985 to:  
Clark Gilman  
Bureau of Flood Plain Delineation  
Division of Water Resources  
CN 029  
Trenton, N.J. 08625

The agency proposal follows:

#### Summary

The Department of Environmental Protection (Department) proposes to amend N.J.A.C. 7:13-7.1, Delineated floodways, by the addition of certain new delineated flood hazard areas and the revision of certain existing delineated flood hazard areas within the Raritan River Basin.

The proposed delineations are based upon recently developed topography and updated hydrology and hydraulics. The delineations have been prepared by the companies of Justin & Courtney and O'Brien & Gere, under contract with the State of New Jersey. Portions of the previous 1972 delineations of the Millstone River, Matchaponix Brook, Lawrence Brook, Manalapan Brook and the 1967 delineation of Stony Brook, Harry's Brook, Mountain Brook, Assunpink Creek

and Bridegroom Run and various tributaries will be superseded by the proposed delineations.

The following new delineations are proposed:

Van Horn Brook from the Princeton Township corporate boundary to approximately 225 feet upstream of Arreton Road; Tributary to Van Horn Brook from the Princeton Township corporate limit to Herrontown Road; Cherry Run from the Princeton Township corporate limit to Cherry Hill Road; Duck Pond Run from its confluence upstream to Penn Lyle Road in West Windsor; Devils Brook from its confluence upstream to Hay Press Road in South Brunswick; Bee Brook from its confluence upstream to approximately 3000 feet upstream of Scudders Mill By-Pass Road in Plainsboro; Shallow Brook from its confluence upstream to the New Jersey Turnpike in Monroe Township; Little Bear Brook from its confluence upstream to Meadow Road in West Windsor; Big Bear Brook from its confluence to Route 33 in East Windsor; Canoe Brook from its confluence upstream to Penn Lyle Road in West Windsor; Bear Creek from its confluence to the West Windsor-Washington Township corporate limit and the reach within East Windsor; Cranbury Brook from its confluence upstream through Plainsboro and Cranbury to Longstreet Road in Monroe; Cedar Brook from its confluence upstream through Cranbury Township to Applegate Road; Tributary to Millstone River from its confluence upstream approximately 3,447 feet; Rocky Brook reaches within East Windsor; Bentley's Brook from its confluence to approximately 2,600 feet upstream of Route 33; Clear Brook from its confluence to approximately 565 feet upstream of Union Valley Half Acre Road; Tributary to Cranbury Brook from its confluence to Union Valley Gravel Road; Sawmill Brook from its confluence upstream 4,453 feet within Helmetta Borough; Tributary to Sawmill Brook from its confluence upstream 640 feet within Helmetta Borough; Tributary to Manalapan Brook from its confluence to Mott Avenue within Monroe Township; Wigwam Brook from its confluence upstream 7,029 feet; Tributary to Weamaconk Creek from its confluence to Farm Lane within Englishtown; Heathcote Brook from its confluence to 2,959 feet upstream of New Road; Tributary to Heathcote Brook reach within South Brunswick, from its confluence upstream to Route 27; Carters Brook reach within South Brunswick, from its confluence upstream to Old Road; Tributary to Carters Brook for the reach within South Brunswick, from its confluence upstream to Route 27; Heathcote Brook Branch from its confluence upstream to Route 1; Switzgable Brook from its confluence upstream to New Road; Six Mile Run Branch from Lincoln Highway upstream to approximately 1,200 feet upstream of Stillwell Road; Tributary to Six Mile Run from its confluence upstream to approximately 2,000 feet upstream of Sand Hill Road; Ten Mile Run from Lincoln Highway upstream to approximately 2,000 feet upstream of New Road; Tributary 1 to Ten Mile Run from its confluence upstream to approximately 600 feet upstream of Rumson Road; Great Ditch from its confluence upstream approximately 1,300 feet; Tributary to Lawrence Brook from its confluence upstream 2,915 feet; Cow Yard Brook from its confluence upstream to approximately 516 feet upstream of Deans Lane; and Tributary to Oakey's Brook from its confluence upstream to approximately 970 feet upstream of Henderson Road.

The following existing delineations are proposed to be revised:

The Millstone River reach within Princeton Township, Plainsboro, Cranbury, East Windsor, West Windsor, South Brunswick, Monroe and Rocky Hill; Harry's Brook from its

confluence to Snowden Lane; Harry's Brook Branch 1 from its confluence to approximately 30 feet upstream of Bertrand Drive; Harry's Brook Branch 2-1 from its confluence to approximately 180 feet upstream of Van Dyke Road; Harry's Brook Branch 2-2 from its confluence to approximately 420 feet upstream of Grover Avenue; Van Horn Brook reach within Rocky Hill Borough; the Assunpink Creek for the reach within West Windsor Township; Bridgegroom Run from its confluence upstream to Old Trenton Road; Manalapan Brook for the entire reach within Monroe Township, Helmetta Borough and Jamesburg Borough; Stony Brook from its confluence at Carnegie Lake upstream to Province Line Road; Mountain Brook from its confluence upstream to Great Road East; Mountain Brook Branch 2 from its confluence upstream to approximately 100 feet downstream of Red Hill Road in Princeton Township; Barclay's Brook from its confluence to State Home Road; Matchaponix Brook for the entire reach within Monroe Township; McGellairds Brook reach within Englishtown Borough; Weamaconk Creek reach within Englishtown Borough; Lawrence Brook from the confluence of Ireland Brook upstream to approximately 378 feet upstream of Dayton Road; Oakey's Brook from its confluence upstream to Henderson Road.

The proposed delineations affect the following municipalities:

Jamesburg Borough, Helmetta Borough, Monroe Township, South Brunswick Township, Plainsboro Township, Cranbury Township, Spotswood Borough, North Brunswick Township, and Old Bridge Township, Middlesex County; Montgomery Township and Rock Hill Borough, Somerset County; Princeton Township, West Windsor Township and Washington Township, Mercer County; and Englishtown Borough, Monmouth County.

Rules of delineated flood hazard areas are designed to preserve the flood carrying capacity of New Jersey's waterways and to minimize the threat to the public safety, health and general welfare caused by flooding. New delineations establish flood fringe areas which are regulated under the Flood Hazard Area Control Act regulations at N.J.A.C. 7:13.

#### Social Impact

The proposal applies added flood protection to flood hazard areas of certain water ways and more accurately defines the flood hazard areas of others. The flood hazard area protection program provides for increased protection from damages associated with flooding and, when applied, lessens the requirements for flood insurance. By delineating streams and rivers, the Department sets the approximate area (the flood fringe) which is regulated under the Flood Hazard Area Control Act regulations.

#### Economic Impact

Application of the flood hazard area rules to the flood plains of the State's waterways restricts the scope of permissible development by, among other things, limiting the amount of fill which may be placed within the flood hazard area. Delineations and revisions of delineations can expand the scope of regulated areas and, thereby increase the area to which development controls apply.

Delineation of a stream or river by the Department increases the area regulated from the area flooded by the 100 year flood to the area flooded by 125 percent of the 100 year flood. However, the economic impact of the restrictions applicable to the flood fringe areas of water ways is offset to a degree by decreased insurance costs and by savings to gov-

ernmental bodies and private homeowners due to lessening of future rehabilitation and rescue expenditures from flood damage in the delineated area.

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

#### 7:13-7.1 Delineated floodways

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

(d) A list of streams in the Passaic-Hackensack Basin and a list of delineated streams in the Raritan Basin follow:

1.-52. (No change.)

**53. Van Horn Brook and its Tributary, Cherry Run, Duck Pond Run, Devils Brook, Bee Brook, Shallow Brook, Little Bear Brook, Big Bear Brook, Canoe Brook, Bear Creek, Cranbury Brook, Cedar Brook, Rocky Brook, Bentley's Brook, Clear Brook, Tributary to Cranbury Brook, Sawmill Brook and its Tributary, Tributary to Manalapan Brook, Wigwan Brook, Tributary to Weamaconk Creek, Heathcote Brook and its Tributary, Carters Brook and its Tributary, Heatheate Brook Branch, Switzgable Brook, Six Mile Run Branch and its Tributary, Ten Mile Run and its Tributary 1, Great Ditch, Tributary to Lawrence Brook, Cow Yard Brook, Tributary to Oakey's Brook.**

Van Horn Brook from the Princeton Township corporate boundary to approximately 225 feet upstream of Arretton Road; Tributary to Van Horn Brook from the Princeton Township corporate limit to Herrontown Road; Cherry Run from the Princeton Township corporate limit to Cherry Hill Road; Duck Pond Run from its confluence upstream to Penn Lyle Road in West Windsor; Devils Brook from its confluence upstream to Hay Press Road in South Brunswick; Bee Brook from its confluence upstream to approximately 3,000 feet upstream of Scuders Mill By-Pass Road in Plainsboro; Shallow Brook from its confluence upstream to the New Jersey Turnpike in Monroe Township; Little Bear Brook from its confluence upstream to Meadow Road in Windsor; Big Bear Brook from its confluence upstream to Route 33 in East Windsor; Canoe Brook from its confluence upstream to Penn Lyle Road in West Windsor; Bear Creek from its confluence to the West Windsor-Washington Township corporate limit and the reach within East Windsor; Cranbury Brook from its confluence upstream through Plainsboro and Cranbury to Longstreet Road in Monroe; Cedar Brook from its confluence upstream through Cranbury Township to Applegate Road; Tributary to Millstone River from its confluence upstream approximately 3,447 feet; Rocky Brook for the reaches within East Windsor; Bentley's Brook from its confluence to approximately 2,600 feet upstream of Route 33; Clear Brook from its confluence to approximately 565 feet upstream of Union Valley Half Acre Road; Tributary to Cranbury Brook from its confluence to Union Valley Gravel Hill Road; Sawmill Brook from its confluence upstream 4,453 feet within Helmetta Borough; Tributary to Sawmill Brook from its confluence upstream 640 feet within Helmetta Borough; Tributary to Manalapan Brook from its confluence to Mott Avenue within Monroe Township; Wigwan Brook from its confluence upstream 7,029 feet; Tributary to Wamaconk Creek from its confluence to Farm Lane within Englishtown; Heathcote Brook from its confluence to 2,959 feet upstream of New Road; Tributary to Heathcote Brook for the reach within South Brunswick, from its confluence upstream to Route 27; Carters Brook for the reach within South Brunswick, from its confluence upstream to Old Road; Tributary to Carters Brook for the reach within South Brunswick, from its confluence upstream to Route 27; Heathcote Brook Branch from its confluence upstream to Route 1; Switzgable Brook from

its confluence upstream to New Road; Six Mile Run Branch from Lincoln Highway upstream to approximately 1,200 feet upstream of Stillwell Road; Tributary to Six Mile Run from its confluence upstream to approximately 2,000 feet upstream of Sand Hill Road; Ten Mile Run from Lincoln Highway upstream to approximately 2,000 feet upstream of New Road; Tributary 1 to Ten Mile Run from its confluence upstream to approximately 600 feet upstream of Rumson Road; Great Ditch from its confluence upstream approximately 1,300 feet; Tributary to Lawrence Brook from its confluence upstream 2,915 feet; Cow Yard Brook from its confluence upstream to approximately 516 feet upstream of Deans Lane; and Tributary to Oakey's Brook from its confluence upstream to approximately 970 feet upstream of Henderson Road.

(e)-(g) (No change.)

AGENCY NOTE: Maps of the approximate location of the delineated flood hazard areas may be reviewed at the Bureau of Flood Plain Delineation at 1911 Princeton Avenue, Lawrenceville, New Jersey.

(a)

## DIVISION OF FISH, GAME AND WILDLIFE

### Bureau of Shellfisheries Atlantic Coast Harvest Season

#### Proposed New Rule: N.J.A.C. 7:25-19.

Authority: N.J.S.A. 13:1B-3, 13:1B-4 and 50:1-5.

DEP Docket No. 055-85-09.

Proposal Number: PRN 1985-590.

Submit comments by November 20, 1985 to:

Gail Critchlow, Chief  
Division of Fish, Game and Wildlife  
Bureau of Shellfisheries  
1566-70 Edgewood Avenue  
Trenton, NJ 08618

The agency proposal follows:

#### Summary

The proposed new rule reinstates, with one change, the rule at N.J.A.C. 7:25-19 that expired on August 22, 1985 pursuant to Executive Order 66 (1978). The expired rule permitted the taking of oysters and clams, with hand tongs only, from certain enumerated shellfish beds along the Atlantic coast. In addition, it provided criteria for the commissioner's determination of the dates for harvesting from these oyster beds. The proposed new rule continues this program but provides for the commissioner's delegation of his authority to establish the harvest season in the oyster beds enumerated in the rule to the Division of Fish, Game and Wildlife. The purpose of the change is to enable the division, through its Bureau of Shellfisheries, to more quickly respond to changing conditions on the beds.

#### Social Impact

Adoption of the proposed new rule will have a beneficial

impact on the small number of people directly interested in New Jersey's Atlantic Coast oyster resource by allowing for the orderly and legal harvest of oysters from the enumerated beds.

#### Economic Impact

Adoption of the proposed new rule will not materially alter economic conditions in the oyster industry on the Atlantic Coast. Failure to do so could prevent the profitable utilization of the resource.

#### Environmental Impact

Adoption of the proposed new rule will have a beneficial impact on the oyster resource by limiting the means of harvest and allowing the Division of Fish, Game and Wildlife to adjust the harvest season in immediate response to the condition of the oyster beds.

Full text of the proposed new rule follows.

### SUBCHAPTER 19. ATLANTIC COAST HARVEST SEASON

#### 7:25-19.1 Scope

This subchapter shall constitute the rules governing the method and season for harvest of oysters from the Reef, Fitney Bit, Turtle Island, Oyster Bed Point beds in Great Bay; the Mullica River above Deep Point; the Great Egg Harbor River, the Tuckahoe River, and the Middle River on the Atlantic Coast.

#### 7:25-19.2 Purpose

The purpose of these rules is to regulate the harvest of oysters from the beds enumerated at N.J.A.C. 7:25-19.1.

#### 7:25-19.3 Construction

These rules shall be liberally construed to permit the department to effectuate the purposes of N.J.S.A. 50:1-5.

#### 7:25-19.4 Definitions

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

"Commissioner" means the Commissioner of Environmental Protection.

"Division" means the Division of Fish, Game and Wildlife.

"Seed oysters" means all oysters planted on the beds listed at N.J.A.C. 7:25-19.1.

#### 7:25-19.5 Method and season of harvest

(a) No person shall catch or take oysters or clams by any means from the Reef, Fitney Bit, Turtle Island, Oyster Bed Point beds in Great Bay; the Mullica River above Deep Point; the Great Egg Harbor River, the Tuckahoe River and the Middle River except with hand tongs during the harvest season.

(b) The harvest season for these oyster beds shall be determined by the size of the seed oysters planted, the time of planting, and the growth and survival rate of the seed oysters.

(c) Based upon the data referred to in (b) above, the harvest season for these oyster beds shall be established by the commissioner or his designee in the Division of Fish, Game and Wildlife, pursuant to N.J.S.A. 50:1-5, with the advice of the Atlantic Coast Section of the Shell Fisheries Council, except that no harvesting shall be permitted between June 30 and September 1 of any year.

(d) Nothing contained herein shall prevent or prohibit the

harvest of oysters by mechanical power from any of the leased oyster grounds within the boundaries of the beds enumerated in (a) above by the lessee or his substitute harvester.

(e) Nothing contained herein shall prevent or prohibit the appropriate State authorities from conducting oyster management programs during the closed harvest season.

## HEALTH

The following proposals are authorized by J. Richard Goldstein, M.D., Commissioner, Department of Health; with the approval of the Health Care Administration Board.

### (a)

#### FACILITIES RATE SETTING

##### Standard Hospital Accounting and rate Evaluation (SHARE) Economic Factor

##### Proposed Repeal: N.J.A.C. 8:31A-9.1. Proposed Amendment: N.J.A.C. 8:31A-9.2

Authority: N.J.S.A. 26:2H-1 et esq., specifically 26:2H-5b.

Proposal Number: PRN 1985-572.

Submit comments by November 20, 1985 to:  
Charles A. Buttaci, Director  
Facilities Rate Setting  
New Jersey Department of Health  
CN 360  
Trenton, NJ 08625

The agency proposal follows:

##### Summary

The proposed amendments to the SHARE Economic Factor are required to update and correct inequities in the method used for proxy values that are no longer applicable. The new proxies and value have been determined to be fair and equitable after study, and the Department believes that the average rate of inflation will continue to be reflected appropriately in the economic factors for the Specialized and Rehabilitation hospitals. The amendments will also provide consistency in the overall development of reimbursement rates among the different types of health care facilities in the State.

N.J.A.C. 8:31A-9.1, entitled Economic Factor for 1976, 1977 and 1978, is deleted since it is now obsolete.

##### Social Impact

The proposed amendments to the SHARE Economic Factor will not serve as a deterrent to the hospitals in providing health care services to the consumer. Although Blue Cross and Medicaid will experience slight increases in the hospital per diem rates, it should not have any social impact on the consumer.

##### Economic Impact

The proposed amendments have proxy value changes in

addition to changes in methodology. These changes will affect a slight increase in hospital revenue in some cost component categories. There should be a minimal impact on the hospitals. Blue Cross and Medicaid will experience a slight increase in the Specialized and Rehabilitation hospitals per diem rates. All other third party payors and consumers will not be directly affected by these amendments.

Full text of the proposed may be found in the New Jersey Administrative Code at N.J.A.C. 8:31A-9.1.

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

8:31A-9.[2]I Economic factor [beginning January 1979]

(a) The industry-wide economic factor shall be comprised of the percentage changes in the following proxies for their relevant cost components weighted by their percentage of reported costs on SHARE Projected Actuals for all hospitals combined. The factor is determined exclusive of depreciation and facilities interest, lease, and utilities costs.

##### 1. Labor 1:

i. Cost component: Non-physician salaries, physicians' salaries and fees;

ii. SHARE cost center: All Cost Centers for which employee salaries are reported; contracted services in ACU, ICU, NBN; SAC, SNF, EMR, CLN, and OHS cost centers except RSD; and physicians fees for RSD cost center;

iii. Proxy: [Employment Cost Index (ECI), Northeast] **Average Hourly Earnings—Hospital Workers (US)**;

iv. Source: Bureau of Labor Statistics (BLS), [Employment Cost Index] **Average Hourly Earnings—Hospital Workers (US)**

##### 2. Labor 2:

i. Cost component: Interns, residents and fellows;

ii. SHARE cost center: Physicians' salaries in RSD cost center;

iii. Proxies: Percentage change in average stipend for house staff, Northeast Region, by number of residents per post-graduate year for New Jersey Hospitals;

iv. Source: Council of Teaching Hospitals and New Jersey Department of Higher Education.

##### 3. Labor 3:

i. Cost component: Fringe benefits;

ii. SHARE cost center: Other expense reported in PFB, LFB, and PEN cost centers;

iii. Category 1: FICA:

(1) Proxy: Percentage change in Social Security Tax Rate compounded by [rate base and salary percentage] changes in **salaries (95 percent). Percentage change in Social Security Tax Rate compounded by change in rate base (5 percent)**;

(2) Source: U.S. Department of Health and Human Services [,Education and Welfare], Social Security Bulletin and BLS, [Employment Cost Index] **Average Hourly Earnings—Hospital Workers (US)**.

iv. Category 2: Workmen's Compensation:

(1) Proxy: Percentage change in Manual Rate compounded by percentage change in salaries;

(2) Source: New Jersey Compensation Rating and Inspection Bureau and BLS, [Employment Cost Index] **Average Hourly Earnings—Hospital Workers (US)**.

v. Category 3: Unemployment Insurance:

(1) Proxy: Percentage change in unemployment insurance tax rate compounded by Rate Base [and salary percentage changes] **(90 percent) Percent change in unemployment in-**

**insurance tax rate compounded by rate base and salary changes (10 percent);**

(2) Source: New Jersey Department of Labor and Industry and BLS, [Employment Cost Index] **Average Hourly Earnings—Hospital Workers (US)**.

vi. Category 4: Disability Insurance:

(1) Proxy: Percentage change in disability insurance rate compounded by rate base [and salary percentage changes] **(90 percent). Percentage change in disability insurance rate compounded by rate base and salary changes (10 percent);**

(2) Source: New Jersey Department of Labor and Industry and BLS, [Employment Cost Index] **Average Hourly Earnings—Hospital Workers (US)**.

vii. Category 5: Medical Insurance:

(1) Proxy: Percentage change in New Jersey Hospital Association group rate for Blue Cross/Blue Shield basic hospital and group Major Medical premium rates;

(2) Source: New Jersey Hospital Association.

viii. Category 6: Life Insurance:

(1) Proxy: Percentage change for New Jersey Hospital Association group life insurance premium rates;

(2) Source: New Jersey Hospital Association.

ix. Category 7: Pensions:

(1) Proxy: [ECI, Northeast] **BLS, Average Hourly Earnings—Hospital Workers (US)**;

(2) Source: BLS, [Employment Cost Index] **Average Hourly Earnings—Hospital Workers (US)**.

x. Category 8: Other policy fringe benefits:

(1) Proxy: [ECI, Northeast] **BLS, Average Hourly Earnings—Hospital Workers (US)**;

(2) Source: BLS, [Employment Cost Index] **Average Hourly Earnings—Hospital Workers (US)**.

4. Supplies 1:

i. Cost component: Office supplies;

ii. SHARE cost center: Supply costs reported in PHY, RSD, A&G, FIS, PCC, EDR, and MRD cost centers;

iii. Proxies: Producer Price Index (PPI): 0915-06 Office Supplies and Accessories [(20 percent)] **(33 percent)**;

(1) PPI: 0913-0131.09 Paper, Unwatermarked Bond, No. 4 [(40 percent);] **(67 percent)**.

(2) PPI: 0913-0433.01 Paper, Form Bond 12 lb. (40 percent).]

iv. Source: BLS, Producer Price Index.

5. Supplies 2:

i. Cost component: Raw food;

ii. SHARE cost center: Supply costs reported in DTY cost center;

iii. Proxies: Consumer Price Index (CPI): Food at home (50 percent);

(1) PPI: 02 less 029,0261 and 0262 Processed food less feeds, less alcoholic and non-alcoholic beverages (50 percent).

iv. Source: BLS, Consumer Price Index and Produce Price Index.

6. Supplies 3:

i. Cost component: Other dietary supplies;

ii. SHARE cost center: Supply costs reported in DTY cost center;

iii. Proxies:

(1) PPI: 0915-0109.05 Paper goods, household napkins (10 percent);]

(2) PPI: 0915-0335.02 Paper goods, paper plates (10 percent);]

(1) [(3)] PII: 0915-0333.03 Paper goods, hot cups [(10 percent)] **(24.07 percent)**;

(2) [(4)] PII: 0722 Unsupported plastic film and sheeting

[(7.5 percent)] **(12.03 percent)**;

(3) [(5)] PII: 1261 Dinnerware [(221.6 percent)] **(35.98 percent)**;

[(6) PII: 1264-0113.02 Household flatware, stainless steel [(22.5 percent);]

(4) [(7)] PII: 0671 Soap and synthetic detergent [(17.6 percent);] **(27.92 percent)**.

iv. Source: BLS, Producer Price Index.

7. Supplies 4:

i. Cost component: Housekeeping supplies;

ii. SHARE cost center: Supply costs reported in HKP cost center;

iii. Proxies:

(1) PPI: 0915-01 Sanitary paper and health products (30 percent);

(2) PPI: 0722 Unsupported plastic film and sheeting (30 percent);

(3) PPI: 0671 Soap and synthetic detergents (40 percent).

iv. Source: PLS, Producer Price Index.

8. Supplies 5:

i. Cost component: Laundry and linen supplies;

ii. SHARE cost center: Supply costs reported in L and L cost center;

iii. Proxies:

(1) PPI: 0671 Soap and synthetic detergents (60 percent);

(2) CPI: Household linens (40 percent);

iv. Source: PLS, Producer Price Index and Consumer Price Index.

9. Supplies 6:

i. Cost component: Drugs;

ii. SHARE cost center: Supply costs reported in PHM cost center;

iii. Proxies: PPI: [063 less 0636 Drugs and pharmaceuticals less pharmaceutical preparations, proprietary] **0635 Ethical (prescription) drugs (70 percent) 0636 Proprietary (over the counter) drugs (30 percent)**;

iv. Source: BLS, Producer Price Index.

10. Supplies 7:

i. Cost component: Laboratory supplies;

ii. SHARE cost center: Supply costs reported in LAB and BBK cost centers;

iii. Proxies:

(1) PPI: 138 Glass containers (40 percent);

(2) PPI: 061 Industrial Chemicals (60 percent);

iv. Source: BLS, Producer Price Index.

11. Supplies 8:

i. Cost component: Radiology supplies;

ii. SHARE cost center: Supply costs reported in RAD cost center;

iii. Proxies: PPI: 1542 Photographic supplies;

iv. Source: BLS, Producer Price Index.

12. Supplies 9:

i. Cost component: Medical/surgical supplies;

ii. SHARE cost center: Supply costs reported in ACU, ICU, NBN, SAC, SNF, EMR, CLN, OHS, ANS, CSS, DEL, DIA, EDG, NMD, ORR, OPM, PHT, RSP, THR, and CCA cost center;

iii. Proxies: CPI: Non-prescription medical equipment and supplies;

iv. Source: BLS, Consumer Price Index.

13. Supplies 10:

i. Cost component: Repairs and maintenance supplies;

ii. SHARE cost center: Supply costs reported in OGS and PLT cost centers;

iii. Proxies: CPI: Maintenance and repairs, commodities;

- iv. Source: BLS, Consumer Price Index.
14. Others 1:
- i. Cost component: Repairs and maintenance services;
  - ii. SHARE cost center: Other expenses and contracted service costs reported in OGS and PLT cost centers;
  - iii. Prox[ies]: y: CPI: Maintenance and repairs, services;
  - iv. Source: BLS, Consumer Price Index.
15. Other 2:
- i. Cost component: Contracted laundry and linen;
  - ii. SHARE cost center: Contracted service costs reported in L and L cost center;
  - iii. Proxies:
    - (1) CPI: Laundry and dry cleaning other than coin operated (80 percent);
    - (2) CPI: Household linens (20 percent).  - iv. Source: BLS, Consumer Price Index.
16. Other 3:
- i. Cost component: Telephone;
  - ii. SHARE cost center: Other expense reported in A and G cost center;
  - iii. Proxy: [PUC rate change] CPI—Telephone services;
  - iv. Source: [Public Utilities Commission of New Jersey] **BLS, Consumer Price Index.**
17. Other 4:
- i. Cost component: Postage;
  - ii. SHARE cost center: Other expense reported in A&G and FIS cost center;
  - iii. Proxy: CPI: Postage;
  - iv. Source: BLS, Consumer Price Index.
18. Other 5:
- i. Cost component: Travel and conference;
  - ii. SHARE cost center: Other expense reported in A&G and FIS cost center;
  - iii. Prox[ies] y: CPI: Transportation;
  - iv. Source: BLS, Consumer Price Index.
19. Other 6:
- i. Cost component: Other services;
  - ii. SHARE cost center: Other expense reported in all cost center except INT, PLT, OGS, MAL, UTC, LFB, PFB, and PEN; Other expenses in A&G Cost Center not classified above; contracted service cost in Ancillaries, DTY, HKP, MRD, PCC, EDR, A&G and FIS cost centers;
  - iii. Proxies: CPI: Service less rent and medical care;
  - iv. Source: BLS, Consumer Price Index.
- (b) This factor will be based on a projection of the various proxies for the following calendar year using the best available techniques. As annual actual data for both labor and non-labor portions of the factor become available, differences between the year's overall projected and actual values will be reconciled. The labor portion of the factor will be reconciled by adjusting the labor projection for the succeeding year and a retroactive adjustment will be made for the non-labor portion.

**(a)**

## **DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT**

### **Surgical Facilities: Standards and General Criteria for the Planning and Certification of Need**

### **Proposed Amendment: N.J.A.C. 8:33A-2.6**

Authority: N.J.S.A. 26:2H-5 and 26:2H-8.  
Proposal Number: PRN 1985-571.

Submit comments by November 20, 1985 to:  
John A. Calabria, Coordinator  
Health Planning Services,  
Department of Health, Room 604  
CN 360  
Trenton, NJ 08625

The agency proposal follows:

#### **Summary**

Current Department of Health rules are periodically updated based upon the changing requirements for quality hospital and related health care services throughout the State.

Current Department of Health policy, standards, and criteria, as reflected in the existing rules, were adopted by the Health Care Administration Board on March 22, 1985 in accordance with the provisions of Executive Order No. 66 (1978) which is known as the Sunset Law. In consideration of the fact that the entire rule was presented for public review during the thirty-day comment period (January 21, 1985-February 20, 1985), only section 8:33A-2.6, which addresses criteria for review and approval of surgical facilities, is being amended at this time.

The Department of Health is concerned about the orderly development of surgical resources throughout the State. It recognizes a shift among patient populations to ambulatory surgical services. The Department of Health is in accord with this shift as research has indicated that 20 to 40 percent of all procedures presently being performed in inpatient operating rooms would more appropriately be performed in ambulatory settings. The continued development of ambulatory surgery will result in a more efficient delivered and cost effective system of surgical services.

To encourage the development of surgical resources in ambulatory settings, the Department of Health is proposing an amendment whereby a health facility may agree to close at least one inpatient operating room for each proposed ambulatory surgical operating room.

The proposed amendment specifically would allow exceptions to the Surgical Facilities Need Methodology (N.J.A.C. 8:33A-2.6(a) 1 and 2) if an applicant or a facility which is a subsidiary of an organization which has control of the applicant has agreed as part of the Certificate of Need application to close at least one inpatient operating room for each ambulatory surgical operating room proposed pursuant to the provisions of N.J.A.C. 8:33A-2.5.

#### **Social Impact**

The New Jersey State Health Plan recognizes that many surgical procedures traditionally performed on an inpatient basis are more appropriately provided in ambulatory settings. Research indicates that 20 to 40 percent of all surgery presently performed in inpatient operating rooms would be more appropriately performed in ambulatory surgical operating rooms. Medicare, in accord with this research, has compiled a listing of procedures which are most appropriately performed on an ambulatory basis.

Further, many patients opt for ambulatory surgery as it is often both more convenient and less traumatic. The social impact of this amendment is expected to be positive, encourag-

ing the development of outpatient surgical capacity as an alternative to costly institutionalization.

#### Economic Impact

The proposed amendment enables facilities to accommodate a shift among their patient populations to ambulatory surgery. Facilities are encouraged to evaluate their operating room complement in terms of both quality of care and cost effectiveness. If a given facility feels that it can reduce its costs while maintaining quality of care by moving appropriate procedures into an ambulatory setting, that facility is given the opportunity to trade its inpatient operating rooms for an equal number of ambulatory operating rooms. This will enable the facility to more efficiently deliver surgical services while realizing a cost savings to both the providers and consumers.

In essence, the Department of Health proposes an amendment which both recognizes the shift to ambulatory surgery and seeks to create a balance of resources to accommodate this shift.

**Full text** of the proposal follows (additions shown in boldface **thus**).

#### 8:33A-2.6 Criteria for review and approval

(a) No application for a new surgical facility, or increase in the number of operating rooms in an existing surgical facility, will be approved unless all of the following conditions are met:

1. The number of operating rooms proposed is needed when assessed according to the Surgical Need Methodology identified herein attached as Appendix A.

2. The utilization of the existing operating rooms available in the applicant's service area is expected to be in excess of 90 percent of their capacity according to the Surgical Need Methodology herein attached as Appendix B.

3. The applicant provides sufficient assurance that both licensure standards and Medicare certification standards will be met.

4. The applicant must document in its application the proportion of Medicaid-eligible and medically indigent persons residing in the proposed service area. In addition, the applicant must, in delivering the proposed service, provide care on a free or partial-pay basis to Medicaid-eligible and medically indigent persons at least in proportion to their representation in the approved service area.

5. The applicant indicates a willingness to seek contracts with health maintenance organizations.

6. The proposed costs and charges are deemed appropriate by the Department of Health.

7. The proposal minimizes increases in systemic health care costs.

8. The applicant indicates and documents that contacts with community organizations which serve low income populations have been initiated.

(b) Waivers may be considered where an HSA has petitioned a waiver identifying specific and quantifiable evidence that the methodology is inappropriate because of circumstances unique to a given application. The waiver, if approved, would apply only to the application for which the waiver is petitioned and the waiver request must give substantial evidence that in the absence of a waiver serious problems of access to a needed service would result.

(c) **Exception to (a)1 and 2 above may be made where an applicant or a facility which is a subsidiary of an organization which has control of the applicant:**

**1. Has agreed, as part of the application, to close at least one inpatient operating room for each dedicated ambulatory surgical operating room proposed pursuant to the provisions of N.J.A.C. 8:33A-2.5.**

## DIVISION OF HEALTH FACILITIES EVALUATION

For proposals numbered PRN 1985-573, 574, 575 and 576, submit comments by November 20, 1985 to:

Wanda J. Marra, Coordinator  
Standards Program  
Division of Health Facilities Evaluation  
Department of Health  
CN 367  
Trenton, NJ 08625

(a)

### Standards for Licensure of Residential Health Care Facilities

#### Introduction

#### Proposed New Rules: N.J.A.C. 8:43-1

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Proposal Number: PRN 1985-575.

The agency proposal follows:

#### Summary

N.J.A.C. 8:43, Residential Health Care Facilities, contains rules for the licensure of residential health care facilities. The current text of N.J.A.C. 8:43-1, Introduction, expired on August 8, 1985, pursuant to the "sunset" provisions of Executive Order No. 66 (1978). Following a review of the rules, the Department of Health proposes to readopt the expired text of N.J.A.C. 8:43-1 as new rules for an additional five-year period, with an amendment to the expired text of 8:43-1.3.

N.J.A.C. 8:43, Residential Health Care Facilities, became effective October 27, 1965, and was promulgated by the New Jersey State Department of Institutions and Agencies, which is no longer in existence. The responsibility for the licensure and regulation of health care facilities was transferred from the New Jersey State Department of Institutions and Agencies to the New Jersey State Department of Health in 1971 by Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto. However, N.J.A.C. 8:43-1 has continued in effect and expired on August 8, 1985.

An internal review and evaluation of N.J.A.C. 8:43-1 by the Department indicated that this subchapter has been effective in assisting the Department to carry out the functions mandated by the Health Care Facilities Planning Act. These rules are necessary for the Department to effect its legal mandate to protect the health, safety, and well-being of the residents in the residential health care facilities in New Jersey. The rules in N.J.A.C. 8:43-1 are essential for the regulation of residential health care facilities to assure minimum quality care and the provision of required services.

The Department intends to revise N.J.A.C. 8:43-1 to in-

corporate newer terminology and more specific language to render the rules more objective, measurable, and enforceable. Due to time constraints and priorities within the Department, it has not been possible to revise the rules prior to the expiration date of August 8, 1985, mandated by Executive Order No. 66 (1978). In reproposing N.J.A.C. 8:43-1, the Department has also taken into consideration the considerable amount of time necessary to complete the procedures for the promulgation of new rules. Until this subchapter is revised, it is imperative that the text of N.J.A.C. 8:43-1 be maintained. The Department needs these rules to accomplish its legal mandates and, pursuant to the regulatory process, to assist the Department to continue its efforts to provide minimum rules for quality care.

N.J.A.C. 8:43-1, Introduction, contains six sections: Definitions, N.J.A.C. 8:43-1.1; Objectives of residential health care facility, N.J.A.C. 8:43-1.2; Qualifications of operator, applicant or administrator, N.J.A.C. 8:43-1.3; Application procedure, N.J.A.C. 8:43-1.4; Denial of application, N.J.A.C. 8:43-1.5; and Name of residential health care facility, N.J.A.C. 8:43-1.6.

N.J.A.C. 8:43-1.1 defines some of the terms used in Chapter 43, for example, "Applicant," "Department," "Employee," "License," "Patient," "Resident," and "Residential health care facility." A residential health care facility is defined as a facility which furnishes food and shelter to four or more adult persons (persons 18 years of age or over) unrelated to the proprietor and which admits or retains any adult person in need of personal care of services beyond food, shelter, and laundry. Such facilities are distinct from other health care facilities in that they serve as a substitute for the residents' own homes, furnishing facilities and comforts normally found in a home, and provide, in addition, such services, equipment, and safety features required for safe and adequate care. The name of this type of facility was changed from "Boarding Home for Sheltered Care" to "Residential Health Care Facility" in September of 1980 (see: 12 N.J.R. 394(b), 12 N.J.R. 518(d)). The terms "Patient" and "Resident" are defined since residential health care facilities may admit residents but not patients.

N.J.A.C. 8:43-1.2 delineates the objectives of a residential health care facility and indicates that the facility becomes the resident's home. N.J.A.C. 8:43-1.2(a)1 requires the residential health care facility to provide a substitute home for all residents with continuous supervision. N.J.A.C. 8:43-1.2(a)2 delineates personal care and services to be provided to residents, including supervision and assistance in the maintenance of good personal hygiene; care in emergencies and illness for a period of one week or less; supervision in the taking of medication; and provision of other services to ensure the resident's welfare. N.J.A.C. 8:43-1.2(a)3 requires the facility to preserve the dignity and privacy of residents. N.J.A.C. 8:43-1.3(a)4 ensures the provision of a healthy diet, clean, comfortable and attractive living and sleeping accommodations, and laundry services to each resident in the facility.

N.J.A.C. 8:43-1.3 specifies the personal and financial requirements for an operator, applicant or administrator. N.J.A.C. 8:43-1.3(c) extends the applicability of the rules regarding the qualifications of operator or administrator to all residential health care facilities, including those owned by a corporation, partnership, society, or association. The Department has added a new requirement at N.J.A.C. 8:43-1.3(d) regarding the training of the operator, administrator, or manager.

N.J.A.C. 8:43-1.4 details the stages involved in the licensure

application approval process. For example, the facility obtains the necessary local approvals, N.J.A.C. 8:43-1.4(a); attends a preliminary conference with representatives of the Department, N.J.A.C. 8:43-1.4(b); and submits the completed application form, N.J.A.C. 8:43-1.4(c) and 8:43-1.4(d). N.J.A.C. 8:43-1.4(h) provides a fee schedule for filing an application for licensure of a residential health care facility and for the annual renewal of the license. The licensure fee for a residential health care facility is the sum of \$100.00 plus an additional \$3.00 for each bed.

N.J.A.C. 8:43-1.5 specifies reasons for the denial of application and action against a license. N.J.A.C. 8:43-1.5(a) and 8:43-1.5(b) delineate the conditions for the denial of approval of an application. N.J.A.C. 8:43-1.5(c) requires the facility to implement all the conditions imposed in the Certificate of Need approval letter.

N.J.A.C. 8:43-1.6 authorizes the Department to approve the name of a residential health care facility.

N.J.A.C. 8:43-1 has been amended several times in the past. Following is a brief description of each amendment. N.J.A.C. 8:43-1.1, Definitions was amended twice. The definitions of "Patient" and "Resident" were revised, effective August 20, 1976, to clarify the difference between those two categories (see: 8 N.J.R. 329(b), 8 N.J.R. 418(a)). N.J.A.C. 8:43-1.1 was again amended, effective August 8, 1980, to expand the definition of "Residential health care facility" and to change the title of Chapter 43 from Manual of Standards for New Boarding Homes for Sheltered Care to Residential Health Care Facilities (see: 12 N.J.R. 394(b), 12 N.J.R. 518(d)). N.J.A.C. 8:43-1.3 was amended, effective October 9, 1980, to repeal the requirement that the operator or administrator have a medical certificate; the repealed rules were superseded by the adoption of N.J.A.C. 8:31-26.3 regarding employee physical examinations (see: 12 N.J.R. 463(b), 12 N.J.R. 578(c)). N.J.A.C. 8:43-1.4 was amended, effective March 7, 1983, to establish a new licensure fee schedule for residential health care facilities based on the number of beds in the facility (see: 14 N.J.R. 1273(a), 15 N.J.R. 336(a)). This fee schedule has been superseded by an amendment to N.J.A.C. 8:31-26.5, effective July 15, 1985, which changed the licensure fee schedule to \$100.00 plus \$3.00 per bed (see: 17 N.J.R. 664(a), 17 N.J.R. 1760(b)). N.J.A.C. 8:43-1.5 was amended, effective February 4, 1985, to include a requirement that all conditions imposed by the Commissioner's Certificate of Need approval letter be implemented by the facility (see: 16 N.J.R. 3115(a), 17 N.J.R. 285(a)).

The proposed change to N.J.A.C. 8:43-1.3(d), will require that the operator, administrator, or manager of a residential health care facility complete a training course approved by the Department of Human Services. All current operators, administrators, or managers shall complete the training course before July 1, 1987. An operator, administrator, or manager appointed on or after July 1, 1987, shall complete the training course within one year of his or her employment as the operator, administrator, or manager. This training course was developed by the Community Health Law Project, under contract with the Department of Human Services, and will be offered at various locations throughout the State. The course has been developed through the joint participation of the Department of Community Affairs, the Department of Health, and the Department of Human Services. It has previously been given at 14 sites over the past two years, and consists of 15 sessions of three to five hours each, which cover ten topics, ranging from nutrition and emergency care to a study of the pertinent rules. There are approximately 300

operators, administrators, or managers of residential health care facilities in the State, and approximately 100 have completed the training course. The training course will be required only if there exists a training program funded by the Department of Human Services.

#### Social Impact

The adoption of N.J.A.C. 8:43-1 will have social impacts on the Department, residents, and residential health care facilities. The Department is mandated by Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto, to protect and promote the health and safety of the inhabitants of the State. Licensure rules are one of the means by which the Department monitors the quality of health care services provided to residents in residential health care facilities throughout the State. The quality of health care, to a great extent, depends on the organization and effectiveness of the health care services provided. N.J.A.C. 8:43-1 contains essential definitions, sets forth the required services for a residential health care facility, indicates the personal and financial qualifications of an operator, applicant, or administrator, and delineates the application procedure. These rules promote and support quality care and continuity of care for residents.

If these rules were not adopted, the social impact resulting from the loss of this rule would have serious consequences for residents of residential health care facilities. For example, without licensure rules the nature and purpose of residential health care facilities would be fundamentally altered. N.J.A.C. 8:43-1 contains definitions of terms used in the rules on residential health care facilities. Without definitions, rules would be misinterpreted, which might adversely affect the life and safety of the residents in the residential health care facility. Without definitions of residential health care facility, resident, and patient, the Department could not restrict the types of people admitted to the facility, and individuals who require more intensive health care services could be seriously endangered by residing in a facility that is not capable of meeting their health care needs. The absence of rules regarding the objectives and required services of a residential health care facility could have serious and adverse consequences for residents because essential services would not be ensured. Elimination of rules relating to the qualifications of operator, applicant, or administrator would have a deleterious effect both on the safety of the residents as well as on the quality of care provided to residents. Failure to retain qualified, competent staff capable of discharging their responsibilities in a timely, conscientious manner would jeopardize the welfare of the residents. The rule regarding the facility's implementation of the Commissioner's Certificate of Need approval letter allows the Department to ensure the continuity of the health care planning process which is intended to safeguard the health and well-being of the residents.

The intent of the proposed change to N.J.A.C. 8:43-1.3(d), is to strengthen the rules regarding the qualifications of the operator, administrator, or manager of a residential health care facility by requiring that he or she complete a training course. The training course will provide the training necessary to ensure that the operator, administrator, or manager will have the knowledge required to operate a residential health care facility more efficiently and the knowledge necessary to provide quality care for residents. The course represents the cooperative efforts of three Departments of State government: Community Affairs, Health, and Human Services. The proposed change to N.J.A.C. 8:43-1.3(d) will impact on resi-

dential health care facilities which are licensed by the Department of Health. The proposed change is similar to an amendment recently adopted by the Department of Community Affairs (see: 17 N.J.R. 777(a), 17 N.J.R. 1543(b)).

Residential health care facilities represent a low-cost means by which adults 18 years of age or over can be cared for in a home-like environment. The current trend toward de-institutionalization of chronically ill, long-term patients into a more home-like milieu has greatly enhanced the importance of residential health care facilities as an alternative in the health care delivery system. Continuation of the rules for licensure of residential health care facilities will therefore result in the availability of needed facilities for those residents who need this type of care. The New Jersey State Department of Health has the responsibility to provide for the protection and promotion of the health of all inhabitants of the State. Failure to adopt N.J.A.C. 8:43-1 could jeopardize the quality of services provided in residential health care facilities which could adversely affect the residents' health and safety because there would be no regulatory mechanism. The adoption of N.J.A.C. 8:43-1 would ensure that the residents are being provided with adequate care in a home-like atmosphere suited to their needs and requirements and conducive to the maintenance of their self-respect and dignity. In the absence of these rules the safety and health of the residents may be jeopardized and the residents might have to compromise their self-respect and dignity.

#### Economic Impact

The adoption of N.J.A.C. 8:43-1 will not have any additional economic impact on providers of care since the rules are now in existence and compliance is required of the residential health care facilities. There will be no additional economic impact on the Department of Health since the facilities are in existence now and are currently being surveyed using these rules.

However, failure to adopt N.J.A.C. 8:43-1 could have serious consequences with a concomitant economic impact. For example, without rules regarding licensure fees for the filing of an application for licensure of a residential health care facility and for the annual renewal of the license would deprive the Department of the revenue needed to ensure the facility's compliance with these rules through the survey process, which provides a mechanism to the Department for ensuring the protection of the health and safety of the residents.

The definitions provided in N.J.A.C. 8:43-1 define the residents who may be admitted to a residential health care facility, thus preventing the admission of patients who require a high level of care who may be in jeopardy and, as a result, experience higher health care costs. Without rules regarding the required services in a residential health care facility and the qualifications of the operator, applicant, or administrator, there would be no assurance that the required services would be provided in an organized and efficient manner by competent staff and would be cost-effective.

The proposed change to N.J.A.C. 8:43-1.3(d), will give further assurance that the required services will be provided in an organized, efficient, and cost-effective manner by competent persons. The training course will be free to students. The training course is funded through the Department of Human Services, specifically the Division of Youth and Family Services and the Division of Mental Health and Hospitals. There will be a cost to residential health care facilities whose operator, administrator, or manager must attend the training course since there may be travel and incidental expenses for those attending the course.

At a time when health care costs are spiralling, it is necessary to allocate the health care resources to ensure the availability, accessibility, and acceptability of health care service at a reasonable cost to the residents of the State. In addition, it is necessary to contain health care costs in order to preserve resources needed to achieve health care goals and to maintain the quality of care through more efficient utilization of existing resources. N.J.A.C. 8:43-1.5(c) will assist in the achievement of these goals by providing the Department with a mechanism to enforce the conditions in a certificate of need approval letter.

Without rules for residential health care facilities, residents might be placed in facilities providing more intensive and more expensive health care than that provided in a residential health care facility. Without residential health care facilities, potential residents might receive fragmented care or no care, which would ultimately increase the cost of care. Inadequate care to residents in residential health care facilities would increase the cases of illness and disease requiring costly care. Therefore, it is imperative that these rules be adopted with the change as proposed.

Full text of the expired rules proposed as new rules appears in the New Jersey Administration Code at N.J.A.C. 8:43-1.

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

8:43-1.3 Qualifications of operator, applicant or administrator

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

**(d) The operator, administrator, or manager of a residential health care facility shall complete a training course approved by the Department of Human Services. Current operators, administrators, or managers shall complete the training course before July 1, 1987. An operator, administrator, or manager appointed on or after July 1, 1987, shall complete the training course within one year of his or her employment as the operator, administrator, or manager. The training course will be required only if there exists a training program funded by the Department of Human Services.**

**(a)**

**Standards for Licensure of Hospital Facilities Personnel; Renal Dialysis Services; Nurse-Midwifery Services**

**N.J.A.C. 8:43B-5, 8:43B-15 and 8:43B-16**

**Waiver of Executive Order No. 66 (1978)**

**Authorized By: Governor Thomas H. Kean**

Take notice that the regulations of the Department of Health, N.J.A.C. 8:43B-5, N.J.A.C. 8:43B-15 and N.J.A.C. 8:43B-16 dealing with Hospital Personnel, Renal Dialysis Services and Nurse Midwifery Services, respectively, were due to expire on October 9, 1985, pursuant to the Sunset Provision of Executive Order No. 66 (1978). The Health Care Administration Board, which is empowered to approve the readoption of health care regulations, cancelled its meeting of August 1985 making it impossible to readopt the affected subchapters, pursuant to the Administrative Procedure Act, before the rules

expire in October 1985.

The Department of Health is currently in the process of revising the entire Manual of Standards for Hospital Facilities, a process which may take in excess of two year's time.

These regulations cover such important matters as hospital personnel, renal dialysis services and nurse midwifery services. Should these regulations lapse, the Department would be unable to enforce the quality of care and administrative provisions of these rules, which could directly endanger the health and welfare of the general public. In order that there be no regulatory hiatus between expiration and readoption, Governor Thomas H. Kean has found that good cause has been shown to grant the Department of Health's request that the current regulations remain in effect until January 1, 1986.

Therefore, on September 23, 1985, Governor Kean, by the authority vested in him by Executive Order No. 66 (1978), directed that the five-year Sunset Provision of Executive Order No. 66 (1978) be waived for N.J.A.C. 8:43B-5, N.J.A.C. 8:43B-15 and N.J.A.C. 8:43B-16 until January 1, 1986.

Full text of the proposal readoptions follows.

**(b)**

**Standards for Licensure of Hospital Facilities Personnel**

**Proposed Readoption: N.J.A.C. 8:43B-5**

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Proposal Number: PRN 1985-573.

The agency proposal follows:

**Summary**

The current text of N.J.A.C. 8:43B-5, Personnel, of the Manual of Standards for Hospital Facilities, expires on October 9, 1985, pursuant to the "sunset" provisions of the Executive Order No. 66 (1978). An internal review and evaluation of N.J.A.C. 8:43B-5 by the Department indicated that this subchapter has been effective in assisting the Department to carry out the functions mandated by the Health Care Facilities Planning Act. These rules are necessary for the Department to effect its legal mandate to protect the health, safety, and well-being of the patients in the hospital facilities in New Jersey. The rules in N.J.A.C. 8:43B-5 are essential for the regulation of hospital facilities to assure minimum quality care to patients. Therefore, the Department is proposing to readopt the full text of N.J.A.C. 8:43B-5 without changes.

This subchapter is about twenty years old and was promulgated by the Department of Institutions and Agencies, which is no longer in existence. The responsibility for the licensure and regulation of health care facilities was transferred from the New Jersey State Department of Institutions and Agencies to the New Jersey State Department of Health by Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto. This law mandates the Department of Health to license health care facilities, establish rules and enforce licensure regulations for health care facilities, and conduct periodic inspections of health care facilities.

N.J.A.C. 8:43B-5, was first amended effective October 9, 1980, and was assigned an expiration date of October 9, 1985. The Department is aware of the fact that N.J.A.C. 8:43B-5 is antiquated and is in need of revision to reflect the current trends in personnel services and staffing in hospital facilities. However, due to time constraints and priorities within the Department, it has not been possible to complete new rules before the expiration date of October 9, 1985. Therefore, the Department is proposing the readoption of the current rules, N.J.A.C. 8:43B-5, without change. The proposed readoption includes no changes in the current text. The readoption of N.J.A.C. 8:43B-5 will allow the rules to remain in effect for another five-year period. This will provide additional time for the Department to explore and develop rules to reflect the current trends of personnel services and staffing requirements in the hospital facility. The rules are necessary for the regulation of the hospital facilities to assure minimum quality care and minimum nursing staffing to protect patients' safety.

The following summarizes the contents of N.J.A.C. 8:43B-5:

N.J.A.C. 8:43B-5, Personnel, contains three sections: Personnel Practices, N.J.A.C. 8:43B-5.1; Departmentalization, N.J.A.C. 8:43B-5.2; and Nursing Service, N.J.A.C. 8:43B-5.3.

N.J.A.C. 8:43B-5.1, deals with the recruitment and training policies of the hospital, its personnel policies, policies regarding employees with communicable diseases, provision for emergency health care of personnel, and maintenance of employment and health records. N.J.A.C. 8:43B-5.1(a) requires the hospital to recruit qualified personnel, to provide orientation and continuing inservice training programs, and to assure supervision of employees.

N.J.A.C. 8:43B-5.1(c) and (d) provide for the exclusion from work of personnel with communicable diseases and infections, or exposure thereto. N.J.A.C. 8:43B-5.1(e) requires the hospital to make provision for emergency health care for employees. N.J.A.C. 8:43B-5.1(f) requires the establishment and maintenance of employment and health records for all employees.

The rules regarding employees physical examinations included in this subchapter were repealed effective October 9, 1980, due to the promulgation of an amended rule, N.J.A.C. 8:31-26.3, Employee physical exams (health evaluations), applicable to hospital facilities (see: 12 N.J.R. 463(b), 12 N.J.R. 578(c)).

N.J.A.C. 8:43B-5.2(a) and (b) require the departmentalization of the hospital into specific departments according to services provided and the placement of each department under the direction of a supervisor. The rule further requires an organizational plan of the hospital delineating the functional structure of each department, the lines of authority, and the responsibilities of all hospital personnel.

N.J.A.C. 8:43B-5.3 contains rules regarding the organization, maintenance, and availability of records, staffing, evaluation, and continuing education for the nursing service.

N.J.A.C. 8:43B-5.3(a) requires an organized department of nursing service for the provision of comprehensive and therapeutically effective nursing care to patients. N.J.A.C. 8:43B-5.3(a)1 and (a)2 list the documents to be maintained and available in the nursing department.

N.J.A.C. 8:43B-5.3(b) requires the nursing department to be under the direction of a registered professional nurse currently licensed in New Jersey and educationally and professionally qualified to perform his or her functions and responsibilities.

N.J.A.C. 8:43B-5.3(c)1 through (c)6 lists the categories of nursing personnel to be employed by the department of nursing service. These categories include: assistants to the director

for day, evening, and night service, supervisors for each specialty division of the nursing department, registered professional nurses to provide direct patient care as needed and to supervise nonprofessional personnel, licensed practical nurses depending upon demands to supplement the registered professional nurses, auxiliary nursing personnel as needed, and ward clerks to perform specific clerical and nonnursing duties relating to the nursing unit.

N.J.A.C. 8:43B-5.3(d) ensures the assignment of a registered professional nurse to each nursing unit. The rule also provides for the availability of additional professional, licensed, and auxiliary nursing personnel to ensure the provision of the required safe care to all patients and requires the direct supervision of a registered professional nurse for all licensed and auxiliary nursing personnel and volunteers performing nursing functions.

N.J.A.C. 8:43B-5.3(e) requires the nursing department to conduct periodic planned meetings to discuss nursing service problems, administrative policies, and the quality of nursing care rendered to patients.

N.J.A.C. 8:43B-5.3(f) specifies continuing planned educational activities for all nursing personnel, including on-the-job training and development programs, and requires the maintenance of records of these programs, as well as the evaluation of program effectiveness.

#### Social Impact

The readoption of N.J.A.C. 8:43B-5 will have social impacts on the Department, patients, and hospital facilities. The Department is mandated by Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto, to protect and promote the health and safety of the inhabitants of the State. Licensure regulations are one of the means by which the Department monitors the quality of health care services provided to patients in hospital facilities throughout the State. The quality of health care, to a great extent, depends on the organization and effectiveness of the health care services provided. N.J.A.C. 8:43B-5 contains essential rules regarding personnel practices and departmentalization of the hospital and specific rules for the nursing service department. These rules promote and support quality care and continuity of care for patients and foster a safe environment.

If these rules are not readopted, the social impact resulting from the loss of the rules would have serious consequences for patients of hospital facilities. For example, N.J.A.C. 8:43B-5.1(a) includes rules regarding personnel practices, policies, and procedures. Without these rules, facilities may not provide for recruitment of qualified personnel, orientation of new employees, a continuing inservice training program, and competent supervision of employees, which would have a direct effect on patient care and employee efficiency. N.J.A.C. 8:43B-5.1(c), (d), and (e) contain rules regarding employees' health. Without rules to prohibit personnel who show signs of upper respiratory infections, skin lesions, and other communicable diseases from working, and without rules to require personnel absent from duty because of any reportable communicable disease, infection, or exposure thereto, to be examined by a physician before returning to work, patients and employees of facility may be exposed to communicable diseases and their health may be jeopardized. N.J.A.C. 8:43B-5.1(f) requires that employment and health records be maintained for all employees to assure that the requirements of N.J.A.C. 8:43B-5.1 have been met to protect the patients and employees.

N.J.A.C. 8:43B-5.2 requires the hospital to be departmentalized, to appoint a supervisor for each department, and to establish an organizational plan indicating the functional structure of each department, the lines of authority, and the responsibilities of all hospital personnel. Without these rules, the effectiveness of the health care services provided might be compromised which would have a direct effect on patient care.

N.J.A.C. 8:43B-5.3 establishes the organization and staffing of the nursing service department and requires that the nursing service department be under the direction of a registered professional nurse currently licensed in New Jersey. In addition, each nursing unit shall have a currently licensed registered professional nurse on duty at all times. Additional professional, licensed, and auxiliary nursing personnel shall be provided to ensure that the required safe care is available to all patients. All licensed and auxiliary nursing personnel and volunteers performing nursing service functions shall be under the direct supervision of a registered professional nurse. Without rules requiring registered professional nurses and additional personnel, there would be no assurance that patients would receive the required nursing care. N.J.A.C. 8:43B-5.3 further protects the patients' care and safety by requiring written objectives, policies, procedures, job descriptions, personnel records and each nurses' current license number issued by the New Jersey State Board of Nursing, departmental meetings and committees, and continuing planned educational activities.

The rules requiring the delineation of the objectives of the nursing service, provision for an organizational plan, details of the availability of records, staffing, schedules of meetings, and the provision for continuing education are intended to increase the efficiency of the nursing department. The purpose of N.J.A.C. 8:43B-5.3 is to assist the administration and staff of the facility to fulfill their responsibility to plan, review, and evaluate the delivery of nursing care to patients, and to ensure that the care is provided through competent personnel under professional supervision and with adequate staff. In addition, the rules provide the Department with a mechanism to ensure that the services are provided through qualified personnel in the facility. The New Jersey State Department of Health has the responsibility to provide for the protection and promotion of the health in all inhabitants of this State. Failure to readopt N.J.A.C. 8:43B-5 could jeopardize the quality of services provided in hospital facilities which could adversely affect the patients' health and safety because there would be no regulatory mechanism to assure minimum quality of care.

#### **Economic Impact**

The readoption of N.J.A.C. 8:43B-5 will not have any additional economic impact on providers of care since the rules are now in existence and compliance is required of the hospital facilities. There will be no additional economic impact on the Department of Health since the facilities are in existence now and are currently being surveyed using these rules.

However, failure to readopt N.J.A.C. 8:43B-5 could have serious consequences with a concomitant economic impact. For example, without rules requiring orientation of new employees, continuing inservice training, and supervision of employees, employee efficiency and skills would decline and patients may not receive proper care. This would have a deleterious effect on the patients which would ultimately cause an increase in cost due to longer length of stay in the hospital and more complications in patients' recovery. Without proper care, patients may subsequently require more intensive care and, thus, more expensive care. Without written policies and

procedures, patient care would be inconsistent, fragmented, and unsafe. Without rules regarding employees' health, employees might transmit communicable diseases to patients, thereby increasing cost of patient care.

The departmentalization of hospitals according to the services provided increases the efficiency of the services, eliminating overlapping and duplication of services which would have negative economic impacts on the management of hospitals and the delivery of care. The requirement for an organizational plan delineating the lines of authority and the responsibilities of all hospital personnel gives further assurance that the required services will be provided in an organized, efficient, and cost-effective manner by competent persons.

The rules regarding nursing services requiring availability of documents, staffing categories, organizational plan, policy and procedure manual, and continuing planned educational activities ensure the continuance of the planning process for nursing service which would result in the delivery of cost-effective patient care. The requirement that the nursing service be under the direction of a registered professional nurse and that each nursing unit and major patient service area have a registered professional nurse on duty at all times assures that nursing service personnel will provide required services within their scope of practice. If required care is not provided or if poor care is provided, patients might suffer ill effects.

The readoption of N.J.A.C. 8:43B-5 is necessary for ensuring the continuation of the implementation of personnel policies and for the provision of care through an organized departmentalized hospital and an organized nursing service in the hospital.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 8:43B-5.

(a)

### **Standards for Licensure of Hospital Facilities Renal Dialysis Services**

#### **Proposed Repeal: N.J.A.C. 8:43B-15 Proposed New Rule: N.J.A.C. 8:43B-15**

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Proposal Number: PRN 1985-576.

The agency proposal follows:

#### **Summary**

Subchapter 15 of the Manual of Standards for Licensure of Hospital Facilities, N.J.A.C. 8:43B, expires on October 9, 1985, pursuant to Executive Order No. 66 (1978). N.J.A.C. 8:43B-15 contains licensure standards for renal dialysis services. The rules became effective initially on March 9, 1978 (See: 9 N.J.R. 514(d), 10 N.J.R. 104(b)), and were first amended effective October 9, 1980 (See: N.J.R. 463(b), 12 N.J.R. 578(c)). The rules have served hospital renal dialysis patients well. The Department maintains, therefore, that the expiration of N.J.A.C. 8:43B-15 in the absence of a proposal of new rules would be detrimental to hospital renal dialysis patients in New Jersey. In order to continue to protect the health and safety of such patients, the Department proposes

a new rule, N.J.A.C. 8:43B-15.

On September 3, 1985, a new rule for licensure of ambulatory care facilities became effective (See: N.J.R. 3254(a), 17 N.J.R. 2110(b)). This rule, N.J.A.C. 8:43A, pertains to ambulatory care facilities providing chronic renal dialysis services in addition to other types of ambulatory care facilities. Rules appropriate to the provision of chronic renal dialysis services in a contemporary setting were developed and incorporated into N.J.A.C. 8:43A. Since chronic renal dialysis services may also be provided in a hospital, it is necessary at this time that N.J.A.C. 8:43B-15 be updated so as to be consistent with N.J.A.C. 8:43A with respect to rules regarding chronic renal dialysis. The Department maintains that adoption of the proposed new rule, N.J.A.C. 8:43B-15, will satisfy this need for consistency between two sets of rules pertaining to the same type of service provided in two distinct environments. The Department's goal of consistency is the source of the changes in the rules regarding staffing of hospital renal dialysis services and of the reduction of the number of required hospital policies and procedures.

In addition to containing revisions specifically concerning chronic renal dialysis services, the proposed new rule contains revisions generally intended to augment the clarity and flexibility of N.J.A.C. 8:43B-15.

In contrast to the current rules, N.J.A.C. 8:43B-15.12 through 8:43B-15.13, the proposed new rules do not include sections regarding construction, additional licensing requirements, and additional requirements. Facilities, however, must adhere to N.J.A.C. 8:43B-3, regarding physical plant. Additional requirements of this nature may be proposed at a later date.

The proposed new rules are based on a general revision and reorganization of the current rules and serve as a foundation for providing renal dialysis services at a reasonable cost. The proposed new rules are designed to simplify and clarify the requirements and provide maximum flexibility in the administration of the services while protecting the health and safety of patients. The proposed new rules are reflective of the current state of the art in renal dialysis services. The proposed new rules are also consistent with the planning requirements of N.J.A.C. 8:33F, Renal Disease Services.

The proposed new rules, N.J.A.C. 8:43B-15, for Renal Dialysis Services treats the following topics: Definitions and/or qualifications; General requirements; Patient care policies and procedures; Consultant services; Emergency medical services; Infection prevention and control program; Water analysis and treatment; Housekeeping services; Administrator; Medical director; Medical director's responsibilities; Nursing supervisor's appointment and responsibilities; Responsibilities of nursing personnel; Nurse staffing; Dietary counseling and social work services; Administrator's responsibilities; and Medical records. This organization differs from the arrangement of topics in the current rule regarding Renal Dialysis Services, N.J.A.C. 8:43B-15. The reorganization of this subchapter has the advantage of emphasizing the unity rather than the diversity of renal dialysis services and also enhances the consistency of N.J.A.C. 8:43B-15 with 8:43A, Manual of Standards for Licensure of Ambulatory Care Facilities. Accordingly, specialized sections of the current rule have been deleted, such as Governing authority, N.J.A.C. 8:43B-15.2; Acute dialysis services, N.J.A.C. 8:43B-15.6; Chronic dialysis services, N.J.A.C. 8:43B-15.7; Home (self) care dialysis training, N.J.A.C. 8:43B-15.8; and Peritoneal dialysis services, N.J.A.C. 8:43B-15.9. Proposed new sections, such as Patient care policies and procedures, Consultant services, Water

analysis and treatment, Administrator, Medical director, Medical director's responsibilities, Nursing supervisor's appointment and responsibilities, and Nurse staffing, have been added. Although certain sections have been omitted as separate sections, the intent and content of these current rules are expressed in the proposed new rule.

A summary of the major changes contained in the proposed new rules for renal dialysis services, N.J.A.C. 8:43B-15, follows:

The proposed section concerning definitions and/or qualifications, N.J.A.C. 8:43B-15.1, has been reorganized and expanded for greater ease of usage. All terms have been placed in alphabetical order, and definitions from the current N.J.A.C. 8:43B-15.11 have been incorporated into the proposed rules. To further complement the proposed text, definitions were added concerning infection prevention and control, as well as definitions for other terms used within the proposed subchapter.

Definitions concerning care plan, discharge plan, discharge summary, medical care plan, and patient long-term program were deleted from the rules in the interest of simplification. The new definition of patient care plan incorporates the concepts from the text of the above mentioned definitions, therefore, patient care and safety will not be jeopardized due to the omission of the above mentioned definitions. The definition of "Ancillary personnel" in the current N.J.A.C. 8:43B-15.11 was incorporated into the proposed definition of "Nursing service staff," N.J.A.C. 8:43B-15.1, which also includes licensed nursing personnel.

The definition of charge nurse was deleted, since the current N.J.A.C. 8:43B-5.3(d) requires a registered professional nurse on duty at all times in each nursing unit. The change allows facilities and nursing administration staff the authority to design the delivery of care system which will meet the needs of the patients. In facilities practicing primary nursing or modular nursing, the term charge nurse may no longer be applicable.

The proposed new rule, N.J.A.C. 8:43B-15.2(a), delineates the general requirements for the renal dialysis service and specifies the types of renal dialysis services included in the proposed subchapter, N.J.A.C. 8:43B-15. The renal dialysis services included in this proposed subchapter are: acute renal dialysis, chronic renal dialysis, and pediatric renal dialysis. Establishment, implementation, and review of a policy and procedure manual are required by the proposed rule, N.J.A.C. 8:43B-15.2(b). The requirements regarding the policy and procedure manual are similar to those which appear in manuals of standards for licensure of other types of health care facilities. There are some technical and organizational differences between the proposed new section, N.J.A.C. 8:43B-15.2, and the current rule, N.J.A.C. 8:43B-15.1. For example, requirements regarding infection control policies and procedures were deleted from the current N.J.A.C. 8:43B-15.1 and incorporated into the contents of the proposed new rule, N.J.A.C. 8:43B-15.6 (see below). The current rules in N.J.A.C. 8:43B-15.1 regarding utilization requirements have been omitted from the proposed subchapter because they are duplicative of guidelines and criteria contained in N.J.A.C. 8:33F, Renal Disease Services.

The current N.J.A.C. 8:43B-15.1(b)9 regarding policies and procedures for food handling was also reorganized and placed in the section concerning patient care policies and procedures in the proposed new rules, N.J.A.C. 8:43B-15.3(a)14 and N.J.A.C. 8:43B-15.3(a)15, with minor editorial and technical changes. Examples of the policies and procedures required by

the proposed new rules, N.J.A.C. 8:43B-15.2(b)1 through 8:43B-15.2(b)9, are a written narrative of the program, an organizational chart, a system for maintenance of patient records, a process of audit and evaluation (quality assurance) of patient care and staff performance, provision of medical care 24 hours a day, a staff orientation plan and a staff education plan, maintenance of personnel records, and written staffing patterns.

The current rule, N.J.A.C. 8:43B-15.2, Governing authority, was deleted since it is duplicative of rules currently appearing in N.J.A.C. 8:43B-2, N.J.A.C. 8:43B-4, and N.J.A.C. 8:43B-5.

The proposed new rule, N.J.A.C. 8:43B-15.3, Patient care policies and procedures, attempts to realize the collective goals of the current rules, N.J.A.C. 8:43B-15.1, N.J.A.C. 8:43B-15.2, N.J.A.C. 8:43B-15.5, and N.J.A.C. 8:43B-15.8, regarding general provisions, governing authority, staffing patterns, and home (self) care dialysis training, respectively. The proposed rule differs from the current rules in title, format, and content.

The Department affirms the necessity of revising the rules in the manner described in order to render them consistent with N.J.A.C. 8:43A, Manual of Standards for Licensure of Ambulatory Care Facilities. Thus, proposed N.J.A.C. 8:43B-15.3 requires policies and procedures regarding provision of after-hours and emergency care and treatment, a written patient care plan, dietary counseling, social work services, appropriate equipment and supplies, patient instruction and health education, telephone consultation, interpretation services, safe keeping of patients' valuables, ensuring visual and auditory privacy of patients, control of smoking pursuant to N.J.S.A. 26:3D-1 et seq. and N.J.S.A. 26:3D-7 et seq., establishment and implementation of a system for patient and staff grievances, and admission, discharge, and referral of patients. The absence of a subchapter for patient rights within N.J.A.C. 8:43B necessitates the proposed new rule, N.J.A.C. 8:43B-15.3(a)13, requiring the establishment and implementation of written policies and procedures regarding patient rights. A new proposed rule, N.J.A.C. 8:43B-15.3(c), specifies that if dialyzers are reused, they shall be reused in accordance with the Guidelines for Reuse of Dialyzers of the Renal Disease Program of the Department.

The proposed requirements for policies and procedures permit flexibility so as to allow the facility managerial prerogatives. It is the Department's contention that the proposed increase in flexibility will not jeopardize patient care or safety. The proposed rules, rather, foster the appropriate, cost-effective provision of renal dialysis services.

Reorganization of the rules has resulted in the proposed new rule, N.J.A.C. 8:43B-15.4, Consultant services, which appears in the current rule as N.J.A.C. 8:43B-15.2(a)4i through (a)4v.

The proposed new rule, N.J.A.C. 8:43B-15.5, Emergency medical services, is consistent with the current rule, N.J.A.C. 8:43B-15.3, with some editorial and technical changes. The proposed rule, N.J.A.C. 8:43B-15.5(c), was added in the interest of patient safety and requires that personnel trained in cardiopulmonary resuscitation shall be available whenever there is a patient in the renal dialysis service. This rule is not expected to be a source of difficulty for the facility since physicians and nurses typically have the required training. N.J.A.C. 8:43B-15.5(d) was added in the interest of patient safety and for consistency with N.J.A.C. 8:43B-10, Pharmaceutical services, Manual of Standards for Hospital Facilities (See: 16 N.J.R. 107(a), 16 N.J.R. 1506(a)) which became effective June 18, 1984.

A new section on infection prevention and control, N.J.A.C. 8:43B-15.6, was established. The proposed infection prevent-

ion and control program section incorporates both general infection control requirements and those specific to renal dialysis services. The proposed section, N.J.A.C. 8:43B-15.6, is similar in content to the current rule, N.J.A.C. 8:43B-15.1(b)8. The proposed new rule, N.J.A.C. 8:43B-15.6, allows the facility flexibility to develop, implement, and enforce and infection prevention and control program appropriate for that facility. The absence of a subchapter for infection prevention and control within N.J.A.C. 8:43B necessitates that the proposed rule, N.J.A.C. 8:43B-15.6, incorporate requirements for general infection prevention and control policies as well as specific rules for the renal dialysis services. The Department is planning to revise N.J.A.C. 8:43B. When N.J.A.C. 8:43B is revised, the general requirements for infection prevention and control will be removed from the proposed infection prevention and control section, N.J.A.C. 8:43B-15.6, and incorporated into a separate infection control subchapter in N.J.A.C. 8:43B.

In order to be in conformance with N.J.A.C. 8:43A-14.9, the current rule, N.J.A.C. 8:43B-15.13(b)5, was rewritten as proposed rule, N.J.A.C. 8:43B-15.7, Water analysis and treatment. The proposed rule requires that water used for dialysis (1) conform to the requirements of the Association for the Advancement of Medical Instrumentation, (2) be microbiologically analyzed monthly, and (3) be analyzed for trace elements at least once every six months. The addition of the rule is necessary for, rather than detrimental to, the health of patients (See 16 N.J.R. 3254(a), 17 N.J.R. 2110(b)).

The proposed new rule, N.J.A.C. 8:43B-15.8, was also added to conform with N.J.A.C. 8:43A, Manual of Standards for Licensure of Ambulatory Care Facilities. The proposed new rule requires the establishment and implementation of policies and procedures regarding the cleaning and disinfecting of patient reclining chairs, beds, and dialysis treatment machines between each instance of patient use and the cleaning and disinfecting of floors and walls in the renal dialysis service.

The appointment and availability of an administrator and alternate administrator are required by the proposed rule, N.J.A.C. 8:43B-15.9, and appear in the current rules as N.J.A.C. 8:43B-15.5(a). The current rules, N.J.A.C. 8:43B-15.5(a)1 through (a)10, noting the responsibilities of the administrator were deleted and do not appear in the proposed rule, thus permitting the facility more flexibility than the current rules. Patient care and safety will not be jeopardized since the current rule, N.J.A.C. 8:43B-2, also addresses administrative responsibilities to some extent.

The proposed rule, N.J.A.C. 8:43B-15.10, requires the appointment of a medical director and the designation of a physician to act in his or her absence and appears in the current rule as N.J.A.C. 8:43B-15.5(b). The medical director's responsibilities are delineated in the proposed rules, N.J.A.C. 8:43B-15.11, and are similar in nature to the current rules, N.J.A.C. 8:43B-15.5(b)1 through (b)20. The proposed rules, N.J.A.C. 8:43B-15.10(d) and (e), also appear in the current rules N.J.A.C. 8:43B-15.6(a) and N.J.A.C. 8:43B-15.10(b) respectively.

The proposed rule, N.J.A.C. 8:43B-15.11, Medical director's responsibilities, substantively differs from, and is more flexible than, some of the current rules insofar as the proposed rule requires the availability of the physician or medical director rather than, as in the current rule, N.J.A.C. 8:43B-15.5(b)19, requiring the medical director to be available to the dialysis service for a minimum of 50 percent of his or her usual workday.

The proposed rule, N.J.A.C. 8:43B-15.12, requires the ap-

pointment of a nursing supervisor for the renal dialysis service and appears in the current rule, N.J.A.C. 8:43B-15.5(c). The nursing supervisor's duties consist of developing and maintaining written objectives and policies, a procedure manual, and an organizational and evaluation plan for the nursing service.

The proposed new rule, N.J.A.C. 8:43B-15.13, delineates the responsibilities of nursing personnel, in accordance with the State of New Jersey Nursing Practice Act, N.J.S.A. 45:11-23 et seq., the Standards of Practice for the Registered Nurse in the State of New Jersey. The proposed new rule is consistent with the content of N.J.A.C. 8:43A-8.4, Responsibilities of nursing personnel, Manual of Standards for Licensure of Ambulatory Care Facilities, and is similar in content to the existing rule, N.J.A.C. 8:43B-15.5, Staffing patterns. In contrast to the current rules, the proposed new rules allow health care professionals the freedom to initiate their own course of action for patient care. Current requirements regarding specific time frames for assessing and reassessing patient needs were deleted. Requirements for adhering to specific and rigid time schedules for the review and revision of various patient care plans, medical care plans, and reassessment of patients were deleted, allowing the professional flexibility and freedom in caring for the patient according to the patient's needs.

The proposed rules, N.J.A.C. 8:43B-15.14(a)1 through (a)5, delineate the requirements for nurse staffing in prescribed numbers or ratios. Some modifications were made from the current nurse staffing rules in order to be consistent with N.J.A.C. 8:43A, Manual of Standards for Licensure of Ambulatory Care Facilities. The proposed new rule, N.J.A.C. 8:43B-15.14(a)1, remains as written in the current N.J.A.C. 8:43B-15.6(b). The proposed rule, N.J.A.C. 8:43B-15.14(a)4, has been added because of the emerging capacity of chronic dialysis facilities to provide home (self) care dialysis.

The Department recognizes that the staffing rules are minimum requirements and facilities should provide staff according to their needs with the adequacy of staff being determined by the adequacy of the process and outcomes of patient care.

The proposed nursing staffing rules reflect the needs of and promote quality care to renal dialysis patients. The nurses providing care to renal dialysis patients require specialized skills, competencies, and knowledge in a constantly evolving field of nursing care. For example, nurses are required to have specialized skills, competencies, and knowledge in order to teach patients to perform dialysis procedures, work with patients who have psychological problems associated with a machine-dependent existence, understand fluid, electrolytes, and chemistry, and develop technical proficiency in working with the renal dialysis machinery.

Rules regarding dietary and social services, currently stated in N.J.A.C. 8:43B-15.5(g)1 through (g)10vii and N.J.A.C. 8:43B-15.5(h)1 through (h)8v, are expressed in equivalent form with linguistic modifications in the proposed new rules, N.J.A.C. 8:43B-15.15 and 8:43B-15.16. The responsibilities of the administrator, or his or her designee(s), are delineated in the proposed new rule, N.J.A.C. 8:43B-15.16. Social work services are needed for psychosocial evaluations and counseling and there is a similar need for dietetic evaluation and counseling of renal dialysis patients. Supportive services of a social worker and dietitian are necessary to promote and maintain the quality and continuity of care for the renal dialysis patient.

The facility is required by the proposed rule, N.J.A.C. 8:43B-15.17(a), to maintain a medical record for each patient in accordance with N.J.A.C. 8:43B-7 and the requirements

delineated in N.J.A.C. 8:43B-15.17(a)1 through 8:43B-(a)4. Changes and modifications were made to the current rule, N.J.A.C. 8:43B-15.4, Medical records, based upon the restructuring and the contents of the proposed new rules stated in N.J.A.C. 8:43B-15.

#### Social Impact

Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto, enjoin upon the Department of Health to protect and promote the health of the inhabitants of the State. The Act also mandates the Department to develop "standards and procedures relating to the licensing of health care facilities and the institution of additional health care services" to ensure the delivery of health care services effectively and efficiently.

The adoption of N.J.A.C. 8:43B-15 reestablishes minimal rules to ensure the provision of quality care to patients receiving renal dialysis services in New Jersey hospital facilities. The Department recognizes that renal dialysis services provide expensive and highly specialized services requiring skilled staff in order to provide quality care to patients.

Renal disease services essentially involve the care of patients with acute renal failure resulting from injury, disease, certain types of poisons or drug overdose, or the care of those with chronic renal failure and permanent loss of function of both kidneys. In the case of the former, such kidney failures may be transient or reversible, and for these patients conservative medical treatment, with or without dialysis support as indicated, will allow the kidneys to return to normal function. End-stage renal disease (ESRD), or that stage of chronic renal impairment which is irreversible and permanent, refers to those patients with progressive loss of kidney function who no longer respond to conservative medical treatment and require supportive specialized treatment, such as renal dialysis therapy.

Renal dialysis is one form of life-saving treatment available to patients with kidney (renal) disease. The absence of renal dialysis service to patients could result in additional serious illness and subsequent death.

The proposed rules delineate appropriate administrative arrangements, professional staff qualifications, special criteria for pediatric renal dialysis services, as well as describing the environment in which renal dialysis services can be performed effectively and safely. Although kidney (or renal) disease is a serious health problem, it is possible for patients to enjoy a productive and satisfying life. Dietary, medical, nursing, and social services along with renal dialysis treatment and medication must be maintained for patients to continue to experience good health and productivity in living with a renal condition.

The proposed rules, N.J.A.C. 8:43B-15, would not adversely affect hospital facilities providing renal dialysis services and the Department's policy, since hospitals are already in compliance with the current rules, N.J.A.C. 8:43B-15, that will expire on October 9, 1985.

The proposed subchapter, N.J.A.C. 8:43B-15, is more progressive, more responsive to the needs of individual hospital facilities, and more clearly written than the current rules. The proposed rules will allow the various hospitals the opportunity and flexibility to devise innovative and effective methods of providing renal dialysis services. The precise language of the proposed rules will facilitate uniform interpretation and the survey process. The proposed subchapter, N.J.A.C. 8:43B-15, is organized to assure coordinated patient referral as well as access to resources. The proposed rule also permits the con-

centration of equipment and specially trained personnel in renal dialysis services where they can be used efficiently to treat large numbers of patients.

The proposed rules also ensure that the rules for renal dialysis services in both ambulatory care facilities and hospital facilities are consistent. The characteristics of the proposed rules will render the goals of quality patient care and safety more achievable and will lead to a coordinated flexible system of delivery of care for renal dialysis patients.

If the rules are not adopted, the Department contends that patient care and safety would be seriously jeopardized.

#### Economic Impact

"End-stage renal disease can entail high medical costs for the duration of a patient's life. Dialysis treatments are extremely expensive. According to the Social Security Administration, costs range from \$10,000 to \$30,000 per year, depending on the services used by the patient, with an estimated average of \$25,000 annually for routine in-center dialysis treatments alone."<sup>1</sup>

According to the 1982-1987 New Jersey State Health Plan, "there are 26 State- and Federal-approved renal dialysis facilities serving New Jersey, with a combined total of 410 dialysis stations. Most of the facilities are also approved for participation in the New Jersey Health Services Program (Medicaid). Of the above, 20 are hospitals designated as renal dialysis centers and 6 are out-of-hospital facilities. Three of the 20 hospital-based centers are also renal transplantation centers."<sup>1</sup>

The proposed rules specifically address the elements of quality care and cost-effectiveness in the provision of renal dialysis services. Adherence to N.J.A.C. 8:43B-15 by the facility is the basis for State licensure. Licensure is required for the facility to receive reimbursement from third-party payors and, in this way, contributes to the realization of the potential for cost-containment.

It is not expected that the proposed rules, considered in their entirety, will increase costs. The operative cost of hospitals providing these services would not be affected for they have been in compliance with the current N.J.A.C. 8:43B-15 since March, 1978. Similarly, the Department will not have to incur additional expenditures for surveying hospital renal dialysis services because they have been surveyed for the past seven years and are in compliance with the current rules. It is anticipated that the change in nurse staffing ratios will be economically advantageous to the hospital facilities. Additionally, the proposed rules allow flexibility in management practices with respect to the content of required policies and procedures which should also be economically advantageous to hospital facilities.

The proposed rule, N.J.A.C. 8:43B-15, reflects the Department's policy and philosophy that renal dialysis services are expensive, highly specialized, and sophisticated, require specialized staff and specialized equipment, and must be regulated in order to provide cost-effective quality care to patients. Failure to continue to regulate renal dialysis services could result in escalated cost of care to patients.

The proposed rule, N.J.A.C. 8:43B-15, is in keeping with the spirit of Executive Order No. 66 (1978), that is, to reflect current medical practice and to repeal those rules no longer regarded as necessary for the provision of quality renal dialysis services within hospital facilities.

The Department of Health expects that the reduction in conflicting rules between hospitals and ambulatory care facilities will result in less disparity of economic pressures on facilities providing the same services.

Failure to adopt the proposed rule could jeopardize life-saving care to patients in a cost-effective manner in hospital facilities.

<sup>1</sup>New Jersey State Department of Health, 1982-1987 New Jersey State Health Plan, December 1982, page 115.

Full text of the proposed new rule follows:

#### SUBCHAPTER 15. RENAL DIALYSIS SERVICES

##### 8:43B-15.1 Definitions and/or qualifications

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

"Acute renal dialysis" shall mean the rendering of dialysis to a patient with previously life-supporting renal function who has sustained abrupt loss of kidney function. Recovery of kidney function is expected in such patients.

"Administrator" shall mean a person with a baccalaureate degree and two years of administrative or supervisory experience in a health care facility. Additional years of experience and/or training in a health care facility may be substituted on a year for year basis in lieu of the required baccalaureate degree.

"Available" shall mean ready for immediate use (pertaining to equipment) or capable of being reached (pertaining to personnel), unless otherwise defined in these rules.

"Chronic renal dialysis" shall mean the rendering of dialysis to a patient with end stage renal disease in whom recovery of renal function is not expected.

"Cleaning" shall mean the removal by scrubbing and washing, as with hot water, soap or detergent, and vacuuming, of infectious agents and of organic matter from surfaces on which and in which infectious agents may find conditions for surviving or multiplying.

"Clinical note" shall mean a written, signed, and dated notation made at each patient's visit by each health care professional who renders a service to the patient, and shall include a description of signs and symptoms, treatment and/or medication(s) given, the patient's response, and any changes in physical or emotional condition. Clinical notes are written into the patient's medical record the day service is rendered.

"Communicable disease" shall mean an illness due to a specific infectious agent or its toxic products, which occurs through transmission of that agent or its products from a reservoir to a susceptible host.

"Contamination" shall mean the presence of an infectious or toxic agent in the air, on a body surface, on or in clothes, bedding, instruments, dressings, or other inanimate articles or substances, including water, milk, and food.

"Current" shall mean up-to-date, extending to the present time.

"Department" shall mean the New Jersey State Department of Health.

"Dietitian or dietary consultant" shall mean a person who:

1. Is registered or eligible for registration by the Commission on Dietetic Registration of the American Dietetic Association; or

2. Has a bachelor's degree from a college or university with a major in foods, nutrition, food service or institution management, or the equivalent course work for a major in the subject area; and has completed a dietetic internship accredited by the American Dietetic Association or a dietetic traineeship approved by the American Dietetic Association or

has one year of full-time, or full-time equivalent, experience in nutrition and/or food service management in a health care facility; or

3. Has a master's degree plus six months of full-time, or full-time equivalent, experience in nutrition and/or food service management in a health care facility; and

4. Participates annually in continuing dietary education.

"Disinfection" shall mean the killing of infectious agents outside the body, or organisms transmitting such agents, by chemical and physical means, directly applied.

1. "Concurrent disinfection" shall mean the application of measures of disinfection as soon as possible after the discharge of infectious material from the body of an infected person, or after the soiling of articles with such infectious discharges, all personal contact with such discharges or articles being minimized prior to such disinfection.

2. "Terminal disinfection" shall mean the application of measures of disinfection after the patient has ceased to be a source of infection, or after the facility's isolation practices have been discontinued. Terminal disinfection is rarely practiced; terminal cleaning generally suffices (see definition of "cleaning" above), along with airing and sunning of rooms, furniture, and bedding. Terminal disinfection is necessary only for diseases spread by indirect contact.

"Documented" shall mean a written, signed, and dated notation or statement.

"Full-time" shall mean relating to a time period established by the facility as a full working week, as defined and specified in the facility's policies and procedures.

"Governing authority" shall mean the organization, person, or persons designated to assume legal responsibility for the determination and implementation of policy and for the management, operation, and financial viability of the facility.

"Hospital" shall mean a health care facility as defined in N.J.A.C. 8:43B.

"Licensed nursing personnel" (licensed nurse) shall mean registered professional nurses or practical (vocational) nurses licensed by the New Jersey State Board of Nursing.

"Licensed practical nurse" shall mean a person who is so licensed by the New Jersey State Board of Nursing.

"Medical director (renal dialysis services)" shall mean a nephrologist. The same person shall not serve as medical director for more than two facilities providing renal dialysis services.

"Monitor" shall mean to directly observe, watch, or check.

"Nephrologist" shall mean a physician who is certified in nephrology or internal medicine or eligible for certification in nephrology by the American Board of Internal Medicine, Inc., or the American Osteopathic Board of Internal Medicine, or who has been granted privileges by the facility to provide services equal to or higher than those provided by a Board-certified or Board-eligible physician.

"Nursing service staff" shall mean unlicensed workers, such as technicians and aides, who are employed to assist licensed nursing personnel. Nursing service staff are trained on the job in accordance with the staff education plan, and are experienced in renal dialysis procedures. Nursing service staff includes licensed nursing personnel.

"Nursing supervisor" shall mean a person who is licensed by the New Jersey State Board of Nursing as a registered professional nurse, and who:

1. Has at least 12 months of experience in clinical nursing, and an additional six months of experience in nursing care of the patient with permanent kidney failure or undergoing kidney transplantation, including training in and experience

with the renal dialysis process; or

2. Has 18 months of experience in nursing care of the patient on renal dialysis, or in nursing care of the patient with a kidney transplant, including training in and experience with the renal dialysis process.

"Patient care plan" shall mean a written plan, initiated and implemented in accordance with the policies and procedures of the facility, which documents an assessment of the patient, and the care and treatment to be provided, including the type, amount, frequency, and duration. Each service of the facility which provides care to the patient shall develop its own portion of the patient care plan. The patient care plan shall be kept current, shall be revised in accordance with the policies and procedures of the facility, and shall be developed in conjunction with the patient, next of kin and/or sponsor or guardian.

"Pediatric nephrologist" shall mean a physician who is certified or eligible for certification in pediatric nephrology by the American Board of Pediatrics, Inc., or the American Osteopathic Board of Pediatrics, or who has been granted privileges by the facility to provide services equal to or higher than those provided by a Board-certified or Board-eligible physician.

"Physician" shall mean a person who is licensed or authorized by the New Jersey State Board of Medical Examiners to practice medicine in the State of New Jersey.

"Registered professional nurse" shall mean a person who is so licensed by the New Jersey State Board of Nursing.

"Secondary care" shall mean care delivered by a specialist or subspecialist following referral by the primary care source. This may include ambulatory or inpatient care.

"Shift" shall mean a period of time established as a full working day, as defined in the hospital policy and procedure manual.

"Social worker" shall mean a person who has a master's degree in social work from a graduate school of social work accredited by the Council on Social Work Education.

"Staff education plan" shall mean a written plan developed at least annually and implemented throughout the year which describes a coordinated program for staff education for each service, including inservice programs and education, staff development, on-the-job training and continuing education, and the intervals and times at which these shall be given. Each employee shall receive education to develop skills and increase knowledge so as to improve inpatient care. Inviting speakers to the facility, or occasional attendance by staff at programs or conventions, does not in itself constitute an acceptable staff education plan.

"Staff orientation plan" shall mean a written plan for the orientation of each new employee to the duties and responsibilities of the service to which he or she has been assigned, as well as to the personnel policies of the facility.

"Sterilization" shall mean a process of destroying all microorganisms, including those bearing spores, in, on, and around an object.

"Supervision" shall mean authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his or her sphere of competence, with initial direction and periodic on-site inspection of the actual act of accomplishing the function or activity.

"Direct supervision" shall mean supervision on the premises within view of the supervisor.

"Tertiary care" shall mean specialized inpatient care.

8:43B-15.2 General Requirements

(a) This subchapter shall apply to all hospitals providing renal dialysis services. The renal dialysis service shall be administered by the governing authority responsible for the management, control and operation of the hospital. It shall be subject to the rules, regulations, and inspections applicable to the hospital. The renal dialysis services included in this subchapter are:

1. Acute renal dialysis services;
2. Chronic renal dialysis services, including home (self) care renal dialysis training; and
3. Pediatric renal dialysis.

(b) A policy and procedure manual(s), which may supplement the hospital policy and procedure manual(s), for the organization and operation of the facility shall be established, implemented, and reviewed at intervals specified in the manual. Each review of the manual shall be documented, and the manual(s) shall be available in the facility to representatives of the Department at all times. The manual(s) shall include at least the following:

1. A written narrative of the program describing its philosophy and objectives, the staffing patterns, and the services provided by the facility;
2. An organizational chart delineating the lines of authority, responsibility, and accountability, so as to ensure continuity of care to patients;
3. A description of the system for maintenance of patient records while the facility is in operation, and in the event that the facility ceases its operation;
4. A description of the process of audit and evaluation (quality assurance) of patient care and staff performance;
5. Provision of medical care 24 hours a day, seven days a week;
6. A staff orientation plan and a staff education plan;
7. A system for referral of patients to sources of secondary and tertiary health care. A facility providing chronic renal dialysis services shall have a written transfer agreement with at least one hospital having an acute renal dialysis service and with at least one facility having a renal transplant program, if these services are not provided at the facility. A facility providing acute renal dialysis services shall have a written transfer agreement with at least one facility providing chronic renal dialysis services, if chronic renal dialysis services are not provided at the facility;

8. Policies and procedures for the maintenance of personnel records for each employee, including at least his or her name, previous employment, educational background, license number and date of expiration (if applicable), health evaluation records, job description, and evaluations of job performance; and

9. The facility shall maintain written staffing patterns. Provision shall be made for substitute staff with equivalent qualifications to replace absent staff members. Staffing patterns shall be implemented to facilitate continuity of care to patients.

#### 8:43B-15.3 Patient care policies and procedures

(a) Patient care policies and procedures shall facilitate continuity of care to patients and shall include, but not be limited to, policies and procedures for the following:

1. The provision for after-hours and emergency care and treatment, including a definition of emergency;
2. Care of patients, to ensure that each patient receives services in accordance with these rules;
3. A written patient care plan including the initiation, implementation, review, and revision of the patient care plan;

4. The provision of dietary counseling and social work services. Social work services shall be provided by a social worker. Dietary counseling shall be provided by a dietitian or dietary consultant;

5. The provision of equipment and supplies which are suited to the age and type of patients;

6. Patient instruction and health education;

7. The provision of printed and/or written instructions and information for patients, including multilingual instructions as indicated. Information shall include, but not be limited to, tests and/or procedures needed, possible complications, a telephone number to call when needed, and instructions for obtaining care in an emergency;

8. Interpretation services, if the patient population is non-English speaking or for patients who are blind or deaf;

9. The safe-keeping of patients' valuables when required;

10. Ensuring visual and auditory privacy of patients;

11. The control of smoking in the facility in accordance with N.J.S.A. 26:3D-1 et seq. and N.J.S.A. 26:3D-7 et seq.;

12. Establishment and implementation of a system whereby patient and staff grievances and/or recommendations, including those related to patient rights, can be identified within the facility. This system shall include a feedback mechanism through management to the governing authority, indicating that action was taken;

13. Patient rights;

14. Patients shall be permitted to bring their own food provided that it is consumed only in the renal dialysis treatment area, and only by the patient. The facility shall develop a policy regarding the categories of food permitted in the renal dialysis treatment area;

15. All food served to patients in the renal dialysis service shall be provided in disposable food service equipment. The facility shall adhere to Chapter 12 of the New Jersey State Sanitary Code, N.J.A.C. 8:24;

16. Admission of patients, including limitation on admission based on diagnosis, type or degree of disability, medical condition, or other factors;

17. Discharge/termination, retention, and readmission of patients; and

18. Referral of patients and for use of consultant services.

(b) If home (self) care renal dialysis service are provided, the facility shall have written policies and procedures including, but not limited to, policies and procedures regarding the following:

1. A written outline of the home (self) care training program for the unsupervised performance of renal dialysis treatments by patients;

2. Surveillance of the patient's home adaptation through visitation of the patient's home by a registered professional nurse, including the frequency of home visitation;

3. Installation and maintenance of equipment in the home;

4. Testing and treatment of the water in the home; and

5. Ordering of supplies for the home on an ongoing basis.

(c) The facility shall ensure that if dialyzers are reused, they shall be reused in accordance with the Guidelines for Reuse of Dialyzers of the Renal Disease Program of the Department.

(d) When both acute and chronic renal dialysis patients are treated in the same area of the facility, they shall be scheduled for treatment so that acute renal dialysis patients are treated separately, either in a separate place (divided at least by privacy curtains), or at a separate time, from chronic renal dialysis patients.

**8:43B-15.4 Consultant services**

(a) The facility shall have a written agreement, or its equivalent, for services not provided in the facility. The written agreement, or its equivalent, shall:

1. Be dated and signed by a representative of the facility and by the person or agency providing the service;
2. Specify each party's responsibilities, functions, and objectives, the time during which services are to be provided, the financial arrangements and charges, and the duration of the written agreement or its equivalent;
3. Specify that the facility retain administrative responsibility for services rendered;
4. Require that services are provided in accordance with these rules; and
5. Require the provision of written documentation to the facility, including, but not limited to, documentation of services rendered and recommendations made by the person or agency providing the service.

**8:43B-15.5 Emergency medical services**

(a) The facility shall provide emergency medical services on the premises during its hours of operation to renal dialysis patients requiring such services.

(b) Written policies shall be developed and implemented regarding the care of patients during medical emergencies when the service is not in operation, while patients are receiving renal dialysis, and for patients who are on home (self) care renal dialysis.

(c) Personnel trained in the use of emergency equipment and in cardiopulmonary resuscitation shall be available whenever there is a patient in the renal dialysis service.

(d) The facility shall establish and implement policies and procedures, approved by the pharmacy and therapeutics committee, or its equivalent, or by the medical director, regarding emergency kits and emergency carts. The policies and procedures shall:

1. Specify the locations, contents, frequency of checking contents (including expiration dates), and assignment of responsibility for checking contents;
2. Ensure that pediatric doses are provided in areas of the facility where pediatric emergencies may occur;
3. Ensure that emergency kits are secure but are not kept under lock and key; and
4. Ensure that the facility provides an emergency cart, an electrocardiogram machine, a cardiac defibrillator, oxygen, and an aspirator, in the renal dialysis service at all times.

**8:43B-15.6 Infection prevention and control program**

(a) The facility shall establish and implement written policies and procedures regarding infection prevention and control, including, but not limited to, the following:

1. In accordance with the New Jersey State Sanitary Code, a system for investigating, reporting, and evaluating the occurrence of all infections or diseases which are reportable or conditions which may be related to activities and procedures of the facility, and maintaining records for all patients or personnel having these infections, diseases, or conditions;
2. Reportable and other diseases shall be reported in accordance with N.J.A.C. 8:57-1 et seq. of the New Jersey State Sanitary Code, and amendments thereto;
3. Care of patients with communicable diseases;
4. Policies and procedures for exclusion from work, and authorization to return to work, for personnel with communicable diseases;
5. Surveillance techniques to minimize sources and trans-

mission of infection;

6. Sterilization, disinfection, and cleaning practices and techniques used in the facility, including, but not limited to, the following:

- i. Care of utensils, instruments, solutions, dressings, articles, and surfaces;
  - ii. Selection, storage, use, and disposition of disposable and non-disposable patient care items. Disposable items shall not be reused; dialyzers may be reused, in accordance with N.J.A.C. 8:43B-15.3(c);
  - iii. Methods to ensure that sterilized materials are packaged and labeled to maintain sterility and to permit identification of expiration dates; and
  - iv. Procedures for care of equipment and other devices that provide a portal of entry for pathogenic microorganisms;
7. Techniques to be used during each patient contact, including handwashing before and after caring for a patient; and

8. Criteria and procedures for isolation of patients.

(b) The renal dialysis service shall adhere to the recommendations of the United States Department of Health and Human Services, Centers for Disease Control, "Hepatitis Surveillance," Report No. 41, September 1977.<sup>1</sup>

(c) All personnel shall receive orientation at the time of employment and continuing inservice education regarding the infection prevention and control program.

**8:43B-15.7 Water analysis and treatment**

The facility shall have a water treatment system. Water used for dialysis shall conform to the requirements of the Association for the Advancement of Medical Instrumentation (AAMI).<sup>2</sup> The water shall be microbiologically analyzed monthly by a laboratory certified by the New Jersey State Department of Environmental Protection or licensed by the New Jersey State Department of Health. Trace element analysis shall be performed at least once every six months by a laboratory certified by the New Jersey State Department of Environmental Protection. Written records of all test results (mineral, biological, and water treatment equipment) and equipment shall be maintained in the facility.

**8:43B-15.8 Housekeeping services**

The facility shall establish and implement policies and procedures regarding cleaning and disinfecting of patient reclining chairs, beds (including mattresses), and renal dialysis machines between each instance of patient use, and daily cleaning and disinfecting of floors and walls in the renal dialysis service.

**8:43B-15.9 Administrator**

(a) The governing authority shall appoint an administrator who shall be available in the facility during its hours of operation.

1. In a facility where an administrator has both administrative and other functions, the facility shall maintain written documentation of the individual's time in each function.
2. The administrator's hours shall not be included in computation of staffing ratios for the renal dialysis service.
3. An alternate shall be designated in writing to act in the absence of the administrator.

<sup>1</sup>Copies of the report can be obtained from the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, GA 30333.

<sup>2</sup>The AAMI requirements may be obtained from either of the following sources: (1) Association for the Advancement of

Medical Instrumentation, Suite 602, 1901 N. Fort Myer Drive, Arlington, VA 22209; or (2) Environmental Health Services, New Jersey State Department of Health, CN 364, Trenton, NJ 08625.

#### 8:43B-15.10 Medical director

(a) A medical director shall be appointed and shall be responsible for the direction, provision, and quality of medical care.

(b) The medical director shall be available to the renal dialysis service (available in this instance shall mean able to arrive at the facility within 15 minutes of being called).

(c) The medical director shall designate, in writing, a physician to act in the absence of the medical director.

(d) The medical director shall ensure that a nephrologist is in the hospital and available during the course of acute renal dialysis treatment.

(e) The medical director shall ensure that consultation by a pediatric nephrologist shall be available to the pediatric renal dialysis service at all times during its hours of operation.

#### 8:43B-15.11 Medical director's responsibilities

(a) The medical director shall be responsible for, but not limited to, the following:

1. Monitoring the professional performance of medical staff members who provide care to patients;
2. Developing and maintaining written objectives, philosophy, policies, a procedure manual, an organizational plan, and an evaluation plan for the renal dialysis service;
3. Participating in planning and budgeting for the renal dialysis service;
4. Coordinating and integrating the medical service with other patient care services to provide a continuum of care for the patient;
5. Ensuring that medical staffing patterns are implemented;
6. Assisting in developing and maintaining written job descriptions for medical staff, and assigning duties based upon education and training;
7. Participating in the development and maintenance of a system of patient care evaluation (quality assurance), including peer review and audit;
8. Assisting in the development and implementation of patient care policies;
9. Assisting in the development of, and participating in, orientation of staff to the facility; and
10. Assisting in determining staff education needs, and planning and organizing staff education programs.

#### 8:43B-15.12 Nursing supervisor's appointment and responsibilities

(a) A nursing supervisor shall be appointed for the renal dialysis service. The nursing supervisor shall be responsible for the direction, provision, and quality of nursing care including, but not limited to, the following:

1. Developing and maintaining written objectives, philosophy, policies, procedure manual, and organizational and evaluation plan for the nursing service;
2. Participating in planning and budgeting for the nursing service, including recommending the number and levels of nursing personnel to be employed;
3. Coordinating and integrating the nursing service with other patient care services to provide a continuum of care for the patient;
4. Ensuring that nursing staffing patterns are implemented;

5. Assisting in developing and maintaining written job descriptions for nursing personnel, and assigning duties based upon education and training;

6. Ensuring that a registered professional nurse initiates the nursing portion of the patient care plan for each patient and assesses and reassesses the nursing needs of each patient;

7. Assisting in the development of patient care policies;

8. Participating in the development and maintenance of a system of patient care evaluation, including peer review and audit;

9. Assisting in the development of, and participating in, orientation of staff to the service;

10. Assisting in determining staff educational needs, and planning and organizing staff educational programs;

11. Ensuring that licensed nursing personnel enter in the patient's medical record the nursing care plan (initiated by a registered professional nurse) and clinical notes; and

12. The nursing supervisor shall not be included in computation of the nurse:patient ratio.

#### 8:43B-15.13 Responsibilities of nursing personnel

(a) In accordance with the State of New Jersey Nursing Practice Act, N.J.S.A. 45:11-23 et seq., The Standards of Practice for the Registered Nurse in the State of New Jersey and the Standards of Practice for the Licensed Practical Nurse in the State of New Jersey and the New Jersey State Board of Nursing (1983), and written job descriptions, nursing personnel shall be responsible for providing nursing care including, but not limited to, the following:

1. Care of patients through health promotion, maintenance, and restoration;
2. Care toward prevention of infection, accident, and injury;
3. Assessing the patient's nursing care needs and providing nursing care services;
4. Monitoring the patient's response to treatment and nursing care;
5. Coordinating and integrating the nursing service with other patient care services to provide a continuum of care for the patient;
6. Teaching, supervising, and counseling the patient and the staff regarding nursing care and the patient's needs. Only a registered professional nurse shall initiate these activities, which may be reinforced by licensed nursing personnel; and
7. In accordance with written job descriptions and with these rules, nursing personnel shall enter in the patient's medical record the nursing portion of the patient care plan.

#### 8:43B-15.14 Nurse staffing

(a) A minimum of one registered professional nurse shall be assigned to the renal dialysis service for each shift during which the renal dialysis service operates. The registered professional nurse may be considered as one of the total number of required nursing service staff members.

1. If acute renal dialysis services are provided, including acute pediatric renal dialysis, there shall be a minimum of one licensed nurse for each acute renal dialysis patient for each shift during which the renal dialysis service operates.

2. In chronic renal dialysis services are provided, there shall be a minimum of one nursing service staff member on duty for every three patients receiving chronic renal dialysis services on the premises.

3. If home (self) care renal dialysis training services are provided, a registered professional nurse shall be responsible for the supervision of the home (self) care renal dialysis train-

ing program, and there shall be a minimum of one licensed nurse on duty for every two patients on the premises receiving home (self) care renal dialysis training.

4. If self-care renal dialysis services are provided, there shall be a minimum of one licensed nurse on duty for every six patients on the premises receiving self-care renal dialysis.

5. If pediatric renal dialysis services are provided, there shall be a minimum of two nursing service staff members on duty for every three patients receiving chronic pediatric renal dialysis services on the premises.

#### 8:43B-15.15 Dietary counseling and social work services

(a) The facility shall provide dietary counseling and social work services.

(b) The facility shall maintain the organization, management, and operation of these services in accordance with a written organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the service to other services. The facility shall establish and implement written policies and procedures for providing dietary counseling and social work services to renal dialysis patients.

#### 8:43B-15.16 Administrator's responsibilities

(a) The administrator or his or her designee(s) shall be responsible for, but not limited to, the following:

1. Ensuring the provision, direction, and quality of dietary counseling and/or social services provided to patients;
2. The development and implementation of written objectives, standards of practice, policies, a procedure manual, and an organizational plan for dietary counseling and/or social services;
3. Coordinating and integrating the dietary counseling and/or social services with other patient care services in the facility and with services in the community to provide a continuum of care for the patient;
4. Assessing the patient's dietary and/or social service needs and providing counseling and/or social services;
5. Provision of consultation to staff;
6. Assisting in the development of, and participating in, staff orientation and staff education programs for the facility; and
7. Ensuring that dietary and/or social service personnel enter in the patient's medical record the dietary counseling and/or social service portion(s) of the patient care plan.

#### 8:43B-15.17 Medical records

(a) Each patient shall have a medical record in accordance with N.J.A.C. 8:43B-7. The medical record shall be available to the renal dialysis service personnel. When the patient is receiving renal dialysis treatment, the record shall be in the renal dialysis service. The medical record shall include, but not be limited to, the following:

1. A signed, dated admission and medical history;
2. A report of physical examination;
3. The medical, nursing, social service, and dietary portions of the patient care plan; and
4. Clinical notes.

(b) The social worker may file information relating to the patient apart from the patient's medical record (for example, in the social service department), with an entry in the record indicating the availability of the additional material upon the social worker's approval.

(a)

## Standards for Licensure of Hospital Facilities Nurse-Midwifery Services

### Proposed Readoption with Amendments:

#### N.J.A.C. 8:43B-16

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Proposal Number: PRN 1985-574.

The agency proposal follows:

#### Summary

N.J.A.C. 8:43B-16 is the basis for licensure of hospital-based nurse-midwifery services currently operating in New Jersey. The provisions of Subchapter 16 of the Manual of Standards for Hospital Facilities, N.J.A.C. 8:43B-16, became effective on March 9, 1978, following their adoption pursuant to the authority of N.J.S.A. 26:2H-1 et. seq. (see: 9 N.J.R. 514(c), 10 N.J.R. 104(c)). Hospital-based nurse-midwifery services now functioning in the State offer pregnant women a viable choice in maternal-infant care.

In accordance with the "sunset" provisions of Executive Order No. 66(1978), N.J.A.C. 8:43B-16 expires on October 9, 1985. Following an internal agency review, the Department of Health proposes to readopt the existing rules for an additional five-year period, with amendments to the current text.

The rules for nurse-midwifery services were developed in 1977 and promulgated in 1978 (see: 9 N.J.R. 514(c), 10 N.J.R. 104(c)) in response to initiatives of certified nurse-midwives to obtain recognition and licensure to provide obstetrical care and services to maternity patients in New Jersey hospitals. The Department agreed to the need for updating the hospital licensure requirements to reflect the growing participation of nurse-midwives in the delivery of obstetrical care. Department staff developed the rules for nurse-midwifery services with the cooperation and professional contribution of the New Jersey Chapter of the American College of Nurse Midwives.

A meeting was conducted on August 8, 1985, with representatives of the New Jersey Chapter of the American College of Nurse Midwives and Department of Health staff members for the purpose of reviewing and revising N.J.A.C. 8:43B-16 prior to readopting the rules. As a result of the August 8, 1985, meeting and the internal review of the rules, changes, which are not detrimental to the public health and safety, were made to the existing rules in two general areas. Rules were deleted pertaining to the scope of practice of midwives. The changes were necessitated so that N.J.A.C. 8:43B-16 would be consistent with the rules of the New Jersey State Board of Medical Examiners for nurse-midwives, which were promulgated after the adoption of N.J.A.C. 8:43B-16 (see: 12 N.J.R. 547(b), 13 N.J.R. 41(e)). In addition, the rules were revised so as to allow facilities to determine their policies and procedures with regard to internal management practices regarding mechanisms for conferences, interdepartmental meetings, and orientation to the service. The changes allow facilities maximum flexibility in the administration of services while protecting the health and safety of patients.

N.J.A.C. 8:43B-16 establishes minimum rules governing the practice of hospital-based nurse-midwifery in the State. The rules provide direction to the nurse-midwifery profession in

the organization and delivery of patient care services in hospital facilities and have given the Department's survey teams a set of measures for determining facility compliance with State licensure requirements. The rules thus meet the mandate of Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto, to protect the health and safety of patients in New Jersey health care facilities. Readoption of N.J.A.C. 8:43B-16 will allow for the continuation of nurse-midwifery maternity obstetrical care in hospitals, without disruption of existing services.

Since its adoption in 1978 the rule has been amended, effective October 9, 1980 (see: 12 N.J.R. 463(b), 12 N.J.R. 578(c)). The amended rule changed the requirements regarding employee health examinations. The Department intends to revise N.J.A.C. 8:43B-16 to incorporate new terminology and more specific language to render the rules more objective, measurable, and enforceable. The Department also intends to incorporate N.J.A.C. 8:43B-16 into the recently promulgated rules N.J.A.C. 8:43B-8, Standards for the Licensure of Hospital Facilities Obstetric and Newborn Services (see: 16 N.J.R. 188(a), 17 N.J.R. 285(c)). However, due to time constraints and priorities within the Department, it has not been possible to incorporate N.J.A.C. 8:43B-16 into the rule N.J.A.C. 8:43B-8, prior to the expiration date of October 9, 1985, mandated by Executive Order No. 66 (1978). In proposing the readoption of N.J.A.C. 8:43B-16, the Department has also taken into consideration the considerable amount of time necessary to complete the procedures for the promulgation of new rules. Until this subchapter is revised, it is imperative that the current text of N.J.A.C. 8:43B-16 be readopted with amendments. The Department needs these rules to accomplish its legal mandates and, pursuant to the regulatory process, to assist the Department to continue its efforts to provide minimum standards for quality care.

The following summarizes the contents and amendments of N.J.A.C. 8:43B-16 concerning nurse-midwifery services:

N.J.A.C. 8:43B-16.1 establishes general provisions for nurse-midwifery services, including their organization, structure, and location within the hospital setting. According to N.J.A.C. 8:43B-16.1(a) through (d), nurse-midwifery services are to be included within the department of obstetrics and gynecology, and are subject to the rules and regulations applicable to the hospital under the management and control of the hospital's governing authority. A written plan describes how the service is to be organized internally and in relation to other hospital departments. A nurse-midwife is designated to assume responsibility as director of the service, according to N.J.A.C. 8:43B-16.1(d).

Central to these rules is N.J.A.C. 8:43B-16.1(e), describing written policies and procedures to govern the functioning of the nurse-midwifery service. The policy and procedure manual establishes the groundwork for the scope and operation of nurse-midwifery services, accordingly setting parameters for the nurse-midwife's role in patient care in a hospital facility.

N.J.A.C. 8:43B-16.1(e), was amended to render the rule more flexible by deleting the specific requirements as to the categories of personnel to be included in the development of the policy and procedure manual as well as deleting the specific requirement for annual review of the policy and procedure manual.

N.J.A.C. 8:43B-16.1(e)1 through (e)25 delineate the key provisions of the rules including the role of the nurse-midwife on a multidisciplinary health care team; the responsibilities of the physician; the nurse-midwife's responsibilities during the

stages of the pregnancy and during and after delivery; and criteria for patient assessment and care.

Other areas for policies and procedures include criteria for obstetrician involvement and referral; maintenance of patient records; evaluation of patient care; and required statistics. Of note is emphasis on the educational and counseling role of the nurse-midwife in preparing patients for childbirth and parenting as specified in N.J.A.C. 8:43B-16.1(e)15 and (e)16; and on the coordination of care with other services after delivery. Proposed N.J.A.C. 8:43B-16.1(e)21 requires nurse-midwives who are not hospital employees to meet the rules for hospital-based services in order to use hospital facilities.

N.J.A.C. 8:43B-16.1(e)3iii and (e)10 are deleted. The New Jersey State Board of Medical Examiners determines the scope of practice for nurse-midwives. The Department maintains that patient care and safety will not be jeopardized since the State professional practice Acts delineate the requirements regarding the practice of nurse-midwifery. N.J.A.C. 8:43B-16.1(e)5iii, (e)23, and (e)24 are also deleted because it is the policy of the Department to allow the facility to specify the mechanism for conferences and interdepartmental meetings. N.J.A.C. 8:43B-16.1(g)1 was revised by deleting the requirement that orientation be conducted prior to or within one week of employment. The Department contends that the current rule is unduly specific and the change allows the facility the flexibility to carry out internal management practices. In order to accommodate the deletions of the above mentioned rules N.J.A.C. 8:43B-16.1(e)1 through (e)25 were renumbered.

The role of the governing authority is specified in N.J.A.C. 8:43B-16.2. The governing authority retains overall responsibility for the quality of care rendered to patients. To this end, the governing authority maintains the physical plant, reviews the nurse-midwifery policy and procedure manual, and hears any patient grievances. N.J.A.C. 8:43B-16.2(a)6 is deleted in order for the rules to be consistent with the deletions of N.J.A.C. 8:43B-16.1(e)23 and (e)24 mentioned above.

Continuity and coordination of patient care are addressed in N.J.A.C. 8:43B-16.3 and 8:43B-16.4 respectively. Continuity of care, N.J.A.C. 8:43B-16.3, is to be achieved through a patient registration and follow-up system which protects patient privacy while ensuring need preventive, diagnostic, and treatment services. N.J.A.C. 8:43B-16.3(b) requires a system to be established whereby the patient is cared for by the same practitioner, when possible. Written instructions as well as telephone consultation are to be provided to the patient as required by N.J.A.C. 8:43B-16.3(d). Coordination of patient care is specified in N.J.A.C. 8:43B-16.4 through a requirement for a "nurse-midwifery management plan" for each patient, developed by the nurse-midwife with the patient's participation. A referral and linkage system ensures coordination of care with other health care facilities.

N.J.A.C. 8:43B-16.5 stipulates the requirements for medical records, including storage and safekeeping, and use and release of medical record information.

Definitions of technical terms used throughout Subchapter 16 are contained in N.J.A.C. 8:43B-16.6. Most significant are the definitions of the health care professionals whose function on the multidisciplinary obstetrical care team have been previously delineated in the text, for example, the anesthesiologist, certified registered nurse anesthetist, and the nurse-midwife. Nurse-midwives are required to hold licensure by the New Jersey State Board of Medical Examiners to practice nurse-midwifery in the State. The definition of "nurse-midwifery management plan" is amended so as to render it consistent with the rules of the New Jersey State

Board of Medical Examiners (see: 12 N.J.R. 547(b), 13 N.J.R. 41(e)).

N.J.A.C. 8:43B-16.7 is deleted since it is no longer applicable. The rule refers to a section of the Manual of Standards for Hospital Facilities which is no longer in existence (see: 16 N.J.R. 188(a), 17 N.J.R. 285(c)). The definition of a "qualified obstetrician/gynecologist" is added alphabetically to the proposed rule N.J.A.C. 8:43B-16.6. A technical correction is also made in the definition of "qualified obstetrician/gynecologist."

#### Social Impact

The past number of years have seen a trend in the delivery of obstetrical services toward enhancing the level of patient care while at the same time giving the patient a greater choice of options in health care during her experience of pregnancy and childbirth. In this vein, the Department of Health has licensed both nurse-midwifery services and birthing rooms in hospitals as acceptable alternative means of providing good obstetrical care. It is the stated philosophy of the American College of Nurse-Midwives to encourage the participation of the pregnant woman and other family members in her prenatal care and preparation for parenthood. Nurse-midwifery stresses holistic, preventive health care and health maintenance, incorporating emotional and social aspects of care as well as the woman's physical condition. In keeping with this intent, the nurse-midwife's role extends during and after the childbearing cycle. Education and counseling as well as nursing care are offered to patients, with the goal of promoting the general health and well-being of the family unit as a whole.

Within the setting of multidisciplinary obstetrical teams and with the participation of an obstetrician/gynecologist, the nurse-midwife assumes responsibility for the care and management of uncomplicated maternity patients, and to provide care to at-risk patients in collaboration with a physician. Nurse-midwives provide personalized, accessible care for patients who are medically and obstetrically low risk, thereby freeing physician time for more complicated cases. Another advantage to the use of nurse-midwives is that patients have a greater choice in the options for health care they receive during pregnancy, delivery, and the postpartum period, yet patient health and safety are not compromised.

The benefits of nurse-midwifery services are significant. Primary among them is patient involvement in self-care, stressed in the nurse-midwifery philosophy and in professional efforts devoted to teaching and counseling. The nurse-midwife's holistic approach to maternal care takes into account the patient's nutritional status, emotional well-being, and other related factors in addition to her physical condition. Throughout the pregnancy, preventive health measures, prepared childbirth, and the importance of prenatal care are emphasized to reduce subsequent health hazards and to speed postpartum recovery. By focusing on the enhancement of maternal-fetal health, nurse-midwives can often reduce long-range health problems for both mother and infant, thus also reducing the need for future medical care.

Given the valid role played by hospital-based nurse-midwives in the delivery of maternity care as an alternative to tradition physician-delivered obstetrical services, the Department favors readoption of N.J.A.C. 8:43B-16 with amendments to ensure the continuation of this form of obstetrical care in hospital facilities.

#### Economic Impact

The Department does not anticipate increased costs result-

ing from readoption of this rule. Because it is currently in effect, no start-up costs are involved on the part of either nurse-midwifery services or the Department's survey process.

Failure to readopt the rule would disrupt current patterns of obstetrical care, possibly entailing some expense to programs thus affected. There are currently nine hospital-based nurse-midwifery services located throughout New Jersey, as well as other nurse-midwives in private practice with physicians. In all, approximately 65 to 70 nurse-midwives are not practicing in the State. According to an estimate by the New Jersey Chapter of the American College of Nurse-Midwives, nurse-midwives attend at about 2 percent of births in this State, in addition to providing prenatal and postnatal care, personalized education and counseling services, instruction in prepared childbirth, and other maternal-infant health services within their scope of practice.

From a financial perspective, a frequently cited reason for use of nurse-midwives in conjunction with physicians is to economize on the cost of obstetrical care without compromising the quality of care. Since the cost of obstetrical care is lower for salaried nurse-midwives than for physicians, more expensive physician hours are conserved, to be allotted to patients with medical complications necessitating specialized physician attention. Physician time is used more efficiently, while reliance on nurse-midwives ensures that all maternity patients receive comprehensive care.

Nurse-midwives are trained in a range of clinical nursing skills and therapeutic interventions, including assessment of the patient's general physical, nutritional, and emotional status, and recognition of any symptoms requiring referral to a physician. This extensive training in prenatal care, labor and delivery, and postpartum care optimizes the outcome of the pregnancy and contributes to the future health of mother and infant. As a result, medical problems can often be avoided or reduced, thus lessening medical and related expenses involved in future health care.

Because nurse-midwifery services provide patients with a high level of maternal-infant care at reasonable cost and have contributed to the choice of service options available to maternity patients in New Jersey, and because no new costs will be incurred for nurse-midwifery services currently operating in accordance with these rules, the Department urges the readoption of the rules for hospital-based nurse-midwifery services, N.J.A.C. 8:43B-16, with amendments. Overall economic impact is foreseen as favorable due to enhanced quality of obstetrical care, resulting in improved maternal-infant outcomes and reduced costs of medical care.

**Full text** of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 8:43B-16.

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

#### SUBCHAPTER 16. NURSE-MIDWIFERY SERVICES

##### 8:43B-16.1 General provisions

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

(e) A policy and procedure manual, [supplementing] **which may supplement** the hospital policy and procedure manual, [shall be approved by the governing authority. It] shall be developed with the participation of the nurse-midwifery staff and in consultation with other staff [including, but not limited to, nursing personnel,] and shall serve as a guide [(s)] for

organization and operation of the nurse-midwifery service. [It shall be reviewed, and the review signed and dated, at least annually and revised as necessary.] The manual shall include:

1. (No change.)
2. A description of the obstetrical team on which the nurse-midwife functions, including the team's organization, composition, structure, and allocation of responsibility and accountability down to the patient care level. This shall include the role of the nurse-midwife on the obstetrical team, and her or his relationship to its other members. The obstetrical team shall include, but not be limited to, a obstetrician/gynecologist, [(1)] a pediatrician, a nurse-midwife, a registered professional nurse, an anesthesiologist and/or a certified registered nurse anesthetist;
3. A delineation of the medical direction of the nurse-midwifery service, in accordance with regulations of the New Jersey State Board of Medical Examiners, and of the responsibilities of the obstetrician/gynecologist **or designee**. These shall include, but not be limited to, the following:
  - i.-ii. (No change.)
  - iii. Examination of the patient and a signed review of the nurse-midwifery management plan at least twice during her pregnancy (during the first and last trimesters);
  - iv.iii. (No change in text.)
  - v.iv. (No change in text.)
4. (No change.)
5. Rules and regulations, incorporated into the medical bylaws, governing participation of nurse-midwives in the department of obstetrics and gynecology including, but not limited to, the following:
  - i. (No change.)
  - ii. Delineation of staff privileges for nurse-midwives, qualifications and procedures for their acceptance for staff privileges, conditions for retaining privileges, and process of revoking privileges. A list of nurse-midwives with staff privileges shall be kept on file in the department of obstetrics and gynecology; **and**
    - iv.iii. (No change in text.)
  - 6.-9. (No change.)
  10. Procedures for assessment of the patient at least twice during her pregnancy by an obstetrician (during the first and last trimesters), a registered professional nurse, a dietitian, and if indicated, a social worker;]
    - 11.]10. (No change in text.)
    12. Definitions of "on-call" for members of the obstetrical team, including the maximum allowable distance from, and travel time to, the hospital;]
      - 13.]11. (No change in text.)
      - 14.]12. (No change in text.)
      - 15.]13. (No change in text.)
      - 16.]14. (No change in text.)
      - 17.]15. The role of nurse-midwives in patient and family counseling and education, including prenatal and postpartum care of mother and child, and family planning, **if requested;**
      - 18.]16. Methods used to encourage patient and family participation in planning for, and care during, pregnancy, childbirth, the postpartum period, and family planning, **if requested;**
      - 19.]17. (No change in text.)
      - 20.]18. (No change in text.)
      - 21.]19. (No change in text.)
      - 22.]20. Provisions to be made for continuity of patient care for mothers and infants, and for coordination of care with other services and personnel in the hospital; **and**
      23. Provisions for conferences of the nurse-midwifery ser-

vice, including the intervals at which conferences shall be held;]

[24. Provisions for participation of nurse-midwives in inter-departmental meetings and in meetings of committees including, but not limited to, those concerned with patient care policies, evaluation, pharmaceuticals, discharge planning, and infection control; and]

[25.]21. (No change in text.)

(f) (No change.)

(g) The hospital shall establish and implement policies and procedures for nurse-midwifery personnel, including:

1. An orientation for each employee [, prior to or within one week of employment];
- 2.-3. (No change.)
- (h) (No change.)

#### 8:43B-16.2 Governing authority

(a) The governing authority of the hospital shall be responsible for the following:

- 1.-2. (No change.)
3. Adoption and documented [annual] review of the policy and procedure manual;
4. The holding of meetings at intervals stated in the policy and procedure manual, and documentation of such meetings through minutes, including a record of attendance; **and**
5. Establishment and implementation of a system whereby staff and patient grievances and/or recommendations can be identified within the nurse-midwifery service. This system shall include a "feedback" mechanism through management to the governing authority, indicating that remedial action was taken [; and].
6. Establishment of a procedure by which nurse-midwifery personnel shall participate in hospital staff committees, including, but not limited to, those concerned with patient care policies, evaluation, pharmaceuticals, discharge planning, and infection control.]

#### 8:43B-16.6 Definitions

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

...  
 "Certified registered nurse anesthetist (CRNA)" **shall mean a person as defined by the New Jersey State Board of Nursing in N.J.A.C. 13:37-13.** [ means a registered professional nurse who is licensed by the New Jersey State Board of Nursing, pursuant to N.J.S.A. 45:11-26 et seq.; has satisfactorily completed a prescribed course of 18 months in a recognized school of anesthesiology; and has passed an examination of, and is certified by, the American Association of Nurse Anesthetists.]

"Nurse-midwife (CNM)" means a person who is licensed to practice nurse-midwifery by the New Jersey Board of Medical Examiners. [pursuant to N.J.S.A. 45:10-1 et seq.]

"Nurse-midwifery management plan" means a written plan developed and implemented by the nurse-midwife at the time of the patient's acceptance for nurse-midwifery services. It shall include an initial assessment of the patient, an evaluation of the patient's needs, [short and long-term] goals, and care and treatment to be provided for the duration of the pregnancy, including laboratory studies and provision for the patient's health, psychosocial and nutritional needs. [The patient shall be assessed at least twice during her pregnancy, as stated in the policy and procedure manual, by an obstetrician (during the first and last trimesters), a registered professional nurse,

a dietitian, and, if indicated, a social worker.]

“Obstetrician/gynecologist” shall mean a physician who is licensed or authorized by the New Jersey State Board of Medical Examiners to practice medicine in the State of New Jersey; is board-certified or board-eligible in obstetrics and gynecology, as defined by the American Board of Obstetrics and Gynecology, Inc., or the American Osteopathic Board of Obstetrics and Gynecology; or has been granted privileges by the hospital to provide service equal to or higher than those provided by a board-certified or board-eligible physician.

...

“Staff orientation plan” means a written plan for the orientation of each new employee to his/her duties and responsibilities, as well as to the personnel policies of the facility. [Orientation for each new employee shall be provided prior to or within one week of employment.]

...

8:43B-16.7 [Addendum to section 806 of Manual of Standards for Hospital Facilities] (Reserved)

[(a) “Nursing care hours” means all professional and auxiliary nursing service hours of care available, exclusive of nurse-midwife hours.

(b) “Qualified obstetrician/gynecologist” means a physician who is licensed or authorized by the Board of Medical Examiners to practice medicine in the State of New Jersey, pursuant to N.J.S.A. 45:9-1 et seq., is board-certified or board-eligible in obstetrics and gynecology, as defined by the American College of Obstetricians and Gynecologists; or has been granted privileges by the hospital or board-eligible physician.]

# HUMAN SERVICES

The following proposals are authorized by Geoffrey S. Persey, Esq., Acting Commissioner, Department of Human Services.

## (a)

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Medical Supplier Manual Reimbursement for Labor Charges

#### Proposed Amendments: N.J.A.C. 10:59-1.11

Authority: N.J.S.A. 30:4D-6b(12), 7, 7a, 7b.  
Proposal Number: PRN 1985-560.

Submit comments by November 20, 1985 to:  
Henry W. Hardy, Esq.  
Administrative Practice Officer  
Division of Medical Assistance and Health Services  
CN 712  
Trenton, NJ 08625

The agency proposal follows:

#### Summary

This proposal concerns reimbursement for labor charges for Medicaid providers who repair durable medical equipment (DME). The labor charge is being increased from \$10.00 per hour to \$20.00 per hour. The proposed increase will make Medicaid (Title XIX) reimbursement for the labor charge consistent with Medicare (Title XVIII) reimbursement.

In some instances, repair of existing medical equipment will continue to make it serviceable for the Medicaid patient. Therefore, the Division needs to establish a labor charge that will enable Medicaid providers to perform this service.

#### Social Impact

This proposal impacts on Medicaid providers of DME. However, the impact is more economic than social.

Medicaid patients who require medical equipment can continue to have existing equipment (that is still serviceable) repaired.

#### Economic Impact

Medicaid providers will receive increased reimbursement for labor charges.

The estimated cost to the Division is minimal because of the small number of claims being submitted that contain a line entry for a labor charge.

There is no cost to the Medicaid patient for this services.

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

#### 10:59-1.11 Repair Policy

(a) (No change).

(b) When repair is authorized:

1. Reimbursement for replacement parts shall be based on one of the following standards, whichever is less:

i. The provider’s usual and customary charge to the general public; or

ii. An allowance determined reasonable by the Commissioner of Human Services, within the limitations set by Federal policy relative to reimbursement to individual providers.

2. Reimbursement for labor charge shall be [~~\$10.00~~] **\$20.00** per hour, divided into quarter hour increments of [~~\$2.50~~] **\$5.00**.

3. Exceptions:

i.-iii. (No change).

(c) (No change).

### DIVISION OF PUBLIC WELFARE

For proposals numbered PRN 1985-561, 562, 563, 564, 565, 567, 591, 592, 593 and 594, submit comments by November 20, 1985 to:

Audrey Harris, Director  
Division of Public Welfare  
CN 716  
Trenton, New Jersey 08625

## (b)

### Public Assistance Manual

## Social Security Numbers; Responsibilities of the CWA/CSP Unit

### Proposed Amendments: N.J.A.C. 10:81-11.3, 11.9

Authority: N.J.S.A. 44:7-6, 44:10-3; 26 U.S.C. 6103, 45 CFR 232.10(a)-(b).

Proposal Number: PRN 1985-562.

The agency proposal follows:

#### Summary

Current regulations at N.J.A.C. 10:81-11.3(c) provide that, upon application or redetermination, any applicant for or recipient of Aid to Families with Dependent Children (AFDC) who does not have a Social Security number shall apply for one by using Form SS-5, Application for Social Security Number. However, since implementation of that regulation, all current recipients of AFDC have applied for and received Social Security numbers as a condition of continuing eligibility. Therefore, the requirement that recipients apply for Social Security numbers is no longer valid. Hence, in keeping with Federal regulations at 45 CFR 232.10(a) and (b), text at N.J.A.C. 10:81-11.3(c) is being amended to provide that only applicants be required to apply for a Social Security number.

Moreover, the amendment provides that for infants, due to the potential for delay in obtaining a birth certificate, completion of Form SS-5 may be extended to the first day of the second month following the birth of the child. The amendment also provides that in such cases, a certified hospital document may be used in lieu of a birth certificate, for the purposes of completing Form SS-5. This document must include the same information that would appear on a birth certificate, i.e., child's name, date of birth, place of birth, mother's name, mother's residence, and father's name.

The United States Department of Health and Human Services, Health Care Financing Administration has advised that, in accordance with Section 2651 of the Deficit Reduction Act of 1984 (P.L. 98-369), every applicant for or recipient of Medicaid shall be required to furnish a valid Social Security number as a condition of eligibility for Medicaid benefits. This requirement applies to all individuals receiving Medicaid, including AFDC-related Medicaid Only cases, Adult Medicaid Only cases and Medicaid Special cases. Thus, in compliance with the aforementioned Federal statute, text is being added at N.J.A.C. 10:81-11.3(f) to reflect the Federal language.

Text at 26 U.S.C. 6103 prohibits State IV-D (Child Support and Paternity Enforcement) agencies from releasing information obtained from the Internal Revenue Services (IRS) to State IV-A (AFDC) agencies. Hence, N.J.A.C. 10:81-11.9 is being amended to prohibit IV-D units from releasing to the IV-A units address information obtained from the IRS through the Federal Tax Refund Offset Program.

#### Social Impact

The proposed amendments provide for consistency with Federal law and regulations, and include procedures to better facilitate the process of obtaining a Social Security number for an infant. The social impact of the proposed amendments concerning Social Security numbers is anticipated to be negligible, since most applicants and recipients of public assistance already have Social Security numbers.

The restriction of information obtained from the IRS helps to insure client confidentiality.

#### Economic Impact

The proposed amendments have little or no effect on Federal, State, or county assistance or administrative expenditures. The fiscal impact is thus seen as negligible.

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

10:81-11.3 Social Security numbers

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

(c) Obtaining a Social Security number: The CWA shall obtain a supply of Social Security Form SS-5, sufficient to accommodate all AFDC applicants **and eligible individuals** who do not already have Social Security numbers. Upon application [or redetermination, such] **the** applicant [/recipient] shall be required to sign **as many** [Form] SS-5 forms **as needed for the eligible unit**. The IM worker shall complete Form SS-5 on the basis of information provided by the applicant [/recipient]. Completed forms shall be forwarded to the Social Security Administration; Enumeration Branch; 38 Courtright Street; Wilkes-Barre, Pennsylvania, [18702] **18705**. A copy of the SS-5 form shall be retained in the case record, and a copy given to the client if so requested.

1. (No change.)

2. Failure to obtain Social Security number: If any [recipient] **applicant** [has not obtained or applied] **refuses to provide or apply** for the appropriate Social Security number(s), [by the time of redetermination,] the CWA shall declare such person ineligible. The needs of that individual shall be deleted in accordance with N.J.A.C. 10:82-2.4.

i. For a "new born" child, whose birth certificate may not be readily available, the completion time for the SS-5 is extended to the first day of the second month after the birth of the child.

ii. A signed and certified hospital document may be accepted in lieu of a birth certificate, provided that it contains the same information that would appear on a birth certificate, that is, child's name, date of birth, place of birth, mother's name, mother's residence, and father's name.

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

**Social Security numbers and Medicaid: Every applicant for and recipient of Medicaid benefits is required to furnish a valid Social Security number to the CWA as a condition of eligibility for Medicaid. Any applicant or recipient who does not already have a Social Security number shall be required to apply for same by completing Form SS-5. In addition, (b) through (e) above shall apply to Medicaid recipients.**

10:81-11.9 Responsibilities for the CWA/CSP Unit

(a)-(g) (No change.)

(h) Collection of delinquent child support payments through offset of Federal income tax: Federal income tax refunds shall be offset when court ordered child support payments owed to county welfare agencies are delinquent.

1. (No change.)

2. (See proposal in February 19, 1985 Register at 17 N.J.R. 369(a).)

3.-9. (No change.)

**10. Restriction of information to IV-A units: The IV-D units shall not release address information obtained from IRS through the Tax Refund Offset Program to IV-A units.**

(i)-(j) (See proposal in February 19, 1985 Register at 17 N.J.R. 369(a).)

**(a)****Assistance Standards Handbook  
Retrospective Budgeting and Monthly Reporting****Proposed New Rules: N.J.A.C. 10:82-1.10 and  
1.11**

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

Proposal Number: PRN 1985-565.

The agency proposal follows:

**Summary**

In the Aid to Families with Dependent Children (AFDC) program, N.J.A.C. 10:82-1 sets forth general provisions for AFDC public assistance allowances and determining the amount of the assistance grant for each eligible unit. The proposed new rules will bring the Assistance Standards Handbook (N.J.A.C. 10:82) into alignment with the Monthly Reporting Policy Handbook (N.J.A.C. 10:90) which sets forth detailed policy concerning monthly reporting and retrospective budgeting.

The addition of a new section at N.J.A.C. 10:82-1.10 will provide for the application of retrospective budgeting policy when determining eligibility and amount of the assistance payment for all AFDC applicants and recipients, and determining eligibility for all AFDC-related Medicaid Only and Medicaid Special applicants and recipients. Language at N.J.A.C. 10:82-1.10 also defines key retrospective budgeting terms with regard to determining eligibility and amount of assistance.

A new section has been added at N.J.A.C. 10:82-1.11 setting forth monthly reporting requirements, under which certain AFDC eligible units must report their income and circumstances or any expected changes in income and circumstances by submitting a complete Monthly Status Report (MSR) to the county welfare agency (CWA) every month (or every other month in certain situations). The CWA uses the information on the MSR in determining the unit's eligibility and computing the assistance payment.

Language at N.J.A.C. 10:82-1.11 exempts Medicaid Only and Medicaid Special recipients from monthly reporting, except in situations where an eligible unit does not receive an assistance payment due to the \$10.00 limitation.

**Social Impact**

Due to the procedural nature of this proposal regarding retrospective budgeting and monthly reporting, minimal social impact is anticipated. Any positive impact will be realized through the uniformity of various program manuals.

**Economic Impact**

A minimal economic impact is anticipated as a result of the proposal dealing with retrospective budgeting and monthly reporting. Any economic impact will be realized in administrative cost savings resulting from the uniform application of retrospective budgeting to all AFDC recipients.

Full text of the proposed new rules follows.

**10:82-1.10 Retrospective budgeting**

(a) Eligibility and the amount of the assistance payment for all AFDC applicants and recipients must be determined using

retrospective budgeting policy (see N.J.A.C. 10:90).

1. Retrospective budgeting policy shall be applied to recipients of Medicaid benefits, including AFDC-related Medicaid Only and Medicaid Special.

(b) Definitions: The following terms used in retrospective budgeting policy are defined in accordance with N.J.A.C. 10:90.

1. Prospective budgeting: Eligibility is determined (and the amount of assistance is computed for the first two months) based on the CWA's best estimate of income and circumstances which will exist in a month. This estimate shall be based on the CWA's reasonable expectation of current, past, or future circumstances.

2. Retrospective budgeting: The amount of assistance for a payment month is computer based on actual income or circumstances which existed in a previous month.

3. Budget month: The fiscal or calendar month from which income or circumstances of the eligible unit shall be used in computing the amount of the assistance payment.

4. Payment month: The fiscal or calendar month for which the CWA shall pay assistance. Payment is based upon income or circumstances in the budget month. In prospective budgeting, the budget month and the payment month are the same. In retrospective budgeting, the payment month is the second month after the budget month.

5. Processing month: In retrospective budgeting, the fiscal or calendar month between the budget month and payment month during which the eligible unit reports to the CWA income and circumstances for the budget month (and any other changes) and the CWA acts on the reported information to compute the assistance payment for the payment month.

6. Retrospective budgeting cycle: The retrospective budgeting cycle consists of three consecutive months: the budget month, processing month and payment month. In the retrospective budgeting cycle, income and circumstances existing in a budget month are reported by the eligible unit and acted upon by the CWA in the processing month to determine eligibility and compute the assistance payment for the payment month.

**10:82-1.11 Monthly reporting**

(a) Under the monthly reporting system, certain AFDC eligible units are required to report their income and circumstances and any expected changes in income and circumstances to the CWA every month by submitting a complete Monthly Status Report (MSR) form. The information reported on the MSR for a budget month is used by the CWA in the processing month to determine eligibility and compute the assistance payment for the corresponding month (see N.J.A.C. 10:90).

1. Certain AFDC eligible units are required to report income and circumstances and any expected changes in income and circumstances bimonthly by completing and submitting an MSR form to the CWA every other month.

2. Eligible units receiving Medicaid Only and Medicaid Special are not subject to monthly reporting under the AFDC program. However, AFDC eligible units who do not receive an assistance payment due to the \$10.00 limitation are subject to monthly reporting.

**(b)****Assistance Standards Handbook**

**Exempt Resources**

**Proposed Amendments: N.J.A.C. 10:82-3.2**

Authority: N.J.S.A. 44:7-6, and 44:10-3.  
Proposal Number: PRN 1985-591.

The agency proposal follows:

**Summary**

Current regulations at N.J.A.C. 10:82-3.2(b)3 provide that one motor vehicle, the equity value of which does not exceed \$1,500, shall be exempt from consideration as a resource in the Aid to Families with Dependent Children program. Any excess equity value of such vehicle and the full equity value of any other motor vehicle shall be countable toward the \$1,000 resource limit established at N.J.A.C. 10:82-3.1(d). The equity value of a vehicle is the average wholesale value as listed in the most recent edition of the Red Book: Official Used Car Valuations, less encumbrances (legal debts). The proposed amendment clarifies policy regarding situations where an applicant or recipient indicates that, for reasons such as, but not limited to, body damage or inoperability, a vehicle is in less than average condition, and considers the wholesale value of the vehicle to be less than the value listed in the Red Book. The revised rule provides that the applicant or recipient shall be given the opportunity to obtain verification of the value of the vehicle from another reliable source.

**Social Impact**

The proposed amendment has a positive social impact by providing clients an alternate method for determining the wholesale value of a motor vehicle in situations in which the applicant/recipient believes the vehicle's value is less than the value listed in the Red Book.

**Economic Impact**

Providing applicants and recipients the opportunity to acquire other verification of the value of a motor vehicle will ensure equitable evaluation of an applicant's/recipient's vehicle(s). It is anticipated that this change will affect few applicant/recipient households. However, contingent on individual household circumstances, establishing that the family's vehicle has a lower value than that listed in the Red Book may qualify the family for assistance. The proposed amendment will have no significant economic impact on the Department or county welfare agencies administering the program.

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

10:82-3.2 Exempt resources

(a) (No change.)

(b) The exempt resources are as follows:

1.-2. (No change.)

3. One motor vehicle, the equity value of which does not exceed \$1,500. Any excess equity value of a motor vehicle and the full equity of any other motor vehicle is countable toward the \$1,000 resource limit. If the vehicle is especially equipped with apparatus for the handicapped, the apparatus shall not increase the value of the vehicle. The equity value of a vehicle shall be the average wholesale value as indicated in the most recent April or October edition of the Red Book: Official Used Car Valuations, less encumbrances (legal debts).

i. An applicant or recipient may indicate that, for reasons

such as, but not limited to, body damage or inoperability, a vehicle is in less than average condition. Any applicant or recipient who claims that the Red Book value does not apply to his or her vehicle shall be given the opportunity to acquire verification of the vehicle's value from another reliable source.

4.-11. (No change.)

**(a)**

**General Assistance Manual  
Hospital Notices and Billings**

**Proposed Amendments: N.J.A.C. 10:85-3.3 and 5.2**

Authority: N.J.S.A. 44:8-111(d).  
Proposal Number: PRN 1985-567.

The agency proposal follows:

**Summary**

This proposed amendment would institute the requirement that payment for inpatient hospitalization be contingent upon the reasonably prompt submission by the hospital of appropriate documentation. Specifically, it requires that a hospital which expects payment from the General Assistance program notify the municipal welfare director within two weeks of the admission of the patient. This restriction is necessary in order to allow the welfare director to make a prompt investigation as required by N.J.S.A. 44:8-121. Additionally, the hospital would be required to submit its billing to and received by the municipal welfare department within one year of the date of the discharge of the patient. This is necessary in order to allow for reasonable fiscal planning.

The provision which established the date of the notice from the hospital as the date of the assistance application had been carried at N.J.A.C. 10:85-5.2(f). This proposed amendment places this language in the same subsection as other material relevant to notices of hospitalization. The remaining provisions of N.J.A.C. 10:85-5.2(f) deal with the specific date of eligibility for a hospitalized patient. However, the discontinuance of per diem hospital rates with the advent of the Diagnosis Related Group (DRG) system has made the reference obsolete. As a result of the proposed amendment to N.J.A.C. 10:85-3.3, N.J.A.C. 10:85-5.2(f) is being deleted to avoid redundancy and duplication of regulations.

**Social Impact**

The proposed amendment does not influence the eligibility of any person for program benefits or deprive them of necessary services. The revisions bear only on administrative paperwork flow. Hence, the only social impact expected is a smoother operation of the program.

**Economic Impact**

While the regulations threaten to bar payment of hospital bills in certain situations of delayed paperwork, the time periods are established at the outer maximums and are more than sufficient to allow payment to any hospital which submits its documents with reasonable promptness. It is not expected that any hospital will allow itself to fall so far behind that it suffers a penalty. Nor is there any reason for the hospital

to do so. In the event of an exceptional case, provision for State office adjudication is included. Hence, the only expected economic impact is the administrative cost saving arising from prompt rather than delayed processing of applications and payments and from more accurate fiscal planning.

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

10:85-3.3 Financial eligibility

(a)-(f) (No change.)

(g) Medical care: Persons found eligible for General Assistance maintenance payments in accordance with the procedures and standards established in this subchapter (N.J.A.C. 10:85-3) are likewise eligible for medical care (see N.J.A.C. 10:85-5 regarding provision of medical care). In addition, certain other individuals and families are eligible for medical assistance from the MWD or for referral to the county welfare agency.

1.-2. (No change.)

3. Inpatient hospitalization: Eligibility for payment of inpatient hospital costs described in N.J.A.C. 10:85-5.2 [shall be] is limited to [:] situations which exist in i, ii, and iii below.

i. Notice in writing of the admission of the person to the hospital was received by the MWD within two weeks of the admission date. The notice must contain, as a minimum, the name, address (if any), any other available identifying information, and the estimated length of hospital stay. The notice may be in any convenient form and format. The notice may, when appropriate, also serve as an application for assistance, provided that the requirements and deadlines for both are met (see subparagraph iii(3) below).

ii. The hospital bill was received by the MWD within one year of the date of discharge.

iii. The individual was in income maintenance eligibility status during at least some part of the hospital stay. This requirement is met by persons:

(1) [i. Persons who] **Who**, at the time of admission, [are] were receiving General Assistance maintenance payments other than medical payments. [; or]

(2) [ii. Persons who] **Who**, at the time of admission, [have] had an application for General Assistance pending and [who were] were subsequently found eligible for maintenance payments other than medical payments. [; or]

(3) [iii. Persons who] **Who**, after admission but before discharge from the hospital, [apply] **applied** for General Assistance [are] and were subsequently found eligible for maintenance payments other than medical payments. **Form PA-1C or any substantially similar document shall be recognized as establishing the date of an application for this purpose. The application may also serve as the notice required under subparagraph i above, provided that the requirements and deadlines for both are met.**

iv. Any disputes with respect to the above which cannot be resolved between the parties involved are to be referred to the Bureau of Local Operations, DPW for adjudication.

4. (No change.)

10:85-5.2 Inpatient hospital care

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

[(f) Period to be covered: When the MWD establishes eligibility for General Assistance, payment for hospitalization may be authorized retroactive to the date 30 days prior to the date of the initial application. (Any written referral made to MWD by the hospital shall be considered as initiation of an

application, even though the actual application form is not completed until after discharge.) Form PA-1C may be used for this purpose.]

[(g)](f) (No change in text.)

(a)

**General Assistance Manual Eligibility in Other Programs**

**Proposed Amendment: N.J.A.C. 10:85-3.4.**

Authority: N.J.S.A. 44:111(d).

Proposal Number: PRN 1985-564.

The agency proposal follows:

**Summary**

Historically, General Assistance is the program of last resort. Absent specification to the contrary, a person seeking help under that program is expected to have exhausted all other means of support. Under current regulation is wording to that effect which might be reasonably extended to require that support be sought from other public programs before General Assistance is sought. Similarly, there is specific mention with respect to certain programs such as Aid to Families with Dependent Children, but there has been no statement of general applicability to other public programs. The purpose of this amendment is to include such a statement and to provide that any person who fails or refuses, after 30 days written notice, to establish or maintain eligibility for benefits from other public programs is not eligible for General Assistance.

**Social Impact**

In most instances, a person who is potentially eligible for another program will offer full cooperation in seeking the benefits of that program. Accordingly, this rule is not expected to have any significant impact on General Assistance recipients.

**Economic Impact**

The benefit level of the General Assistance program is such that the benefits of other programs are usually higher. Hence, it is and has been to the economic advantage of applicants and recipients to seek the benefits of other programs. The economic impact of this regulation therefore is expected to be imperceptible.

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

10:85-3.4 Resources

(a) **Definition:** For purposes of this manual, resources are defined as real or personal property which is within the control of one or more of the individuals applying for General Assistance or to which [he/she] **he or she** (they) may have a valid claim; and certain other benefits and contributions of support which may become available.

1.-2. (No change.)

**3. Eligibility for benefits under any other public program represents a source of support. Applicants for and recipients of**

General Assistance must, as a condition of eligibility, do all things which are reasonable and necessary to establish and maintain eligibility in any other public program whenever the benefits of such program might serve or do serve to reduce the amount of any General Assistance program payment. Any person who fails or refuses, after 30 days written notice, to cooperate in establishing or maintaining eligibility in such other program is not eligible for General Assistance.

(b)-(f) (No change.)

**(a)**

**General Assistance Manual  
Inpatient Hospitalization**

**Proposed Amendments: N.J.A.C. 10:85-5.2 and  
11.2**

Authority: N.J.S.A. 44:8-111(d), 122, 124, 148-152.  
Proposal Number: PRN 1985-593.

The agency proposal follows:

**Summary**

The policy dealing with payment of inpatient hospitalization for General Assistance recipients is being recast in order to present it in a less ambiguous form. There is no intended policy change. The amendment is intended to make clear that when all other requirements are met, the hospitals, regardless whether such facilities are operated or controlled by the State/county or municipality, in counties of the first class are entitled to payment from the General Assistance program. For nonpublic hospitals which are not in counties of the first class, each municipality has the option to develop local policy as to payment. The policy must be applied uniformly by the municipality. For publicly operated or controlled hospitals which are not in counties of the first class, no payments are authorized. The term "approved hospital" is used in the existing regulation and defined in the Glossary of the General Assistance Manual. By incorporating the definition of this term into the regulation itself at N.J.A.C. 10:85-5.2, the need for the term is eliminated as well as the need for a separate definition of the term at N.J.A.C. 10:85-11.2.

**Social Impact**

There being no change in policy, the expected social impact is limited to the beneficial result to be obtained from having the rules clearly spelled out with reduced opportunity for misunderstanding. There are no known situations in which local practice will now be corrected because of the change. The availability of services to any person in need of hospitalization will not be influenced in any way.

**Economic Impact**

The availability of payment or the amount of payment to any hospital is not expected to be influenced in any way by this amendment. The only known economic impact will be the administrative saving to be achieved by having a rule which is less subject to error and misunderstanding.

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

10:85-5.2 Inpatient hospital care

[(a) The director of welfare may authorize payment for inpatient care and services in an approved hospital if such has been prescribed by a fully licensed physician, dentist or podiatrist for medical, surgical or psychiatric treatment, diagnosis, and/or rehabilitation. When an eligible person is hospitalized in a county of the first class, the director of welfare of the municipality of residence, wherever in New Jersey that municipality may be located, must authorize the payment. Currently the counties of the first class are Essex and Bergen.]

(a) When inpatient care in a general hospital licensed by the New Jersey Department of Health has been prescribed by a full licensed physician, dentist, or podiatrist for medical, surgical or psychiatric treatment, diagnosis, and/or rehabilitation and the conditions of N.J.A.C. 10:85-3.3(g)3 are met, payment authorization shall be governed by the following:

1. If the hospital is located in a county of the first class, the director shall authorize the payment.

2. If the hospital is located in a county other than a county of the first class and is operated or controlled by the State or any county, municipal, or other public entity, the director shall not authorize any payment.

3. In all other instances the director shall either authorize or deny the payment in accordance with municipal policy. Such municipal policy shall have been previously determined and shall be consistently applied in all cases of inpatient hospitalization in nonpublic hospitals in counties other than those of the first class.

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

10:85-11.2 Definitions

....

["Approved hospital" means a general hospital licensed by the New Jersey Department of Health, which is not operated or controlled by the State, county or municipality; can be either a profit or nonprofit institution.]

....

**(b)**

**Food Stamp Program  
Elderly or Disabled Defined; JTPA Income  
Exclusion**

**Proposed Amendments: N.J.A.C. 10:87-2.38  
and 5.9**

Authority: N.J.S.A. 30:4B-2; 7 CFR 271.2; Job Training Partnership Act of 1982 (P.L. 97-300)  
Proposal Number: PRN 1985-563.

The agency proposal follows:

**Summary**

In the Food Stamp Program, persons defined by the program as elderly or disabled qualify for special considerations in determining their eligibility and benefit level. This includes exemption from the gross income eligibility test, eligibility for a medical deduction and entitlement to an uncapped shelter deduction. For this purpose, Food Stamp regulations at 7

CFR 271.2 define a disabled person, in part, as a household member who "receives supplemental security income (SSI) benefits under title XVI of the Social Security Act or disability or blindness (RSDI) payments under titles I, II, XIV or XVI of the Social Security Act". The United States Department of Agriculture has issued a policy interpretation in Policy Memo 85-15 which clarifies that the intent of this regulation is to define a disabled person as being certified for, rather than in receipt of, SSI or RSDI benefits. This will include in the definition of disabled those persons certified for such benefits but whose initial payments have not been received and persons whose entire benefit is being recovered to repay a prior overpayment. N.J.A.C. 10:87-2.38 is therefore being amended to indicate that a household member who is certified to receive SSI or RSDI disability payments is to be defined as disabled for purposes of Food Stamp Program eligibility and benefit determination.

N.J.A.C. 10:87-5.9(a)12 is being amended to add that monies received from the Job Training Partnership Act (JTPA) of 1982 (Public Law 97-300) are excluded as income for food stamp purposes.

#### Social Impact

The impact of this regulation will be to provide the same treatment for individuals that have been certified for SSI and RSDI disability payments but are technically not in receipt of a benefit, as those that are receiving the benefit. It eliminates a fine line that existed prior to this amendment.

The regulation regarding the JTPA deals with income and whether it is countable for purposes of determining Food Stamp Program eligibility and benefit level. Its impact is of an economic, rather than social, nature.

#### Economic Impact

Although the economic impact of this amendment will not be widespread in that it will affect only a small number of households, the difference in benefit level for individual households could be very significant. Meeting the definition of "disabled" will allow the individual to deduct medical expenses in excess of \$35.00 per month (non-elderly/disabled individuals are not allowed a medical deduction). In addition, the household will be able to deduct the entire amount of its excess shelter costs (non-elderly/disabled household's shelter deduction is combined with a dependent care deduction and capped at \$134.00). Allowing these two deductions can significantly lower the net food stamp income, resulting in a large food stamp allotment.

The exclusion of income from the JTPA will have a positive impact, since it will result in less income counted for food stamp purposes, which will result in increased benefits for otherwise eligible households.

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

10:87-2.38 Elderly or disabled defined

(a) Elderly or disabled member is defined as a member of a household who:

1. (No change.)

2. [Receives] **Is certified** for Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act (including emergency benefits based on presumptive eligibility);

3. [Receives] **Is certified** for disability or blindness payments under Title I, II, X, XIV or XVI of the Social Security Act;

4.-7. (No change.)

10:87-5.9 Identification of income exclusions

(a) Only the following shall be excluded from household income; and no other income shall be excluded.

1.-11. (No change.)

12. Income excluded by Federal law: Any income that is specifically excluded by any other law from consideration as income for the purpose of determining eligibility for the Food Stamp Program shall be excluded. The following qualify under this provision:

i.-xi. (No change.)

xii. **Job Training Partnership Act: Any allowances, earnings or payments provided to individuals participating in programs classified under the Job Training Partnership Act of 1982 (Public Law 97-300).**

(a)

### Medicaid Only Manual Ineligible Individuals

#### Proposed Amendments: N.J.A.C. 10:94-1.6 and 3.14

Authority: N.J.S.A. 44:7-87 and 42 CFR 435.1008(a)(1).  
Proposal Number: PRN 1985-594.

The agency proposal follows:

#### Summary

The Department of Human Services proposes to amend N.J.A.C. 10:94-3.14 to clarify that inmates of correctional facilities are not eligible for Medicaid benefits. This amendment serves to clarify existing policy and is consistent with Federal regulations at 42 CFR 435.1008(a)(1) which state that Federal financial participation is not available for individuals who are inmates of public institutions, unless such institution is a Title XIX approved medical facility. Public institutions include correctional facilities. Therefore, individuals incarcerated in Federal, State, or local correctional facilities such as prisons, jails, detention centers and reformatories are ineligible for Medicaid Only. Such individuals' (inmates') needs are met through another agency of the Federal or State government or political subdivision thereof. The amendment at N.J.A.C. 10:94-1.6 adds a cross-reference to the new language at N.J.A.C. 10:94-3.14.

Included in this proposal is a technical amendment at N.J.A.C. 10:94-3.14(e) where a reference is being added to clarify existing language.

#### Social Impact

This proposal has no adverse social impact on the public or county welfare agencies (CWAs) administering the Medicaid program. It merely serves to clarify existing Federal and State regulations which prohibit Medicaid coverage for persons incarcerated in public renal institutions. The medical and maintenance needs of such individuals (inmates) are met by the Federal, State or local political subdivision responsible for the institution in which such individuals are incarcerated. Amendment of this regulation serves to clarify policy for both the public at large and CWAs administering the program.

**Economic Impact**

This clarifying amendment has no adverse economic impact on the public at large or CWAs administering the program. Individuals specifically identified by this amendment as being ineligible for Medicaid, namely inmates incarcerated in correctional facilities, have never been eligible for Medicaid coverage. While incarcerated, these persons have their medical and maintenance needs met through other governmental sources.

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

10:94-1.6 Basic principles of administration

(a) The following principles of administration shall apply to the Medicaid Only program.

1.-2. (No change.)

3. **No duplication of assistance:** No recipient of Medicaid Only shall receive, during the same period, any other medical assistance from the State or any political subdivision thereof with respect to any maintenance requirements or other [allowance] **need** for which allowance is made in the Medicaid Only program (see N.J.A.C. 10:94-3.14 regarding inmates of correctional institutions). The food stamp program is not considered a duplication of public assistance.

4.-7. (No change.)

10:94-3.14 Institutional eligibility

(a) Persons who are otherwise eligible for Medicaid Only receive medical coverage while receiving patient care in eligible medical institutions. Such coverage shall be provided through the appropriate payment mechanism of the Division of Medical Assistance and Health Services. The Medicaid "CAP" income standard is applied only to certain institutions. [Persons in public institutions are not eligible for Medicaid coverage.]

(b) **Individuals who are inmates of public institutions are not eligible for Medicaid coverage, unless they are receiving care in a Title XIX approved section of such facility.**

(c) **Individuals incarcerated in a Federal, State or local correctional facility (prison, jail, detention center, reformatory, etc.) are not eligible for Medicaid coverage. The needs of such individuals (inmates) are met through another agency of the Federal or State government or political subdivision thereof (see N.J.A.C. 10:94-1.6(a)3).**

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

[(c)] (e) Application of Medicaid "CAP" rules are:

1. General or Class A special hospitals: When a person is confined to such a hospital, the Medicaid "CAP" standard does not apply; **eligibility will be determined according to the applicable living arrangement in Table B (see N.J.A.C. 10:94-5.6(c)5).**

2.-3. (No change.)

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

**(a)**

**Medical Only Manual  
Change of County Residence**

**Proposed Amendment: N.J.A.C. 10:94-3.6**

Authority: N.J.S.A. 44:7-87.

Proposal Number: PRN 1985-561.

The agency proposal follows:

**Summary**

The proposed amendment to N.J.A.C. 10:94-3.6 sets forth detailed procedures for county welfare agencies (CWAs) to follow in the Medicaid Only program when an individual changes county residence. The proposal extends into the Medicaid Only program case transfer procedures currently used by CWAs in the Aid to Families with Dependent Children (AFDC) program. The proposed amendment sets forth specific time frames within which CWAs must act to transfer the appropriate records and administration of the individual's Medicaid case, and requires that the individual and/or his or her authorized representative be notified of Medicaid eligibility during the transfer. The proposed amendment also sets forth specific agency responsibility for updating the Medicaid Status File, the computerized data base which contains information regarding an individual's eligibility for medical assistance, to ensure continued coverage under the Medicaid Only program during the change in residence and transfer of case administration between counties.

**Social Impact**

The social impact of the proposed amendment will be positive, in that it will ensure that recipients who change residence, especially those who move from private residences into nursing homes, will have continued Medicaid coverage during the transfer. The proposed rule will also ensure that a specific CWA will have responsibility for such individuals' case records throughout the transfer, and that the transfer will be completed within standard time frames statewide.

**Economic Impact**

The economic impact of this proposed amendment, albeit minimal, will be positive. Some savings in agency administrative costs will accrue by avoiding duplicate efforts by CWAs in the case record transfer process, and by ensuring that the Medicaid data base accurately reflects the individual's current residence and eligibility for medical assistance at the time the change in county residence occurs.

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

10:94-3.6 Change of county residence

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

(c) [The county welfare board directors shall mutually determine the dates of case transfer, issuance of medical assistance and the extent of case documents to be forwarded. The receiving county welfare board shall forward notice of receipt of medical assistance.]

**The county of origin shall initiate and the receiving county shall, on request, immediately undertake an investigation of the circumstances surrounding the move. If the move is permanent, each county shall execute its respective responsibilities in accordance with (d) and (e) below.**

(d) **Applicants: Applicants are those individuals applying for Medicaid in the county of origin who move to the receiving county before the eligibility determination has been completed.**

1. **County of origin: The county of origin has the responsibility to:**

i. **Complete the eligibility determination process;**

ii. Accrete the individual to the Medicaid Status File (MSF) with the correct effective date of Medicaid eligibility and the new address (in the receiving county); and

iii. Within five working days of the eligibility determination, transfer the case record material to the receiving county in accordance with (e)1i through iv below.

2. Receiving county: The receiving county has the responsibility to:

i. Communicate promptly with the client and/or the client's authorized representative upon receipt of the case material to advise of the continued receipt of medical assistance; and

ii. Notify immediately in writing the county of origin of the date the case material was received.

(e) Recipients: Recipients include all individuals determined eligible for Medicaid Only.

1. County of origin: The county of origin has the responsibility to:

i. Transfer, within five working days from the date it is notified of the actual move, a copy of pertinent case material to the receiving county. Such material shall include, at a minimum, a copy of the first application and most recent PA-1G form (including all verification), Social Security numbers, the recipient's new address in the receiving county, and PA-3L form, completely with the individual's circumstances current as of the month of the transfer;

ii. Send with the above case material a cover letter specifying that the case is being transferred and requesting written acknowledgement of receipt;

iii. Forward promptly to the receiving county copies of any other material mutually identified as necessary for case administration; and

iv. Notify the receiving county if there will be a delay in providing any case material described in (e)1i or iii above.

2. Receiving county: The receiving county has the responsibility to:

i. Communicate promptly with the client and/or the client's authorized representative when case material is received. Such communication shall arrange for the client and/or the client's authorized representative to make application within 10 working days of the contact to ensure uninterrupted receipt of medical assistance;

ii. Notify immediately in writing the county of origin of the date the initial case material was received;

iii. Determine eligibility for the individual. Identify and resolve questions of the eligibility determination made by the county of origin and receiving county. Advise the county of origin of any discrepancies in the eligibility determinations between the two counties;

iv. Certify eligibility for medical assistance (provided application to transfer has been made) effective for the next month if the initial case material has been received before the 10th of the month;

v. Certify eligibility for medical assistance (provided application to transfer has been made) for the second month after the month of receipt of initial case material when such material is received on or after the 10th of the month;

vi. Update the Medicaid Status File (MSF), if necessary. If the individual is determined eligible for Medicaid Only in the receiving county, there shall be no interruption of Medicaid eligibility and no change to the MSF is necessary. If the individual is determined ineligible for Medicaid Only in the receiving county, Medicaid eligibility shall be terminated, subject to timely and adequate notice, and the individual deleted from the MSF; and

vii. Notify the county of origin of the date eligibility for

medical assistance will begin or will be terminated in the receiving county.

[(d)](f) Any case [in] for which transfer procedures in (c) through (e) above are not [mutually agreed upon by the county welfare board directors concerned] begun within 30 days of the date of original referral, shall be promptly reported by the county of origin to the [State division] **Division of Public Welfare** by letter, setting forth the pertinent available facts. This does not mean that the actual transfer must be completed within 30 days, but rather that [an understanding between county welfare board directors shall be concluded] **the procedures shall be commenced** within that time.

(a)

## Medicaid Only Manual Resource Eligibility

### Proposed New Rule: N.J.A.C. 10:94-4.1

Authority: N.J.S.A. 44:7-87.

Proposal Number: PRN 1985-592.

The agency proposal follows:

#### Summary

The proposed new rule provides that resource eligibility for Medicaid Only for the aged, blind, and disabled is determined as of the first moment of the first day of each month. If the resource limit is exceeded at that time, the individual or couple is ineligible for the entire month. Conversely, if the individual's or couple's countable resources are below the program's limits as of the first moment of the first day of the month, resource eligibility is established for the entire month regardless of changes in the value of resources within the month. The rule will align the resource eligibility policy with that of the Supplemental Security Income program. It is expected that the designation of a specific instant for the evaluation of resources and the determination of resource eligibility will help assure equitable application of resource evaluation and eligibility policy thereby enhancing the integrity of the program.

#### Social Impact

The public will benefit from this rule to the extent that the specificity of the rule will increase understanding of the eligibility criteria and their application. The rule, by pinpointing a specific moment for resource eligibility, is in and of itself neutral in effect and, thereby, will have no overall impact on the population eligible for or potentially eligible for Medicaid benefits. This rule should aid staff of the county welfare agencies, which determine eligibility for program benefits, by eliminating confusion regarding the proper application of resource policy.

#### Economic Impact

As the rule does not change resource eligibility policy, but rather specifies the timing of its application, no impact on program expenditures is anticipated.

**Full text of the proposed new rule follows (additions shown in boldface thus).**

10:94-4.1 Financial eligibility standards; resources

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

(e) **Resource eligibility:** Resource eligibility is determined as of the first moment of the first day of each month. If an individual or couple is resource ineligible as of the first moment of the first day of the month, subsequent changes within that month in the amount of countable resources will not affect the original determination of ineligibility. If resource eligibility is established as of the first moment of the first day of the month, resource eligibility is established for the entire month regardless of any increase in the amount of countable resources.

1. This policy applies equally to individuals and couples in the month of application. Regardless of the date of application, resource eligibility is determined as of the first moment of the first day of that month.

2. If, prior to the first moment of the first day of the month, the applicant or recipient has drawn a check (or equivalent instrument) on a checking or similar account, the amount of such check shall reduce the value of the account. The value of such accounts shall not be reduced by any unpaid obligations for which funds have not already been committed by the drafting of a check.

i. When checks have been drawn on an account, the CWA shall review the appropriate account registers or check stubs to ascertain the actual balance as of the first moment of the first day of the month. Full documentation of such circumstances is required.

effective November 1, 1979. The test of N.J.A.C. 10A:31 was readopted effective February 4, 1985 pursuant to Executive Order No. 66(1978). The repeal of N.J.A.C. 10:34 is proposed because these rules have been revised and updated by the Department of Corrections by the provisions of N.J.A.C. 10A:31 under the chapter for Adult County Correctional Facilities. N.J.A.C. 10:34 is therefore superfluous and obsolete and is proposed for repeal.

**Social Impact**

The repeal of N.J.A.C. 10A:34 (10:34) will delete unnecessary rules and place Department of Corrections' regulations respecting Adult County Correctional Facility to be located under a single chapter. Furthermore, the repeal of this chapter will bring all provisions relevant to the Adult County Correctional Facility in compliance with Executive Order No. 66(1978).

**Economic Impact**

All legal practitioners and individuals utilizing the administrative code will save time in researching all pertinent regulations regarding adult county correctional facilities since these regulations will be located in one location within the code. The amount of the saving in time and money expended to locate these regulations is not readily calculable.

Full text of the proposed repeal appears in Title 10A of the New Jersey Administrative Code at N.J.A.C. 10A:34 (10:34).

**CORRECTIONS**

**(a)**

**DIVISION OF ADULT INSTITUTIONS**

**County Correctional Facilities**

**Proposed Repeal: N.J.A.C. 10A:34 (appears as 10:34 in Title 10A)**

Authorized By: William H. Fauver, Commissioner,  
Department of Corrections.

Authority: N.J.S.A. 30:1-15 and 30:1B-10.

Proposal Number: PRN 1985-580

Submit Comments by November 20, 1985 to:

Louis J. Scavo, Chief  
Bureau of County Services  
Division of Corrections  
Whittlesey Road, P.O. Box 7387  
Trenton, New Jersey 08628

**Summary**

The provisions of N.J.A.C. 10A:34 (which appears in Title 10A as 10:34) regarding county correctional facilities were adopted pursuant to the authority N.J.S.A. 30:1-1 et seq. and filed on October 10, 1975 as R.1975 d.300 at 7 N.J.R. 506(c) to become effective October 15, 1975. See: 7 N.J.R. 506(c). These provisions were originally adopted as N.J.A.C. 10:34 by the Department of Human Services as part of that Department's rules. The provisions of N.J.A.C. 10:34 were transferred to the Department of Corrections as N.J.A.C. 10A:31

**LABOR**

**(b)**

**DIVISION OF UNEMPLOYMENT AND  
TEMPORARY DISABILITY  
INSURANCE**

**Determination and Demand for Refund of  
Unemployment Benefits**

**Proposed New Rules: N.J.A.C. 12:17-10**

Authorized By: Charles Serraino, Commissioner,  
Department of Labor.

Authority: N.J.S.A. 43:21-1 et seq., specifically  
43:21-11.

Proposal Number: PRN 1985-584

Submit comments by November 20, 1985 to:

Frederick C. Kniesler, Assistant Commissioner  
Income Security  
Department of Labor, Room 602  
John Fitch Plaza  
Trenton, New Jersey 08625

The agency proposal follows:

**Summary**

Pursuant to Executive Order No. 66 (1978) the Department of Labor proposes to adopt as new rules N.J.A.C. 12:17-10 which expire October 23, 1985.

The Department has reviewed the rules and found them to be necessary, reasonable and proper for their originally intended purpose.

A summary of each section in N.J.A.C. 12:17-10 follows with a description of the one technical amendment which is being proposed to the expired text of N.J.A.C. 12:17-10.2.

N.J.A.C. 12:17-10.1 provides that a demand for refund will be issued in all cases where an overpayment has been established under the Unemployment Compensation Law.

N.J.A.C. 12:17-10.2 provides for waiver of recovery by the Director if the individual is deceased or permanently disabled and no longer able to work and the overpayment resulted from agency error or the claimant did not misrepresent or withhold any material fact in obtaining benefits. The language in this section is being amended to provide for a clearer definition of those situations in which waiver of recovery will be permitted. This is a technical amendment with no substantive change in policy from the expired rule.

N.J.A.C. 12:17-10.3 provides that in those situations when waiver of recovery is not granted the Division may use all available means provided by law to effect repayment including offsets permitted under P.L. 1981, Chapter 239, N.J.S.A. 54A:9-8.1 and 8.2. In addition, offsets against future benefits payable shall also be used until the debt is repaid provided that the offset amount would be limited to 50 percent for each week claimed in those situations involving agency error.

#### Social Impact

N.J.S.A. 43:21-16(d) provides that all overpayments made under the Unemployment Compensation Law must be repaid in full. . . "unless the director (with the concurrence of the controller) directs otherwise by regulation". The rules provide clear and reasonable guidelines with respect to the recovery of overpayments made under the Unemployment Compensation Law. The major social impact is to ensure the integrity of the unemployment insurance program by providing for an effective means of recovery in those situations where individuals receive benefits to which they are not entitled. Conversely, the rules permit a reasonable standard for waiver of recovery of an overpayment to deceased and permanently disabled individuals.

#### Economic Impact

The adoption of these rules will ensure that the Unemployment Trust Fund is made whole to the greatest extent possible in cases of overpayment. Permanently disabled individuals and the estates of deceased persons will not be required to repay provided benefits were not received through misrepresentation.

Full text of the proposed new rules follows.

### SUBCHAPTER 10. DETERMINATION AND DEMAND FOR REFUND OF UNEMPLOYMENT BENEFITS

#### 12:17-10.1 Issuance of demand for refund

A demand for refund of unemployment benefits will be issued in each case when a determination of overpayment is made.

#### 12:17-10.2 Full waiver of recovery of overpayment

(a) Upon application by the claimant or the executor (or administrator) of the claimant's estate full waiver of recovery of overpayments will be granted by the director if it can be demonstrated to the satisfaction of the director that the follow-

ing conditions have been met.

1. The claimant did not misrepresent or withhold any material fact in obtaining benefits; and

2. The claimant is deceased or permanently disabled and no longer able to work. A claimant's current receipt of social security disability benefits will be deemed conclusive proof of current permanent disability. In the absence of such proof the director may accept as proof of permanent disability as diagnosed by the claimant's physician. At the discretion of the director, the claimant shall submit to an impartial physical examination by a legally-licensed physician at the expense of the state.

(b) The demand for refund will advise the claimant of the right to waiver of recovery in the situations described above.

#### 12:17-10.3 Repayment of unemployment benefits

All overpayments for which waiver or recovery are not granted pursuant to N.J.A.C. 12:17-10.2 must be repaid in full. The Division may use any means of collection provided by law to satisfy the debt including, but not limited to, offsets permitted under P.L. 1981, Chapter 239, N.J.S.A. 54A:9-8.1 and 8.2. Any individual with an outstanding overpayment who subsequently becomes entitled to benefits shall have such benefits offset by the debt until the debt is repaid in its entirety. However, for any claimant whose overpayment is determined to be the result of Agency error, the offset amount shall be limited to 50 percent of the claimant's weekly benefit rate for each week of benefits subsequently claimed.

(a)

### BOARD OF MEDIATION ARBITRATION

#### Proposed New Rule: N.J.A.C. 12:105

Authorized By: Charles Serraino, Commissioner,  
Department of Labor.

Authority: N.J.S.A. 34:13A-1 et seq., specifically  
34:13A-11.

Proposal Number: PRN 1985-570.

Submit comments by November 20, 1985 to:

John F. Tesauro, Executive Director  
Board of Mediation  
1180 Raymond Boulevard, Room 830  
Newark, New Jersey 07102-4190

The agency proposal follows:

#### Summary

Under the provision of Executive Order No. 66 (1978), which provides for the expiration of amended or new rules within five years, N.J.A.C. 12:105 (Arbitration) expired on September 17, 1985. The Board of Mediation, pursuant to the authority of N.J.S.A. 34:13A-1 et seq., proposes as a new rule N.J.A.C. 12:105 as it currently appears in the New Jersey Administrative Code, with changes to N.J.A.C. 12:105-4.5 concerning cancellation of arbitration hearings. The proposed change to the expired rules requires either labor or management to notify the arbitrator seven calendar days prior to the hearing date. Previous rules required notice within 48 hours interpreted as two working days.

The following is a summary of the proposed rules:

**SUBCHAPTER 1. GENERAL PROVISIONS**, states that the rules of the chapter are contained in arbitration agreements. These rules modify arbitration agreements between labor and management permitting the Board to be stipulated and the arbitration is conducted under the Board's rules.

**SUBCHAPTER 2. INITIATION OF ARBITRATION**, states that arbitration proceedings are initiated by either party by submitting a statement indicating the nature of the dispute and the relief desired; it shall include a copy of the contractual grievance procedure. Arbitration may be instituted by both labor and management by prior agreement designating the Board to appoint an arbitrator or arbitration may be instituted by written mutual consent of the parties requesting an expedited procedure. This provision also establishes a procedure for the determination of questions such as arbitrability or combination of grievances.

**SUBCHAPTER 3. APPOINTMENT OF ARBITRATORS**, permits the Board, upon receipt of a request for arbitration, to submit simultaneously to the parties panels (lists) of arbitrators and set the per diem cost for such arbitrators. These panels are provided with the expectation that the parties themselves will mutually select arbitrators of their choosing. If either party fails to return a panel within the specified time period, all arbitrators shall be determined acceptable and the Board may designate any arbitrator so listed. Contained in this subchapter is a provision requiring the arbitrator to disclose to the parties any financial or personal interest related to the matter being arbitrated; and further provides if an arbitrator resigns, dies, withdrawals, refuses or is unable to perform duties, the Board is empowered to rescind the appointment and fill the vacancy similar to the original appointment.

**SUBCHAPTER 4. THE HEARING**, provides an orderly procedure to set the time, place and date of hearing. It further requires the arbitrator to sign an oath; in addition, it provides the recording of the issues to be determined by the arbitrator and indicates the legal relationship of the arbitrator is with the parties and not with the Board. This subchapter also provides a procedure to postpone a scheduled hearing and a method of payment for the arbitrators if such hearings are postponed. A stenographic record provision is included and who pays for the transcript; it provides for the attendance at the hearing of persons who have a direct interest in the arbitration. The subchapter also gives the arbitrator the power to retire any witness and provides for an ex parte hearing at the discretion of the arbitrator. If more than one arbitrator is sitting in a case the award shall be by majority vote unless the parties require otherwise. At the arbitration hearing, the parties are not required to conform to the legal rules of evidence; the arbitrator shall be the Judge of relevancy and materiality of the evidence offered. The arbitrator may inspect the subject matter of a dispute and the arbitrator shall close the hearing upon proper notice to the parties. He is also required to make his award within the time period specified as of the closing date of the hearing. This provision empowers the arbitrator to reopen any hearing on the showing of good cause prior to his issuance of the award.

**SUBCHAPTER 5. THE AWARD**, provides that a final and binding award will be rendered by the arbitrator within a 30-day period. His award shall be in writing which he is required to sign; he shall delineate the findings of fact, conclusions and

remedial actions. The finality of the award is conclusive.

#### **Social Impact**

**SUBCHAPTER 1. GENERAL PROVISIONS**, is most desirable to the parties because it provides speedy resolution of their dispute at an affordable economic level. Arbitration provides a final and binding decision which the parties have agreed to accept beforehand benefiting the employers and employees by avoiding expensive court proceedings and the loss of production which affects the social and economic well-being of the citizens of New Jersey.

**SUBCHAPTER 2. INITIATION OF ARBITRATION**, provides a panel (list) of arbitrators for the selection by the parties to hear and determine disputes which exist between them; this subchapter is intended to minimize conflict between labor and management by creating a procedure to resolve disputes and will benefit the employer, employees and New Jersey residents.

**SUBCHAPTER 3. APPOINTMENTS OF ARBITRATORS**, enables the parties to resolve disputes between them in a non-adversarial atmosphere and further enables the parties to resolve disputes between them in an expeditious manner. The desirability of this procedure is evidenced by the overwhelming acceptance by the parties in conflict and the general public at large. Arbitration provides a final and binding decision which the parties have agreed to accept beforehand.

**SUBCHAPTER 4. THE HEARING**, affects the labor-management community and will minimize disruption and loss of work by providing a forum to resolve conflicts between the parties. It will reduce the number of wild-cat strikes to an irreducible minimum thereby benefiting the labor-management community and the residents of the community in which the employer is located and any other New Jersey residents who may have the need to utilize the employer's product or services.

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It is anticipated that the proposed amendment to N.J.A.C. 12:105-4.5 concerning the extended notification requirement will permit the arbitrator to schedule and reschedule hearings in a more efficient manner. The accrued additional time will make it easier for arbitrators to maintain greater flexibility when a case is cancelled, thus enabling the arbitrator to fill his calendar by rescheduling pending cases which effectively minimize delay in the arbitration process and facilitate the resolution of labor disputes by preventing disruption of the working force.

#### **Economic Impact**

**SUBCHAPTER 1. GENERAL PROVISIONS**: These arbitrations are in the private employment sector. It is anticipated that this procedure will reduce conflicts thereby minimizing economic loss to employers, employees and the citizens who utilize employer products. Realistically, this provision will

result in cost reductions in the resolution of disputes between labor and management.

**SUBCHAPTER 2. INITIATION OF ARBITRATION**, will reduce conflict thereby minimizing loss to the employer, employees and the general citizens of the State. Realistically, this provision will result in cost-reductions in disputes between labor and management.

**SUBCHAPTER 3. APPOINTMENT OF ARBITRATORS**: In private sector disputes, the economic impact is embodied in the reduction of the number of man-days lost due to wild-cat strikes. The rarity of a wild-cat strike is the result of the willingness of parties to submit their disputes to a neutral third party thereby reducing the loss of production and man-hours to labor and management. It is apparent that this form provides a cost savings to both parties because it removes the need to commence court proceedings to resolve conflicts between the parties.

**SUBCHAPTER 4. THE HEARING**: The reduction of strife between the parties has a very desirable effect thereby increasing the productivity level of employees, creating a harmonious atmosphere at the workplace and will permit the employer to reduce the high cost of resolving internal conflict with employees. The benefit derived by all above-named parties revolves around the economic stability of private employers and the retention of jobs by workers without economic loss or interruption of earning potential.

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The proposed amendment to N.J.A.C. 12:105-4.5 may require either labor or management to pay the arbitrator's per diem if they fail to provide the seven day notice. The Board does not anticipate any economic impact with regard to the Board's budget. Economic benefit may accrue to the arbitrators in two ways: (1) per diem is paid to the arbitrator by the party failing to provide required cancellation period and (2) arbitrator can schedule or reschedule his hearing calendar in a more efficient manner. Further, the prompt resolution of labor disputes will prevent or reduce economic loss to the employer, the employees and to the people of the State of New Jersey.

**Full text** of the expired rules proposed as new may be found in the New Jersey Administrative Code at N.J.A.C. 12:105.

**Full text** of the proposed amendment to the expired rules follows.

12:105-4.5 Postponements and adjournments

(a) The postponing of a scheduled hearing or the adjourning of a hearing is entirely within the discretion of the arbitrator.

(b) If either or both of the parties seek a postponement or cancellation within [48 hours (two working days)] **seven calendar days** of the time agreed upon for the conduct of a hearing or the continuance of a hearing, the party or parties responsible for the postponement or cancellation shall be liable for

payment of the arbitrator's full fee [for the cancelled or postponed day] **resulting from the cancellation or postponement.**

# LAW AND PUBLIC SAFETY

(a)

## BOARD OF PHARMACY

### Written Examinations; Grades

### Proposed Repeal and New Rule: N.J.A.C.

### 13:39-3.10

Authorized By: Leonard Scara, R.P., President, New Jersey State of Pharmacy.

Authority: N.J.S.A. 45:14-1 et seq.

Proposal Number: PRN 1985-596.

Submit comments by November 20, 1985 to:

Robert Terranova, Executive Secretary

New Jersey State Board of Pharmacy

Room 321

1100 Raymond Boulevard

Newark, NJ 07102

The agency proposal follows:

#### Summary

The Board of Pharmacy proposes to repeal the current text of N.J.A.C. 13:39-3.10 and propose a new rule in its place in order to bring the requirement of a written examination into conformance with the new format of the examination of the National Association of Boards of Pharmacy. The applicant will be required to attain a grade of not less than 75. If the applicant fails the examination he or she will be required to repeat the entire examination. The applicant will also be required to pass a written text on the law governing practice of pharmacy in New Jersey. Failure to pass this examination will also require a retest. Should the applicant fail either the pharmacy or law examination three times, he or she will be required to take review courses prior to retaking the examinations.

#### Social Impact

The proposed new rule will affect applicants taking the written pharmacy examination which will be that of the National Association of Boards of Pharmacy. The applicants will also be required to take a legal examination on New Jersey pharmacy law.

#### Economic Impact

The proposed new rule will have no new or additional economic impact since no new or increased fees in taking the examination are proposed.

**Full text** of the proposed new rule follows.

13:39-3.10 Written examinations; grades

(a) The written examination shall be that of the National Association of Boards of Pharmacy (NABPLEX). An appli-

cant shall attain a grade of not less than 75 in order to pass. If an applicant fails to meet the above requirements, he or she will be required to repeat the examination in its entirety.

(b) The applicant for registration shall also pass a written test on the laws governing the practice of pharmacy in this State. A grade of not less than 75 shall be attained in order to pass. If an applicant fails to meet the above requirements, he or she will be required to repeat the examination.

(c) If the applicant should fail the NABPLEX and/or the law examination three times, the applicant will be required to take review courses as prescribed by the Board prior to retaking the above examination(s).

**(a)**

**NEW JERSEY RACING COMMISSION**

**Thoroughbred Rules  
Workout Program**

**Proposed New Rules: N.J.A.C. 13:70-6.57**

Authorized By: New Jersey Racing Commission,  
Harold G. Handel, Executive Director.  
Authority: N.J.S.A. 5:5-30.  
Proposal Number: PRN 1985-595.

Submit comments by November 20, 1985 to:  
Bruce H. Garland, Deputy Director  
New Jersey Racing Commission  
CN 088 Justice Complex  
Trenton, NJ 08625

The agency proposal follows:

**Summary**

The proposed new rule would limit access of horses onto the main or training track of racing associations and would require a workout coordinator to obtain information about each horse before the horse's workout. That information would then be passed on to the clocker so that a more accurate workout can be reported to the public. The trainer would be responsible for insuring that horses in his care and custody comply with the provisions of the workout program. The Board of Stewards would have overall jurisdiction of the program.

**Social Impact**

The social impact of the proposed new rule is positive. Requiring workout information such as identification, length of workout and where the workout is to begin will help to insure accurate workout reports and may provide the public with information on workouts that might have been missed previously.

**Economic Impact**

The economic impact will be minor. There will be no direct impact on the State costs or revenues. Each track association will have to employ a workout coordinator (for each authorized gap). One racing association already employs a person in this capacity.

Full text of the proposed new rule follows.

13:70-6.57 Workout program

(a) Each track association shall establish and maintain a workout program meeting the following requirements, as well as such other requirements and conditions as established from time to time by the Commission.

1. Training and workout hours for the main track and/or training track shall be designated by the racing association.

2. No horse shall be permitted onto either track for training or a workout except during the designated hours unless with the express permission of the Racing Secretary and Board of Stewards.

3. Access to the training track and/or main track during such hours shall be limited to such gaps as directed by the Board of Stewards where the association shall have at least one workout coordinator per gap.

4. The workout coordinator shall obtain the identity of all horses to workout at the time the horse enters through the appropriate gap. The workout coordinator shall also obtain from the trainer, custodian or rider of any such horse, the distance which the horse will workout and at what point on the track the workout is intended to begin. All such information shall then be promptly transmitted to the clockers who are responsible for timing and reporting all workouts.

5. The racing association shall maintain a communication system between the workout coordinators and clockers.

6. The trainer shall be responsible for insuring that horses in his care and custody comply with all provisions of this workout program.

7. The Board of Stewards shall have overall jurisdiction of this program, and may fine and/or suspend any persons who violate or attempt to violate the workout program requirements. The stewards may also fine and/or suspend any person who reports or submits inaccurate or false information concerning the identity of any horse and the particulars of any workout.

**TREASURY-GENERAL**

**(b)**

**DIVISION OF PENSIONS**

**Claims and Credit Purchases; Employee Pay-All**

**Proposed Amendment: N.J.A.C. 17:1-4.11**

Authorized By: Douglas R. Forrester, Director,  
Division of Pensions.  
Authority: N.J.S.A. 52:18A-95 et seq.  
Proposal Number: PRN 1985-568.

Submit comments by November 20, 1985 to:  
Peter J. Gorman, Esq.  
Administrative Practice Officer  
Division of Pensions  
20 West Front Street  
CN 295  
Trenton, New Jersey 08625

The agency proposal follows:

**Summary**

The proposed amendments change the current text of N.J.A.C. 17:1-4.11(e) to conform to the provisions of P.L. 1984, Chapter 223, insofar as the receipt of pro rata credit is concerned when the member fails to complete the total purchase of the temporary service credit permitted under the provisions of Chapter 223 before retirement. The terms of that statute specifically permit such pro rata credit to be obtained. The proposed amendments are intended to clarify the current text of the rule within that regard.

**Social Impact**

The proposed amendments and P.L. 1984, Chapter 223, only involve certain nurses at a certain county hospital seeking to purchase service credit in the PERS for their temporary service that immediately preceded their permanent employment.

**Economic Impact**

Under the provisions of Chapter 223, Laws of 1984, the member who purchases such service credit is to assume the entire cost of such purchase. Thus, the system and the public at large will not experience a significant cost but the individual member requesting such purchase will assume the entire liability for the cost of such purchases.

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

- 17:1-4.11 Purchase terms; computation; employee pay-all  
(a)-(d) (No change.)  
(e) Pursuant to the provisions of Chapter 223, Laws of 1984, the following shall apply:
1. (No change.)
  2. Upon application by the member for retirement, the actual cost of the service purchased will be calculated. The difference between this actual cost and any monies accumulated based upon the estimated cost will have to be paid in a lump sum **if the member wishes to receive full credit for the total amount of service involved in the purchase.**
  - [3. If a required final payment is not made but the member is eligible to retire based on actual service, the purchase will be cancelled. The member will be retired with a benefit based on actual service and any monies accumulated for the purchase will be refunded.]
  - [4. If a required final payment is not made and the member is not eligible to retire based on actual service, the application for retirement will not be approved pending completion of the purchase.]
  3. **If a required final payment is not made by the member at the time of retirement, such member will receive a pro rata credit for the service purchased under the provisions of Chapter 223, Laws of 1984, prior to the date of retirement.**

**OTHER AGENCIES****(a)****HACKENSACK MEADOWLANDS  
DEVELOPMENT COMMISSION****District Zoning Regulations  
Commercial Park Zone  
Official Zoning Map****Proposed New Rules: N.J.A.C. 19:4-4.146  
through 4.156****Proposed Amendment: N.J.A.C. 19:4-6.28**

Authorized By: Hackensack Meadowlands  
Development Commission, Anthony Scardino, Jr.,  
Executive Director.

Authority: N.J.S.A. 13:17-1 et seq., specifically  
13:17-6(i) and 19:4-6.27

Proposal Number: PRN 1985-597.

A **public hearing** concerning this rule will be held on November 7, 1985 at 9:30 A.M. at:

Hackensack Meadowlands Development  
Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

Submit comments by November 20, 1985 to:  
Perry E. Frenzel, Chief Engineer  
Hackensack Meadowlands Development  
Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

The agency proposal follows:

**Summary**

The proposed new rules 19:4-4.146 through 19:4-4.156 establish a Commercial Park Zone and the use limitations and bulk and design requirements contained therein. The Commercial Park Zone will upgrade present conditions in a manner which is consistent with surrounding development and permit the owners to develop the property in a commercially feasible manner.

The Official Zoning Map amendment consists of a change in the zoning designation of Block 219A, Lot 47C; Block 226, Lots 1 through 7; Block 226, Lots 10 through 18 in the Town of Lyndhurst, New Jersey, and Block 100, Lots 1 and 2; Block 101, Lot 8; Block 110, Lot 1; Block 117, Lots 1, 2 and 3; Block 118, Lots 1 through 5, in the Town of Secaucus. These changes reflect those portions of the Official Zoning Map comprising the Commercial Park Zone.

**Social Impact**

The proposed Commercial Park Zone will eliminate uses in the subject properties which are inconsistent with present and planned zoning, and are incompatible with present and planned uses of the properties and of those properties in their vicinity. The general impact will be one which will greatly upgrade existing non-conformities and their resultant impact on surrounding development.

**Economic Impact**

The proposed rules will permit a substantial redevelopment of the subject properties with uses similar and compatible with adjacent and nearby development. The proposed rules and the resultant elimination of the existing non-conformities will promote and foster continued growth in adjacent zones consistent with the Commission's overall Master Plan.

Full text of the proposal follows.

19:4-6.28 Official Zoning Map

The zoning designation of Block 219A, Lot 47C; Block 226, Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17 and 18 in the Town of Lyndhurst, New Jersey, are changed from Light Industrial (B) to Commercial Park.

The zoning designation of Block 100, Lots 1 and 2; Block 101, Lot 8; Block 110, Lot 1; Block 117, Lots 1, 2 and 3; Block 118, Lots 1, 2, 3, 4 and 5 in the Town of Secaucus, New Jersey, are changed from Waterfront Recreation to Commercial Park.

19:4-4.146 Commercial Park Zone: Purposes

The Commercial Park Zone is designed to accommodate, on large lots, commercial mixed use developments, combined in such a way that these developments are aesthetically pleasing, and inter-related in such a way that there is a mitigating effect upon peak hour traffic which would normally be generated from single commercial uses of equivalent size.

19:4-4.147 Commercial Park Zone: Type of development

Developers of land located in the zone shall have the option of developing said land in accordance with the provisions of N.J.A.C. 19:4-4.133 to 19:4-4.139, or as a general planned unit development in accordance with the provisions of N.J.A.C. 19:4-4.144.

19:4-4.148 Commercial Park Zone: Permitted uses

(a) The following are permitted uses in the Commercial Park Zone:

1. Office buildings which must include a minimum of five percent of the total floor area (not including parking structures) to be utilized for restaurants, with accessory cocktail lounges, banks, retail shops, and/or theaters, all of which shall be oriented toward use by those employees within the same lot of record.

2. Hotels, which:

i. As a principal use, with accessory retail shops and restaurant facilities, for the use and convenience of hotel patrons primarily.

ii. As an accessory use and structure to office buildings as described in (a)1 above, with a maximum of 20 hotel rooms per acre. Accessory hotel facilities shall not be included in the overall Floor Area Ratio.

3. Restaurants, not including fast food, or drive-in facilities.

19:4-4.149 Commercial Park Zone: Special exceptions

(a) The following are special exceptions in the Commercial Park Zone:

1. Banks, as a principal use;
2. Helistops
3. Hospitals.

19:4-4.150 Commercial Park Zone: Use limitations

(a) The following are use limitations in the Commercial Park Zone:

1. No outdoor storage;
2. No retail sales, motor freight facilities, or trucking operations, except as incidental and accessory to a permitted or special permit use;
3. No slaughtering of animals.

19:4-4.151 Commercial Park Zone: Lot area requirements

The minimum lot area in the Commercial Park Zone is three acres.

19:4-4.152 Commercial Park Zone: Bulk regulations

(a) The following are bulk regulations in the Commercial Park Zone:

1. Maximum lot coverage: 50 percent;
2. FAR 1.25 (not including parking garages);
3. Minimum lot width: 200 feet;
4. Yards:
  - i. Minimum front: 65 feet;
  - ii. Minimum side: 30 feet;
  - iii. Minimum rear: 30 feet;
5. Minimum final finished floor elevation: 10 feet mean sea level based on United States Coast and Geodetic Datum.

19:4-4.153 Commercial Park Zone: Buffer requirements

Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

19:4-4.154 Commercial Park Zone: Environmental performance standards

(a) All uses in the light industrial and distribution zone-A shall comply with the environmental performance categories of N.J.A.C. 19:4-6.1 through 19:4-6.16 as follows:

1. All category-B environmental performance standards shall apply;
2. All water quality standards shall apply.

19:4-4.155 Commercial Park Zone: Design of structures and other improvements

The design of all structures and other improvements shall comply with the requirements sign standards of N.J.A.C. 19:4-6.18.

19:4-4.156 Commercial Park Zone: Waterfront development

(a) All permitted uses and special exceptions listed herein shall include a marina meeting the minimum requirements for marinas of N.J.A.C. 19:4-4.35(a) 1 and 2, wherever the development borders upon the Hackensack River or its tributaries.

(b) Wherever the development borders upon the Hackensack River or any of its tributaries, that development shall be designed so as to permit public access to the edge of the river.

OFFICE OF ADMINISTRATIVE LAW NOTE: A map showing the proposed change in zoning designation was submitted as part of the Commission's notice of proposed rule.

**(a)**

**ELECTION LAW ENFORCEMENT COMMISSION**

**Political Committee Definition**

**Proposed Amendment: N.J.A.C. 19:25-1.7**

Authorized By: Election Law Enforcement Commission, Frederick M. Herrmann, Executive Director

Authority: N.J.S.A. 19:44A-6  
Proposal Number: PRN 1985-583

Submit comments by November 20, 1985 to:  
 Gregory E. Nagy, Staff Counsel  
 Election Law Enforcement Commission  
 28 West State Street, Suite 1215  
 Trenton, NJ 08608

The agency proposal follows:

#### Summary

The existing regulations of the Election Law Enforcement Commission (hereafter, Commission) sets forth a definition of the term "political committee." The term is defined in "The New Jersey Campaign Contributions and Expenditures Reporting Act," at N.J.S.A. 19:44A-3(i) to mean any two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate for public office, or is organized to or aids or promotes the passage or defeat of a public question in any election, provided that the entity raises or expends \$1,000 or more for that purpose. Entities that are "continuing political committees" within the meaning of N.J.S.A. 19:44A-3(n) are specifically excluded from the definition. In addition to that statutory exclusion from the term "political committee," the Commission by regulation has excluded four other categories of entities from the definition. The proposed amendment affects one category of entity that is excluded from the definition.

The existing text of the regulations excludes in paragraph 2 of the definition of "political committee" a contributor not involved in fund raising or other election-related activity, unless the aggregate amount of contributions by the contributor during any calendar year exceeds \$10,000. This amendment proposes to change the standard for determining whether an entity comes within the exclusion by substituting an "election" for "calendar year."

The Commission believes that its existing "calendar year" standard for testing whether or not expenditures exceeded \$10,000 is inappropriate because the existence of filing requirements on political committees depends on the committee's activities as to any single election rather than any activities that may be conducted throughout a "calendar year." For example, if an organizational entity spends \$6,000 in a primary election for the sole purpose of making campaign contributions, the regulation excludes it from any filing requirements as to that election. However, under the current regulation, if that same entity made campaign contributions of \$5,000 in the following general election, its total calendar year contributions would exceed \$10,000 and it would be required to file campaign reports pursuant to N.J.S.A. 10:44A-8(a) for that general election. In contrast, another entity that made campaign contributions of \$9,000 in the general election, but made no other campaign contributions during the calendar year, would come under the terms of the exclusion currently existing in the regulations and would not be required to file campaign reports. Therefore, the Commission believes that the use of a "calendar year" standard for determining the filing obligations of political committees as to any single election results in disparate treatment among political committees and should be amended. Under the proposed amendment, a uniform standard would be applied for all political committees, and only those political committees contributing more than \$10,000 in any single election would become subject to the following requirements of N.J.S.A. 19:44A-8(a).

#### Social Impact

The proposed amendment will have a favorable social impact because it will establish a uniform standard for filing requirements of campaign disclosure reports among all political committees whose activities in any single election are limited to the making of campaign contributions. The proposed amendment, if adopted, will relieve political committees from the obligation to determine campaign contributions made by those committees to candidates in prior elections within a calendar year for the purpose of determining filing obligations as to current or future elections.

#### Economic Impact

The proposed amendment relaxes the standard for determining which organizational entities become "political committees" for the purposes of filing campaign reports in any election. The relaxation of that standard from "calendar year" to any "election" will result in fewer political committees acquiring filing obligations in any election in which it is limiting its activities to the making of campaign contributions.

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

#### 19:25-1.7 Definitions

The following words and terms, when used in this chapter and in the interpretation of the act, shall have the following meanings unless a different meaning clearly appears from the context.

...

"Political committee" means any group of two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association which is organized to or does aid or promote the nomination, election or defeat of any candidate or candidates for public office, or which is organized to, or does aid or promote the passage or defeat of a public question in any election. A club organized to promote the candidacy of one or more candidates or aid or defeat the passage of a public question, without a term of existence substantially longer than the campaign, is a political committee. Political committee does not include:

1. (No change.)
2. A contributor not involved in fund raising or other election-related activity does not become a political committee solely by virtue of having made a contribution with respect to a candidate or public question, unless the aggregate amount of contributions [during any calendar year] in any election exceeds \$10,000.00.
- 3.-5. (No change.)

## CASINO CONTROL COMMISSION

(a)

Casino Licensure  
Property Disposition

**Proposed New Rule: N.J.A.C. 19:41-7.2A**

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-1(b) (4), 1(b) (10), 63(c), 69(a), 75, 80(d) and 84(e).

Proposal Number: PRN 1985-587.

Submit comments by November 20, 1985 to:  
Robert J. Genatt, General Counsel  
Casino Control Commission  
3131 Princeton Pike, Bldg. 5  
CN 208  
Trenton, NJ 08625

The agency proposal follows:

**Summary**

N.J.S.A. 5:12-84(e) requires the Commission to establish the suitability of casinos and related facilities, and to establish that such facilities will not adversely affect overall environmental conditions. The proposed new rule is intended to provide the Commission with certain information, as specified, to enable the Commission to monitor, review and assess the effect of casino industry real estate activities on Atlantic City, particularly as those activities relate to real property acquisition, change of use, demolition, and relocation of tenants.

The proposed new rule requires the submission, within two days of execution, of copies of all agreements entered into by a casino licensee or applicant for a casino license relating to the lease or purchase of, or option to lease or purchase, any residential, commercial or industrial structure in Atlantic City. It further provides that the casino licensee or applicant notify the Commission of the anticipated demolition of any existing structure in Atlantic City at least five days prior to such activity. The regulation also requires notification of any anticipated change of use or occupancy of any real property of the licensee or applicant, or its affiliate, located in Atlantic City, at least five days prior to effecting such change.

The proposed new rule also affirms a licensee's and applicant's responsibility for these activities regardless of whether such transactions are handled directly by or through an agent, intermediary or third party according to the terms of a contract.

**Social Impact**

Certain real estate activities can cause land use changes which may result in adverse impacts on local neighborhoods, businesses, and residents. Such impacts can include the loss of viable commercial and residential structures through demolition, and the personal and economic hardships which can accompany relocation. The proposed new rule will enable the Commission to monitor and assess real estate activities in Atlantic City and to determine the potential adverse impacts to the public resulting therefrom. The proposed new rule will have no significant social impact on the casino industry.

**Economic Impact**

The proposed new rule may pose a minor economic burden on the casino industry in that a procedure may have to be established to ensure the submission to the Commission of required information.

The proposed new rule will enable the Commission to monitor the casino industry's activities in the Atlantic City real estate market and thus may result in the avoidance or mitiga-

tion of any adverse economic impact on the city's population.

Full text of the proposed new rule follows.

19:41-7.2A Disposition of property of a casino licensee or applicant for a casino license

(a) It shall be an affirmative responsibility of each casino licensee or applicant for a casino license, as this term is defined in (b) below, to:

1. Submit to the Commission a copy of all agreements regarding the lease or purchase of, or the option to lease or purchase, any residential, commercial or industrial structure in Atlantic City entered into by the licensee or applicant, or any affiliate of the licensee or applicant. Such submission shall be provided within two days of the execution of the agreement;

2. Notify the Commission of any anticipated demolition by the licensee or applicant, or any affiliate of the licensee or applicant, of any existing structure in Atlantic City within two days of execution of the contract for demolition or at the time of application for a permit to demolish such structure, whichever occurs earlier, but in no event less than five business days prior to demolition. Such notification shall include a description of the property and its use, and the intended use of the site following demolition. The licensee or applicant shall also provide such other information as may be indicated from the materials submitted and requested by the Commission;

3. Notify the Commission of any anticipated change of use or occupancy of any real property of the licensee or applicant, or its affiliate, located in Atlantic City, as soon as the licensee or applicant, or its affiliate, determines to effect such change of use or occupancy, but in no event less than five business days prior to such change. Such notification shall include the full terms and conditions of relocation and a schedule of any tenants who are to be relocated. The licensee or applicant shall also provide such other information as may be indicated from the terms of the agreement and requested by the Commission;

4. Be responsible for compliance with the conditions imposed by this section regardless of whether the licensee or applicant, or its affiliate, undertakes any of the enumerated transactions directly or through an agent or intermediary, or through a contract which requires a seller, lessor or other third party, as a condition of sale, lease, option or transfer, to institute relocation proceedings against the tenants, or to demolish or otherwise to alter the present use of any residential, commercial or industrial structure in Atlantic City.

(b) For the purposes of this section an "applicant for a casino license" or an "applicant" means an entity which has submitted the \$100,000 nonrefundable deposit required by N.J.S.A. 5:12-139(c).

(c) Nothing in this section shall be construed to relieve a casino licensee or applicant of its obligation to demonstrate its initial and continued compliance with the requirements of N.J.S.A. 5:12-84(e) in order to obtain or maintain its casino license.

**(a)**

**Gaming Equipment  
Aisles; Grating; Electrical Outlets;  
Denominations; Density; Floor Space;  
Arrangement; Floor Plan; Slot Stools**

**Proposed Amendment: N.J.A.C. 19:46-1.27**

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary  
 Authority: N.J.S.A. 5:12-63(c).  
 Proposal Number: PRN 1985-577.

Submit comments by November 20, 1985 to:

Deno R. Marino  
 Deputy Director, Operations  
 Casino Control Commission  
 3131 Princeton Pike, Bldg. 5  
 CN 208  
 Trenton, New Jersey 08625

The agency proposal follows:

**Summary**

The proposed amendment specifically precludes the use of slot machines which do not create aisle space in front of the machine at least 2 feet in width, or the actual width of the machine, whichever is greater, and at least 3 feet in length. The amendment was proposed by International Game Technology, a manufacturer of slot machines, with the intention of taking advantage of a newly designed slot cabinet which reduces the space occupied by the slot machine.

**Social Impact**

The casino licensee will have more flexibility in providing the patron with comfort, safety, and/or egress. This is achieved by the fact that the proposed amendment directs itself away from the space occupied by the slot machine and towards the space occupied by the patron. The casino licensee will have the potential to offer more slot machines to patrons since the space occupied by a machine and a patron can be reduced by a maximum of 2 square feet. The current regulation requires that for each slot machine the casino licensee allocate no less than 10 square feet of floor space of its casino authorized by the Commission to be occupied by slot machines.

The proposed amendment must be applied, in part, along with the statutory proscription found at N.J.S.A. 5:12-100h preventing slot machines, including walkways between them, from occupying more than 30 percent of the first 50,000 square feet of floor space of a casino, or more than 25 percent of any additional floor space of a casino larger than 50,000 square feet. The combination of these regulatory requirements effectively limits the number of slot machines which may be placed on any casino gaming floor to approximately one-tenth of 30 percent of the first 50,000 square feet of casino space and one-tenth of 25 percent of any excess casino square footage beyond that amount.

The proposed amendment raises a concern regarding the additional number of slot machines the amendment would allow. Currently, a casino of 60,000 square feet could contain as many as 1,750 slot machines and remain within the legislature mandate. However, if all machines were manufactured

to the specification of IGT's new style slot cabinet, the maximum number of machines allowable would be 2,187 machines. This represents a 25 percent increase or 437 additional machines. When considering the possibility of such an increase in machines, a recommendation by the New Jersey Governor's Staff Group on Casino Gambling must also be considered. In its second Interim Report, the staff policy group recommended "certain minimum guidelines which . . . eliminate the undesirable features of arcade-like 'grind joints' . . ." Obviously, the staff policy group objected to the concept, perceived or actual, of so called "slot parlors."

The additional number of slot machines correspondingly increases the number of people expected to be on the casino floor. The increased occupancy may, as a result, present potential problems with crowd control and raise life safety issues throughout the industry.

**Economic Impact**

The proposed amendment may give International Game Technology a competitive advantage over other slot machine manufacturers. It is expected, however, that other manufacturers will follow suit and, therefore, the advantage will only be short term. In any case, the number of machines that may be on the casino floor from any one manufacturer will still be restricted to 50 percent.

Since the proposed amendment provides for the patron's comfort and safety, as well as seating accommodations, patron slot play may be extended. The proposed amendment may increase competition among slot manufacturers to produce and sell slot machines in a variety of sizes and shapes. The increased number of slot machines may generate additional revenues and, therefore, increase the amount of gross revenue taxes collected.

The increased number of slot machines may also increase the enforcement costs to assure compliance with the proposed amendment and to analyze, review and inspect a greater number of slot machines.

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

19:46-1.27 Aisles; grating; electrical outlets; denominations; density; floor space; arrangement; floor plan; slot stools

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

(e) Unless otherwise approved by the Commission, no casino licensee shall be permitted to use in the conduct of gaming any [number of] slot machines which [creates a density of greater than one machine for every 10 square feet of the floor space of its casino authorized by the Commission to be occupied by slot machines] **do not allow aisle space in front of them at least two feet in width, or the actual width of the machine, whichever is greater, and at least three feet in length.**

(f)-(k) (No change.)

# RULE ADOPTIONS

## AGRICULTURE

### (a)

#### DIVISION OF MARKETS

##### Sire Stakes Program Sire Stakes Rules

##### Adopted Amendment: N.J.A.C. 2:32-2.7

Proposed: August 19, 1985 at 17 N.J.R. 1956(a).  
Adopted: September 24, 1985 by Sire Stakes Board of Trustees; and Arthur R. Brown, Jr., Secretary of Agriculture.

Filed: September 26, 1985 as R.1985 d.521, **without change.**

Authority: N.J.S.A. 5:5-91.

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): March 21, 1988.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text of the adoption follows.**

##### 2:32-2.7 Closing of yearling nominations

The date of the closing of nominations of yearlings to the Pari-mutuel and Fair Divisions shall be May 15 of each year, in accordance with the United States Trotting Association regulations, with no exceptions. A copy of the horse's United States Trotting Association's Certificate of Registration must accompany the yearling nomination payment. A \$40.00 payment per horse covers the nomination fee to both the Fair and Pari-mutuel Divisions. Thereafter, each division will have separate sustaining payments with separate due dates. In addition, beginning in 1985, for foals of 1984, the yearling nomination payment form will also include the nomination to the Lou Babic Pace at \$25.00. If one chooses to nominate to both of these events, the yearling nomination payment will be a total of \$65.00 and be due on or before May 15 of each year. Parties submitting proper yearling payments and nominations by May 15, 1985, but failing to meet the provision requiring a copy of the United States Trotting Association Certificate of Registration, may supplement the yearling by December 15, 1985, at an additional fee of \$100.00, provided that the yearling has a United States Trotting Association Certificate of Registration dated on or before May 15 of its yearling year.

Parties delinquent to the May 15 payment date, or the valid United States Trotting Association Certificate of Registration requirement dated on or before May 15 of its yearling year, are given until January 15 of the two-year-old year to fulfill the aforementioned conditions of nominations for a fee of \$400.00.

## COMMUNITY AFFAIRS

#### DIVISION OF HOUSING AND DEVELOPMENT

### (b)

##### Uniform Construction Code Licenses

##### Adopted Amendments: N.J.A.C. 5:23-5.7 and 5.11

Proposed: July 15, 1985 at 17 N.J.R. 1705(a).  
Adopted: September 25, 1985 by John P. Renna, Commissioner, Department of Community Affairs.  
Filed: September 30, 1985 as R.1985, d.528, **without change.**

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

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): April 1, 1988.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text of the adoption follows.**

##### 5:23-5.7 Renewal of license and issuance of new license

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

(f) After revocation of a license upon any of the grounds set forth in these regulations, the office may not renew or reinstate such license; however, a person may file a new application for a license with the department.

(g) The department shall not issue a new license to an applicant whose license was previously revoked unless and until the following conditions are met:

1. At least two years shall have passed since the effective date of the revocation of the previous license;
2. If the applicant was convicted of a crime related in any way to code enforcement, the department shall have determined, in light of the factors set forth in N.J.S.A. 2A:168A-2, that the applicant has been fully rehabilitated and that licensing the applicant would not be detrimental to the public welfare;
3. The applicant shall have made full restitution to any person who sustained a loss as a result of the act or omission for which the previous license was revoked; and
4. All conditions imposed by the order of revocation shall have been complied with.

##### 5:23-5.11 Revocation of licenses and alternative sanctions

(a) The department may revoke a license, suspend a license for not more than 60 days and/or assess a civil penalty of not more than \$500.00, if the department determines that the

holder:

- 1.-10. (No change.)
- (b)-(c) (No change.)

## (a)

### Condominium and Cooperative Conversion

#### Readoption with Amendments: N.J.A.C. 5:24

Proposed: July 15, 1985 at 17 N.J.R. 1706(a).

Adopted: September 25, 1985 by John P. Renna,

Commissioner, Department of Community Affairs.

Filed: September 30, 1985 as R.1985, d.529, **without change.**

Authority: N.J.S.A. 2A:18-61.12 and 2A:18-61.38.

Effective Date For Readoption: September 30, 1985.

Effective Date For Amendments: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): September 1, 1990.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text** of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 5:24.

**Full text** of the adopted amendments to the readoption follows.

#### 5:24-1.2 Procedures; terms

(a) When an owner seeks to convert a building from the rental market to a condominium or cooperative, or a mobile home park from the rental market to a condominium or cooperative or fee simple ownership of two or more units or park sites, there are several procedures required in section 3(g), 4, 5, 6, 7, 8 and 9 of N.J.S.A. 2A:18-61.12. These regulations, as provided in N.J.A.C. 5:24-1.9, are to assist owners and tenants to more easily understand and implement the requirements of the act. The terms used in this act and these regulations are defined as follows:

1. "Multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied, by three or more persons who live independently of each other; provided, that this definition shall not be construed to include any building or structure defined as a hotel in N.J.S.A. 55:13A-3, or registered as a hotel with the Commissioner of Community Affairs, or occupied or intended to be occupied exclusively as such, or any building under a condominium form of ownership.

2. (No change.)

3. "Cooperative" means a housing corporation or association which entitles the holder of a share of membership interest thereof to possess and occupy for dwelling purposes, a house, apartment or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling to be constructed by said corporation or association.

4. "Mobile home park" means any park, including, without limitation, a trailer park or camp, equipped to accommodate

mobile homes on a year-round basis.

5. "Rooming or boarding house" means a building or structure having at least two dwelling units which do not have separate cooking and sanitary facilities for the unit and which are occupied by persons living independently of each other, and having at least 15 percent of such units occupied by persons who either have no other residence or who reside there for more than 90 days.

#### 5:24-1.3 Documents required

(a) Any owner who intends to convert a multiple dwelling, a rooming or boarding house or a mobile home park into a condominium or cooperative, or to fee simple ownership of units or park sites, must first provide tenants with a "notice of intent" and a "full plan of conversion."

(b)-(d) (No change.)

(e) Any material change in the full plan of conversion or amendment to the Public Offering Statement (POS) under N.J.S.A. 45:22A-21 et seq. and N.J.A.C. 5:26-1.1 et seq. shall require such extension of the 90-day exclusive right to purchase as may be necessary to allow tenants who have not yet purchased their units at least 30 days remaining in which to exercise such exclusive right. If the purchase contract offered by the developer does not include a contingency provision allowing a purchaser at least 60 days in which to secure financing for the purchase, then, unless the developer is providing such financing upon terms found by the Division of Housing and Development to be reasonable, the exclusive right to purchase period shall be extended as long as may be necessary to allow such tenants at least 60 days remaining in which to exercise such exclusive right.

1. (No change.)

2. A change shall be deemed "material" for the purpose of (e) of this section if so deemed by the Division of Housing and Development pursuant to N.J.A.C. 5:25-3.3(a).

3. Any determination by the Division of Housing and Development that a change in material shall be made within the 90 day exclusive right to purchase period or within such further period as may be required by the Division of Housing and Development in order to investigate any allegation made during such 90 day period as to the existence of any circumstance or condition that might constitute or necessitate a material change.

#### 5:24-1.4 Contents of notice of intent to convert

(a) The notice of intent to convert shall consist of three items as follows:

1. (No change.)

2. Notice that the tenant in occupancy at this time shall have an exclusive right to purchase the unit or park site or shares of stock allocated thereto for the first 90 days after such notice, and that during this 90-day period the unit or site cannot be shown to a third party unless the tenant has in writing waived the right to purchase.

3. A copy of these regulations or any statement of tenants' rights in relation to conversion subsequently approved for this purpose by the Department of Community Affairs. These may be obtained from: Bureau of Housing Inspection, Office of Landlord-Tenant Relations, CN 810, Trenton, New Jersey 08625.

#### 5:24-1.5 Full plan of conversion

(a) (No change.)

(b) The full plan of condominium conversion shall contain the following documents and information:

1.-12. (No change.)

13. Disclosure as to the legal jurisdiction wherein the property lies, and a statement as to the extent to which such property is in compliance with all applicable zoning and housing codes and other applicable regulations;

14. (No change.)

(c) The full plan of cooperative conversion shall contain the following documents and information, which shall be in addition to any requirements which may be imposed by the Bureau of Securities in the New Jersey Department of Law and Public Safety:

1.-17. (No change.)

18. Disclosure as to the legal jurisdiction wherein the property lies and a statement as to the extent to which such property is in compliance with all applicable zoning and housing codes and other applicable regulations;

19. (No change.)

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

#### 5:24-1.6 Tenants in occupancy

(a) Tenants in occupancy prior to the recording of the master deed, deed establishing a fee simple lot or deed transferring the property to a cooperative corporation or association who have received the three year notice of eviction on the grounds of conversion have the right, for 18 full months after the receipt of such notice, to request of the landlord, and to be offered by the landlord, personally or through an agent, a reasonable opportunity to examine and rent "comparable housing."

1. "Comparable housing" means housing, or a park site in the case of a mobile home owner, which meets the following criteria:

i.-v. (No change.)

2. (No change.)

#### 5:24-1.6(b).

(b)-(e) (No change.)

#### 5:24-1.7 Evictions

(a) In order to evict for this cause at the end of the three year notice period, the owner must prove in court that the tenant was offered comparable housing as requested and as defined in N.J.A.C. 5:24-1.6(a) and reasonable opportunity to examine and rent such housing as described in N.J.A.C.

#### 5:24-1.9 Required statement

(a) Any tenants who begin their initial tenancy after the master deed or deed establishing fee simple lots or deed to a cooperative corporation or association is filed by the owner must be provided at the time of applying and at the establishment of a rental agreement with a separate statement conforming exactly to the words in capital letters which follow. The statement must be included as the first clause of any written lease. This is the statement:

#### STATEMENT

THIS BUILDING (PARK) HAS BEEN CONVERTED TO A CONDOMINIUM OR COOPERATIVE OR TO FEE SIMPLE OWNERSHIP OF THE DWELLING UNITS OR PARK SITES. YOUR TENANCY CAN BE TERMINATED UPON 60 DAYS' NOTICE IF YOUR APARTMENT (OR PARK SITE) IS SOLD TO A BUYER WHO SEEKS TO PERSONALLY OCCUPY IT. IF YOU MOVE OUT AS A RESULT OF RECEIVING SUCH A NOTICE, AND THE LANDLORD ARBITRARILY FAILS TO COMPLETE THE SALE, THE LANDLORD SHALL BE LIABLE TO YOU FOR TREBLE DAMAGES AND COURT COSTS.

(b)-(c) (No change.)

#### 5:24-2.2 Application forms

(a) A tenant seeking protected tenancy status pursuant to the Act shall apply to the appropriate administrative agency or officer on a form prescribed by the Division of Housing and Development of the Department of Community Affairs.

(b) (No change.)

#### 5:24-2.9 Procedural requirements for owners

(a) An owner providing notice to an administrative agency or officer of his or her intention to file an application for registration of conversion with the Division of Housing and Development shall provide to the administrative agency or officer sufficient current copies of the following forms provided by the Division of Housing and Development.

1.-6. (No change.)

(b) (No change.)

(c) Forms at variance with the forms provided by the Division of Housing and Development shall not be accepted.

(d) Notice of the conversion recording shall be given by the owner to the administrative agency or officer and to the Division of Housing and Development within 10 days of such conversion recording.

#### 5:24-2.10 Certification by administrative agency

(a) (No change.)

(b) Within two business days of the mailing of such notices, the administrative agency or officer shall provide to the owner an affidavit or certification of mailing by the person who mailed the notices. A duplicate of such affidavit or certification shall be included in the application for registration submitted by the owner to the Division of Housing and Development submission of such affidavit or certification with respect to all applications filed within the statutory 60 day period being a precondition to the issuance by the Division of Housing and Development of a notice of filing for registration.

(c) Within two business days of having mailed notices of determination of eligibility to all applicants who filed during the statutory 60 day period, such determinations being required by the Act to be made in each case within 30 days of application, the administrative agency or officer shall provide to the owner a list of such determinations and an affidavit or certification by the person who mailed notices of such determination to the applicants. A duplicate of such list of determinations and affidavit or certification shall be assigned by the administrative agency or officer to the Division of Housing and Development receipt thereof being a precondition to registration.

(d) (No change.)

**(a)**

## LOCAL FINANCE BOARD

### Local Authorities

**Adopted Amendments: N.J.A.C. 5:31-2.1, 2.2, 2.3, 2.4, 2.5, 4.1, 4.2, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7**

Proposed: August 5, 1985 at 17 N.J.R. 1823(a).

Adopted: September 9, 1985 by Local Finance Board,  
Barry P. Clark, Executive Secretary.

Filed: September 18, 1985 as R.1985 d.511, **without change.**

Authority: N.J.S.A. 40A-5A-1 et seq. (L.1983, c.313).

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): December 1, 1989.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

Full text of the adoption follows.

5:31-2.1 Annual budget preparation and content

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

(d) Every budget shall be prefaced by a narrative explanation of its contents, entitled "budget message." Content of the budget message shall be prescribed by the Director.

(e) Signatures required on all budget documents, budget amendments and information supporting the budget shall be hand-written signatures.

(f) Annual budgets, capital budgets and capital programs shall be prepared on standard forms provided by the Division as promulgated by the Local Finance Board.

(g) Operating appropriations shall be classified as to "salaries and wages" and "other expenses."

(h) All introduced budgets, adopted budgets and budget amendments shall contain the recorded vote of the governing body.

5:31-2.2 Capital budget and capital program

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

(f) Except for the cost of preliminary plans, specifications and estimates, no authority shall make appropriations, authorize expenditures or adopt a security agreement for a capital project unless its provisions are in agreement with a previously adopted capital budget, temporary capital budget or amended capital budget.

5:31-2.3 Budget introduction and adoption for other than special districts

(a) (No change.)

(b) The budget shall set forth all anticipated revenues of the authority, including the following, where applicable:

1. Retained earnings (fund balance) which shall not exceed the amount of working capital reduced by unrestricted assets not ordinarily convertible into cash; or the estimated year end balance of unreserved retained earnings; whichever is the lower.

2.-7. (No change.)

(c) The budget shall set forth all of the appropriations of the authority including the following, where applicable.

1.-10. (No change.)

11. Provision for amortization of intangible assets.

12. Provision for uncollectible accounts.

13. Capital outlay for property, plant and equipment acquisitions expected to be paid from the operating budget.

14. Total appropriations.

(d) (No change.)

(e) The following information and documentation shall accompany the budget:

1.-2. (No change.)

3. A computation of the budgeted provision for doubtful accounts, including the method utilized and the percentage to billings, compared with the most recent moving average of

uncollectible accounts to billings.

4. A computation of the amount of the budgeted provision for future plant reconstruction or replacement.

Renumbering existing 3.-6. as 5.-8.

(f)-(g) (No change.)

5:31-2.4 Budget introduction and adoption for fire and other special districts

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

(f) The following information and documentation shall accompany the budget:

1.-2. (No change.)

(g) The budget and all relevant information shall be reviewed by the Director. If the Director finds that all requirements of law and the rules and regulations of the Local Finance Board have been met, he shall, within 21 days of his receipt of the budget, approve it; otherwise he shall within that time refuse to approve it. No district budget shall be adopted by the Commissioners until the Director shall have approved same, provided however that if the Director has not notified the Commissioners of his approval or refusal to approve the budget and the conditions on which his approval will be granted at the end of the 21 day period, the budget will be deemed to have been approved. Budget adoption shall be by resolution passed by a majority of the full membership of the commission.

1. Two certified copies of the budget as adopted shall be transmitted to the Director within seven days after adoption.

2. One certified copy of the budget as adopted shall be transmitted to the local unit within seven days after adoption.

(h) In the event that the adopted budget is rejected at the annual election of the district, the governing body of the local unit shall, within 30 days after the annual election prepare and adopt, by resolution passed by a majority vote of the full membership of the governing body of the local unit, the budget for the fiscal year of the district. The budget adopted by the governing body of the local unit shall be in the same line item and detail as that rejected at the annual election of the district.

(i) Within three days after its adoption the local unit shall transmit two certified copies of the budget, as adopted by the local unit, to the Director and one certified copy of the budget, as adopted by the local unit, to the commissioners of the district.

(j) No district budget adopted by a local unit shall become effective prior to approval by the Director.

(k) When the annual budget is approved at the annual election of the district or finally adopted by the local unit, as the case may be, it provides legal authorization for general fund spending. Adopted budgetary accounts shall be formally integrated in the general fund ledger.

5:31-2.5 Late approval of budget; temporary appropriations

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

(e) All resolutions referred to in this section shall be adopted by not less than a majority vote of the full membership of the governing body.

5:31-2.6 Budget review by Director

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

(d) The Director in refusing to approve a budget:

1. (No change.)

2. Shall notify the governing body of his reasons for refusing to approve and the conditions upon which approval will be granted.

## 5:31-4.1 Payment of authority moneys; approval of claims

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

(e) Payment of claims shall be by check drawn on the authority, signed by the governing body chairman, the chief financial officer and countersigned by such other officer or officials as designated by resolution.

(f) (No change.)

## 5:31-4.2 Signatures on checks drawn upon the treasury of the authority

Every authority shall at each organizational meeting designate by resolution the individuals whose signatures shall appear on checks drawn upon the treasury of the authority.

## 5:31-7.1 Accounting systems

(a) A double-entry accounting system for recording all transactions shall be required for authorities and special districts.

(b) The major components of the double-entry accounting system shall include books of original entry, a general journal, a general ledger and a system of internal control.

1. The books of original entry shall reflect all transactions involving cash receipts, cash disbursements, purchasing and payrolls.

2. The general journal shall maintain control over all adjustments to the general ledger that are not reflected in the books of original entry.

3. The general ledger shall reflect the impact of financial transactions on the revenues, expenses or expenditures, assets, liabilities and fund balances or equity of the entity.

4. The system of internal control shall provide for segregation of duties in originating and recording accounting transactions, insofar as practicable depending upon the size and complexity of the authority or district.

(c) The general ledger shall be summarized and balanced frequently by periodic trial balances.

(d) Revenue realized and expenditures or expenses incurred shall be compared with budgeted amounts at frequent intervals.

## 5:31-7.2 Accounting principles and policies for other than special districts

(a) Accounting transactions and records shall be maintained on the accrual basis of accounting in accordance with generally accepted accounting principles (GAAP) for enterprise funds as described in Statement 1, "Governmental Accounting and Reporting Principles" promulgated by the National Council on Governmental Accounting (NCGA), located at 180 North Michigan Avenue, Suite 800, Chicago, Illinois 60601.

1.-2. (No change.)

(b)-(f) (No change.)

## 5:31-7.3 Accounting principles and policies for special districts

(a) Accounting transactions and records shall be maintained on the modified accrual basis of accounting in accordance with generally accepted accounting principles for governmental type funds as described in Statement 1 promulgated by the National Council on Governmental Accounting (NCGA) located at 180 North Michigan Avenue, Suite 800, Chicago, Illinois 60601, as modified by regulation of the Local Finance Board.

1. (No change.)

2. Expenditures are recognized when the related liability is incurred. Exceptions to the general rule are:

i.-ii. (No change.)

iii. Expenditures for insurance and similar services extending over more than one accounting period need not be allocated between or among accounting periods but may be accounted for as expenditures of the period of acquisition. When prepaid insurance or other similar items are reported on the balance sheet, the amount of such items must also be equally offset by fund balance reserve accounts.

(b) The accounting system shall be organized and operated on a fund basis, each fund being defined as a fiscal and accounting entity with a self-balancing group of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives.

1. (No change.)

2. The capital fund is used to account for the purchase or construction of major capital facilities, or fixed assets. The activities are financed primarily through general obligation bond issues or intergovernmental funds. Capital fund spending is controlled primarily by bond indenture provisions or intergovernmental fund grant requirements. **Long term liabilities of a district are accounted for in the capital fund at their face value.**

3.-4. (No change.)

## 5:31-7.4 Auditing procedures and scope

(a) Each authority shall cause an annual examination of its financial statements performed in accordance with generally accepted auditing standards as promulgated by the American Institute of Certified Public Accountants (AICPA). The audit shall cover all the financial transactions of the authority for a complete fiscal year, and include a review of the records of all officials or employees who handle funds.

1.-3. (No change.)

(b)-(e) (No change.)

(f) All audit workpapers shall indicate the name or initials of the person who performed the audit work. All workpapers shall be made available to the Director upon request. Workpapers shall be retained by the auditor for a minimum of seven years. The audit workpapers shall include the following:

1.-3. (No change.)

4. Audit work performed, including tests of federal, state and authority compliance and extent of testing of transactions relating to the financial audit, and auditor's statement of objectives and conclusions on fairness of presentation.

5. (No change.)

6. Schedules and analyses supporting the financial statements.

(g) (No change.)

## 5:31-7.5 Audit Reports and Financial Reporting Practices for other than Special Districts

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

(d) The auditor shall file a completed audit questionnaire with the Bureau of Authority Regulation in the New Jersey Division of Local Government Services with the audit report. The questionnaire is not to be filed with the authority nor the local unit.

(e) The synopsis of the annual audit required to be published by N.J.S.A. 40A:5A-16 shall, as a minimum, include:

1. Comparative balance sheet;

2. Comparative statement of revenue, expenses and changes in fund equity;

3. Summary of recommendations.

5:31-7.6 Audit Reports and financial reporting practices for special districts

(a) (No change.)

(b) Each audit report shall include the auditor's report on the financial statements and the following information for the current and immediately preceding fiscal year:

1.-2. (No change.)

3. Statistical information which shall include, as a minimum:

i. A tabulation of district assessed valuations, property tax levies and property tax rates for the current and four preceding years;

ii. A tabulation of principal and interest for the next five fiscal years on district debt issued and outstanding at the end of the fiscal year under audit;

iii. A tabulation of the unreserved general fund balance or deficit and subsequent budget action thereon for the current and four fiscal years;

iv. Such other statistical information as prescribed by the Local Finance Board or desired by district officials.

4.-5. (No change.)

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

[5:31-7.6]5:31-7.7 Audit of Federal Grants  
(No change in text.)

## EDUCATION

### (a)

#### STATE BOARD OF EDUCATION

##### School Facility Planning Services

**Adopted New Rules: N.J.A.C. 6:22**

**Adopted Amendments: N.J.A.C. 6:3-1.17**

**(recodified as 6:22-3.1) and 6:3-1.23**

**(recodified as 6:22-4.1)**

Proposed: March 18, 1985 at 17 N.J.R. 650(a).

Adopted: September 4, 1985 by State Board of Education, Saul Cooperman, Secretary.

Filed: September 30, 1985 as R.1985 d.527, with **substantive and technical changes** not requiring additional public notice and comment (N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:4-15, 18A:18A-16, 18A:18A-18, 18A:18A-39, 18A:20-36, 18A:33-1 et seq., and 52:27D-130.

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): September 30, 1990.

##### **Summary of Public Comments and Agency Responses and Reasons for Making Changes:**

Chapter 496, Laws of 1983 permits the Department of Education to adopt enhancements to the State Uniform Construction Code (U.C.C.) which are developed in consultation

with the Department of Community Affairs (DCA).

The Department of Education proposed a compendium of 85 enhancements (N.J.A.C. 6:22-2.3). Consultation with the DCA on the enhancements, particularly as they relate to an amended, updated version of the U.C.C. (N.J.A.C. 5:23-1.1 et seq.), revealed that many of the proposed enhancements were already imbedded within the U.C.C.

In addition, the definition of an enhancement was clarified as a statement which expands the intent of U.C.C. requirements regarding health and safety standards. Many of the enhancements proposed by the Department of Education did not fit this definition and were, in the lexicon of the U.C.C., facility planning standards indigenous to school buildings. Such facility planning standards are acceptable to the DCA.

The result of consultations with the DCA and the emergence of the facility planning standards reduced the number of proposed enhancements. The final adopted rule contains eight enhancements (N.J.A.C. 6:22-2.3) and thirty-two educational facility planning standards (N.J.A.C. 6:22-2.4).

The Department received written comments from three State educational organizations. The Educational Media Association of New Jersey recommended that "Instructional Media Center," a publication of the Bureau of Facility Planning Services' Educational Facilities Series, be adopted by citation as an enhancement to the U.C.C. The department's reaction to this suggestion was favorable. As a result, the department is developing a new rule proposal which includes six publications of the Educational Facilities Series as part of the U.C.C. The proposal will be introduced into the rulemaking process in accordance with the Administrative Procedure Act to provide for appropriate public notice and comment.

The New Jersey School Boards Association recommended three changes including permanent approval of off-site facilities, substandard approval of portable classrooms and the creation of a facilities review board to hear appeals from district boards of education regarding decisions by the director of the Bureau of Facility Planning Services. The department could not favorably respond to these recommendations. Off-site facilities are those not built as schools and therefore never approved by the State Board of Education. Such facilities are generally unapprovable as permanent facilities. Further, portable classrooms, also called mobile classrooms, do not meet criteria for approval as substandard classrooms with regard to health, safety and educational adequacy factors. Finally, a facilities review board would usurp the authority of the Commissioner of Education and, therefore, the department could not agree to its establishment.

A comment was received from the New Jersey Association of School Administrators requesting clarification in the section on School Closings (N.J.A.C. 6:22-1.5). Subsequent discussions resulted in a change in the rules that more specifically identifies the information which the department needs in order to ensure that a school closing does not result in the overcrowding of remaining schools or in the use of substandard spaces in those schools. The Association also suggested a change to N.J.A.C. 6:22-1.3, Disposal of Land, which would specify that the section applies only to school sites on which there is an operational school. The department agreed and the change was made. A second part of the suggestion called for the establishment of a 30-day limit in which the bureau had to respond to an application for approval. There was no agreement on this suggestion.

A comment was received from one member of the public wherein it was suggested to specify doors as part of the partition in student toilet rooms or lavatories. The department

agreed and the change was made in N.J.A.C. 6:22-2.4(a)21.

A comment was received from an industrial firm, Brandhurst Inc., of Danbury, CT. The concern expressed dealt with self-illuminous signs and with emergency lighting in general. There was an apparent misunderstanding that this department is governed basically by the U.C.C. Since the comment referenced several sub-sections of the U.C.C., it was not necessary to make any changes in N.J.A.C. 6:22.

At the public hearing of the State Board of Education, held on August 21, 1985, two persons spoke to the proposed rules. Mr. William Connelly, Assistant Commissioner, Department of Community Affairs, spoke in favor of the code in its final form and complimented the Board about department efforts when consulting with his department. Also, Mr. Russell Molloy, Director of Governmental Relations for the New Jersey Association of School Administrators, appeared to reiterate his Association's preference for a 30-day maximum response time in relation to applications made under N.J.A.C. 6:22-1.3, Disposal of Land.

Statement of changes made between publication of proposal and adoption

- 6:22-1.1(a)5 Agency removed responsibility from bureau manager to licensed construction official since the Uniform Construction Code (U.C.C.) requires that variances to it be made by a licensed construction official.
- 6:22-1.2(b)6 Agency substituted "district board of education" for "owner" for clarification.
- 6:22-1.3 Agency added full title of publication which was omitted in published version.
- 6:22-1.5(a) and (b) Changes were made in this section in response to public comments—particularly those received from one of the State's major educational associations asking that the Department specify that the rule applies only where there is an operational school building on the site. Agency also reworded rule for clarity.
- 6:22-1.6(b) The changes made in this section responded to public comments. The change eliminates the time requirement and is less procedural. The changes also indicate specific information which the department needs to have.
- 6:22-2.1(a) Agency added subsection "(b)" to clarify how variances to the standards will be decided.
- 6:22-2.2 Upon advice that the State Board of Education may not adopt, even by reference, the State U.C.C., the agency reworded the rule to affirm the Board's position that public school construction shall be done in accordance with the U.C.C.
- 6:22-2.3 The Department of Community Affairs (DCA) contends that certain definitions are not necessary in this chapter since

6:22-2.3

6:22-2.3(a)1.i.

- (a)2
- (a)3 and 4
- (a)5
- (a)6-14
- (a)15 and 16
- (a)17-23
- (a)24
- (a)25-27
- (a)28
- (a)29-31
- (a)32
- (a)33-35
- (a)36
- (a)37
- (a)38
- (a)37 and 38
- (a)39
- (a)40 and 41

they are already contained in the U.C.C. The agency agreed and deleted the following definitions: "artificial lighting," "hazardous," "inner court," "panic hardware," "primary corridors."

The agency deleted the definition for "middle school" because it could lead to confusion with another recently adopted amendment (N.J.A.C. 6:3-1.10, Standards for determining seniority) that specifies the term "departmental" within a program context.

The agency added two new definitions for clarification: "pre-engineering, modular classroom," and "relocatable classroom" and further defined the definition of "open space."

In the agency's negotiations with DCA, it was decided that certain enhancements proposed in this section would be relocated to a proposed new section: 6:22-2.4, Educational Facility Planning Standards. Also, it was decided that certain enhancements would be deleted altogether since they are already required by the U.C.C. To this end, changes were made as follows:

- Relocated to 6:22-2.4(a)1 with technical changes. ii. and iii. deleted from proposal.
- Relocated to 6:22-2.4(a)2 as proposed.
- Deleted from proposal.
- Relocated to 6:22-2.4(a)3 as proposed.
- Deleted from proposal.
- Relocated to 6:22-2.4(a)4 and 5 as proposed.
- Deleted from proposal.
- Agency recodified as 6:22-2.3(a)1 with modifications resulting from DCA negotiations.
- Deleted from proposal.
- Agency recodified as 6:22-2.3(a)2.
- Deleted from proposal.
- Relocated to 6:22-2.4(a)6 as proposed.
- Deleted from proposal.
- Agency recodified as 6:22-2.3(a)3 as proposed.
- Relocated to 6:22-2.4(a)7 as proposed.
- Relocated to 6:22-2.4(a)8 with modifications resulting from DCA negotiations.
- Relocated to 6:22-2.4(a)8 and 9 with modifications resulting from DCA negotiations.
- Agency recodified as 6:22-2.3(a)4 with technical modifications resulting from DCA negotiations.
- Agency combined these paragraphs and recodified as 6:22-2.3(a)5 with technical modifications.

|                  |  |              |   |
|------------------|--|--------------|---|
| (a)42 and 43     | Deleted from proposal.   |              | measure for students.   |
| (a)44            | Agency recodified as 6:22-2.3(a)6.   | 6:22-2.4     | This is a new section which incorporates requirements that originally were proposed as "enhancements" under 6:22-2.3. Although some have been slightly modified, only 3 of the planning standards are completely new: 6:22-2.4(a)11, 25 & 32. For the reader's easy reference as to where the planning standard appeared in the original proposal, the original citation precedes each standard and is shown in brackets with asterisks; the new citation is shown in boldface with asterisks. All of the changes and additions result from the agency's negotiations with DCA. |
| (a)45-47         | Deleted from proposal.   |              |   |
| (a)48 and 49     | Relocated to 6:22-2.4(a)9 and 10 as proposed.  |              |   |
| (a)50 and 51     | Agency combined these paragraphs and recodified as 6:22-2.3(a)7 with technical modifications resulting from DCA negotiations.  |              |   |
| (a)52            | Deleted from proposal.   |              |   |
| (a)53            | Relocated to 6:22-2.4(a)12 with modifications resulting from DCA negotiations.   |              |   |
| (a)54            | Deleted from proposal.   |              |   |
| (a)55-57         | Relocated to 6:22-2.4(a)13, 14 and 15 as proposed.   | 6:22-2.4(a)1 | Relocated from 6:22-2.3(a)1 with technical changes.   |
| (a)58            | Deleted from proposal.   |              |   |
| (a)59            | Relocated to 6:22-2.4(a)16 with technical changes requiring punctuation and capitalization.  | (a)2         | Relocated from 6:22-2.3(a)2 as proposed.  |
| (a)60            | Relocated to 6:22-2.4(a)17 and expanded resulting from DCA negotiations.   | (a)3         | Relocated from 6:22-2.3(a)5 with clarifications.  |
| (a)61            | Deleted from proposal.   | (a)4         | Relocated from 6:22-2.3(a)15 as proposed.   |
| (a)62            | Relocated to 6:22-2.4(a)18 as proposed.  | (a)5         | Relocated from 6:22-2.3(a)16 as proposed.   |
| (a)63            | Deleted from proposal.   | (a)6         | Relocated from 6:22-2.3(a)32 as proposed.   |
| (a)64 and 65     | Relocated to 6:22-2.4(a)19 and 20 as proposed.   | (a)7         | Relocated from 6:22-2.3(a)37 as proposed.   |
| (a)66            | Relocated to 6:22-2.4(a)21 and expanded to include doors.  | (a)8         | Relocated from 6:22-2.3(a)38 with changes resulting from DCA negotiations.  |
| (a)67-69         | Relocated to 6:22-2.4(a)22 through 24 as proposed.   | (a)9         | Relocated from 6:22-2.3(a)48 as proposed.   |
| (a)70            | Deleted from proposal.   | (a)10        | Relocated from 6:22-2.3(a)49 as proposed.   |
| (a)71-74         | Relocated to 6:22-2.4(a)26 through 29 as proposed.   | (a)11        | Agency added this new rule, which specifies the artificial lighting requirements, in order to assure proper lighting levels as indicated by research. The requirements were a part of the former rules under N.J.A.C. 6:22.   |
| (a)75            | Relocated to 6:22-2.4(a)30 and expanded to include "and requirement of the Fire Prevention Code" as a more complete requirement.   | (a)12        | Relocated from 6:22-2.3(a)53 with changes resulting from DCA negotiations.  |
| (a)75.i          | Deleted from proposal.   | (a)13        | Relocated from 6:22-2.3(a)55 as proposed.   |
| (a)75.ii, iii    | Relocated to 6:22-2.4(a)30.i and ii.   | (a)14        | Relocated from 6:22-2.3(a)56 as proposed.   |
| (a)75.iv, v, vi  | Deleted from proposal.   | (a)15        | Relocated from 6:22-2.3(a)57 as proposed.   |
| (a)75.vii        | Relocated to 6:22-2.4(a)30.iii.  | (a)16        | Relocated from 6:22-2.3(a)59 with technical changes to correct punctuation and capitalization.  |
| (a)75.viii       | Deleted from proposal.   | (a)17        | Relocated from 6:22-2.3(a)60 and revised to include square footage requirements.  |
| (a)75.ix         | Relocated to 6:22-2.4(a)30.iv.   | (a)18        | Relocated from 6:22-2.3(a)62 as proposed.   |
| (a)75.x, xi, xii | Deleted from proposal.   |              |   |
| (a)75.xiii       | Relocated to 6:22-2.4(a)30.v.  |              |   |
| (a)76            | Relocated to 6:22-2.4(a)31 and, based on DCA negotiations, deleted subparagraphs iii. and iv. Subparagraphs i., ii., v., vi., and vii. were retained and recodified as i. through v. respectively. |              |   |
| (a)77            | Relocated to 6:22-2.4(a)32 with modifications resulting from DCA negotiations.   |              |   |
| 6:22-2.3(a)8     | NOTE: Agency added this new rule requiring mechanical air supply in all school buildings as a health and comfort   |              |   |

- (a)19 Relocated from 6:22-2.3(a)64 as proposed.
- (a)20 Relocated from 6:22-2.3(a)65 as proposed.
- (a)21 Relocated from 6:22-2.3(a)66 and rule expanded to include doors in response to public comment.
- (a)22 Relocated from 6:22-2.3(a)67 as proposed.
- (a)23 Relocated from 6:22-2.3(a)68 as proposed.
- (a)24 Relocated from 6:22-2.3(a)69 as proposed.
- (a)25 Agency added this new rule in order to specify the provision of emergency showers in chemistry labs.
- (a)26 Relocated from 6:22-2.3(a)71 as proposed.
- (a)27 Relocated from 6:22-2.3(a)72 as proposed.
- (a)28 Relocated from 6:22-2.3(a)73 as proposed.
- (a)29 Relocated from 6:22-2.3(a)74 as proposed.
- (a)30 Relocated from 6:22-2.3(a)75 with an addition to include "requirements of the Fire Protection Code." Also, subparagraphs ii., iii., vii., ix., and xiii. were retained and recodified as i. through v. respectively.
- (a)31 Relocated from 6:22-2.3(a)76 with deletions of subparagraphs iii. and iv. Subparagraphs i., ii., v., vi. and vii. were retained and recodified as i. through v. respectively.
- (a)32 Relocated from 6:22-2.3(a)77 and changed in order to clarify the difference between a physical change and a change in the use level of students housed in a building.
- 6:22-3.1(d)1.i(4) Agency expanded rule to include "knob-operated" type lever in order to assure provisions for physically handicapped students.
- (d)1.vii. Agency removed capitalization of the word "bulletin."
- (d)2.i(4) Agency expanded rule to include "knob-operated" type lever in order to assure provisions for physically handicapped students.
- (d)2.v(1) Agency added the word "both" for clarification in response to public comment.
- (d)2.vi. Agency deleted subparagraph because requirement was already included in 6:22-3.1(d)2.iv.
- (d)2.vii-xi. Agency renumbered subparagraphs due to deletion of vi.; also corrected punctuation and removed capitalization of the word "bulletin."

Full text of the adoption follows (additions to proposal

shown in boldface with asterisks **\*thus\***; deletions from proposal shown in brackets with asterisks **\*[thus]\***.

## CHAPTER 22 SCHOOL FACILITY PLANNING SERVICES

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 6:22-1.1 Approval of plans and specifications

(a) Plans and specifications for the temporary and permanent construction, erection, reconstruction, alteration, and conversion of public school facilities shall be submitted to the Bureau of Facility Planning Services, Department of Education whenever a review for educational adequacy is necessary. An architect or engineer licensed in New Jersey shall submit the plans and specification on behalf of the district board of education as follows:

1. One set of schematic plans shall be submitted before funds are authorized locally. This set of plans shall be submitted with a cost estimate, site plan, educational specifications, and an updated long-range facilities plan. The review for educational adequacy shall take into consideration the suitability of the site; size, location and number of instructional and ancillary spaces; furniture and equipment; circulation patterns; provisions for the handicapped; maintenance, security, and energy conservation; and locations of future additions. Room sizes shall meet or exceed minimum acceptable gross areas in the "School Capacity" publication of the Department of Education.

2. One set of preliminary plans shall be submitted after funds are authorized locally. This set of plans shall include room layouts, a statement regarding the method of heating and ventilating, a description of lighting, and building elevations. For additions a floor plan of the existing building showing the present and proposed use of all areas, and documentation that the Department of Environmental Protection is reviewing the methods of sewerage disposal and water supply shall be included. The preliminary plan review for education adequacy is an extension of the schematic review for educational adequacy.

3. Four sets of signed and sealed final plans and specifications shall be submitted for review and approval after the architect and district board of education have received preliminary plan approval. This submission shall include the following:

- i. A completed Uniform Construction Code application;
- ii. A completed fee schedule as specified in N.J.A.C. 5:23-4.20;
- iii. A check payable to the "Treasurer, State of New Jersey" for 20 percent of the total fee;
- iv. The results of soil borings;
- v. The appropriate documents indicating compliance with the energy subcode;
- vi. The approval letter from the New Jersey Department of Agriculture regarding soil erosion control;
- vii. The approval letters from the New Jersey Department of Environmental Protection regarding sewerage disposal, water supply, gas installations, major excavations, and air contaminant control apparatus or equipment.

4. Upon release of the plans from the New Jersey Department of Education, the district board of education shall apply to the local municipal construction enforcing agency for the required permit. The local municipal construction enforcing agency will issue the construction permit, collect 80 percent

of their total construction permit fee, perform the required inspections during construction, and issue the required certificate of occupancy upon completion of the project. The district board of education shall send to the New Jersey Department of Education a copy of the certificate of occupancy obtained from the local construction agency if the project was reviewed by the New Jersey Department of Education.

5. When there are practical difficulties involved in meeting the **\*[Department of Education standards, the manager of]\* requirements of the State Uniform Construction Code, the designated and licensed construction official in\*** the Bureau of Facility Planning Services may vary the rules upon application of the **\*[owner]\* district board of education\*** or **\*[a]\* its\*** representative, provided that the spirit and intent of the rules **\*[is]\* are\*** observed, and the public's welfare and safety shall be ensured. Variation\*s\* to the State Uniform Construction Code may be **\*[requested and]\* acted on** in accordance with N.J.A.C. 5:23-**\*[2.9]\* 1.1 et seq.\***

6. Before construction contracts are awarded, the district board of education shall submit to the Department of Education for approval a list of the contractors which have been selected, the amount of each contract, and the amount of each contractor's uncompleted contracts.

7. A copy of each contract shall be filed with the Department of Education.

8. All plans and specifications for public school construction projects shall be prepared by an architect or professional engineer licensed to practice in the State within the limits covered by such registration. The Department of Education shall accept plans for review only from licensed professionals who have been retained by the district board of education for the project (see N.J.S.A. 52:32-3). Each page of the plans and the title page of the specifications shall bear the signature and embossed seal of the architect and/or professional engineer. The name, signature, and embossed seal of consulting professional engineers shall be placed on their own plans.

(b) Types of work requiring a review for educational adequacy shall consist of the following:

1. New school building;
2. An addition to an existing school building;
3. A change involving the total number of instructional spaces or the number of any one kind of instructional space;
4. A change in the dimensions (volume, and/or area) of any instructional space;
5. The relocation of any instructional space;
6. Any change in the use of an existing instructional space;
7. A change in the general office area or the school board office building that involves instructional spaces;
8. Any change in locker rooms including those contained within field houses, weight rooms and game rooms;
9. Any change to the athletic fields and tracks;
10. The utilization of mobile units;
11. The utilization of prefabricated facilities for instructional purposes. The placement of prefabricated facilities, including relocatables, on a school site is considered new construction.

(c) Construction projects that do not require a review for educational adequacy shall be submitted to the local municipal construction enforcing agency in accordance with N.J.A.C. 5:23-2.

(d) All buildings and structures and parts thereof, both existing and new, shall be maintained in a safe, sanitary, and energy efficient condition. All service equipment, means of egress devices, and safeguards which are required by the State Uniform Construction Code in a building or structure, or

which were required by a previous statute for a building or structure, when erected, altered or repaired, shall be maintained in good working order.

6:22-1.2 Approval of land acquisition

(a) No district board of education may conduct a referendum for land acquisition, secure board of school estimate approval, or enter into a lease agreement for land without prior approval of the Bureau of Facility Planning Services of the Department of Education.

(b) Before any action is taken to purchase or otherwise acquire or lease land, the district board of education shall receive approval of the adequacy of the land from the Bureau of Facility Planning Services. To consider the approval of such land acquisition by a district board of education, the manager of the Bureau of Facility Planning Services shall be provided with the following:

1. A written request from the district board of education for such approval, which includes a statement indicating the immediate and ultimate proposed uses of the land in terms of grade organization and potential maximum enrollment;

2. A statement from the State Department of Environmental Protection that the land can be adequately provided with the necessary water and an acceptable sewerage disposal system for the proposed ultimate maximum enrollment, and that the project has no potential for a substantially adverse environmental impact;

3. A statement from an architect or engineer indicating that the land to be acquired is suitable for the proposed use;

4. A complete plot plan of the land to be acquired, showing topographical and contour lines, adjacent properties (on all sides), and access roads. The acreage and dimensions of the tract proposed for acquisition shall be included. In the application of the following standards for minimum acceptable school site sizes, the bureau shall take into consideration the proximity and extent of non-school open land and availability of nearby athletic fields and parking areas;

**Standards for Minimum Acceptable School Site Sizes**

| District Population<br>Density (Persons per<br>Square Mile) | Required Acres, Base |                  |                |
|---|----------------------|------------------|----------------|
|   | Elementary<br>School | Middle<br>School | High<br>School |
| Below 500   | 10                   | 20               | 30             |
| 500-1000  | 8                    | 16               | 24             |
| 1001-5000   | 6                    | 12               | 18             |
| 5001-10,000   | 4                    | 8                | 12             |
| Above 10,000  | 2                    | 4                | 6              |

  

| Added<br>Acres/<br>Each<br>100<br>Pupils | Examples<br>(Building Capacity) |                         |                       |
|--|---------------------------------|-------------------------|-----------------------|
|  | Elementary<br>School (500)      | Middle<br>School (1000) | High<br>School (1500) |
| 1.0                                      | 15                              | 30                      | 45                    |
| 0.8                                      | 12                              | 24                      | 36                    |
| 0.6                                      | 9                               | 18                      | 27                    |
| 0.4                                      | 6                               | 12                      | 18                    |
| 0.2                                      | 3                               | 6                       | 9                     |

5. A map of the school district showing the location of the land and the location of existing schools in the district;

6. Recommendations of the county superintendent of schools based on criteria contained in the Department of Education's publication entitled "School Site\*s: Selection, De-

**velopment and Utilization\*** and the requirements specified in this subchapter;

7. A pupil distribution map showing gross distribution of residencies;

8. If existing buildings are located on the land to be acquired, the intended use and/or disposition of these buildings shall be indicated. Any building to be acquired and used must comply with all procedures and rules of the State Board of Education which apply to the construction of a new building;

9. Data regarding the impact of such a facility upon racial balance within the district's public schools;

10. Recommendations of local planning boards (in municipality where the site is located and in adjacent municipality, if proposed school site is along the municipality's boundary line).

#### 6:22-1.3 Disposal of land

**\*[A district board of education deciding to dispose of land by]\* \*If an approved school site, on which there is an operational school building, is to be altered through\* sale, transfer, or exchange \*[shall make]\* \*of all or part of the total acreage,\* written application \*for approval shall be made\* to the Bureau of Facility Planning Services of the Department of Education \*[for approval]\*. A copy of the application shall be sent to the county superintendent of schools who shall make recommendations to the bureau, with a copy to the district board of education.**

#### 6:22-1.4 Acquisition of existing buildings

A district board of education planning to acquire any existing building or facility through purchase, gift, lease or otherwise, shall comply with all procedures and rules pertaining to the appropriation and use of capital funds (N.J.S.A. 18A:20-4 et seq.) and shall have the building approved in accordance with the rules of this chapter which apply to the construction of a new building.

#### 6:22-1.5 School closings

(a) **\*[By September 1 prior to a school closing the following year, the district board of education shall send to the Bureau of Facility Planning Services of the Department of Education, with a copy to the county superintendent of schools, a statement regarding the intent to close a school, and how the district board of education intends to accommodate pupils presently using the school. No school building shall be closed without first receiving a letter of approval from the Department of Education.]\* \*The Bureau of Facility Planning Services shall be supplied with information as delineated in 1. and 2. below which assures the Department of Education that with the closing of a school or schools:**

**1. Sufficient school building capacity, computed as per instructions in the "School Capacity" bulletin of the Bureau, exists in the remaining schools to house district students following such closing; and**

**2. The use of substandard spaces in the remaining schools does not result or increase from an overall facilities shortage caused by school closings.\***

(b) **\*[By January 1 prior to a school closing the following year, the district board of education shall conduct at least two public meetings after advertising not less than 10 days prior to the date fixed for each meeting.]\* \*A letter of approval from the Bureau is required to close a school. The information required for the Bureau to respond shall be provided before a final district board of education decision is made.\***

#### 6:22-1.6 Appeals and hearing process

**\*(a)\* Appeals arising from action of the Bureau of Facility Planning Services of the Department of Education may be requested, and an opportunity given for an informal fair hearing before the bureau manager. In the event of an adverse decision after such an informal hearing, appellants may request a formal hearing pursuant to N.J.S.A. 18A:6-9, 18A:6-24, and 18A:6-27. Such hearings will be governed by the provisions of the Administrative Procedure Act (see N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., as implemented by N.J.A.C. 1:1).**

**\*(b) Requests for variances to the educational facility standards of the Department of Education (N.J.A.C. 6:22-2.4) and the State Uniform Construction Code (N.J.A.C. 5:23-1.1 et seq.) may be made in writing by the district board of education or its designated representative to the manager of the Bureau of Facility Planning Services. The manager may vary the educational facility planning standards provided that the spirit and intent of the standards are observed. Variations to the State Uniform Construction Code may be acted upon in accordance with N.J.A.C. 5:23-1.1 et seq.\***

### SUBCHAPTER 2. APPLICATION OF THE UNIFORM CONSTRUCTION CODE

#### 6:22-2.1 Model code adoption

(a) The State Board of Education hereby **\*[adopts, by reference, the 1984 edition of]\* \*confirms that public school construction shall be done in accordance with\* the \*[New Jersey]\* **\*State\*** Uniform Construction Code, hereafter referred to as **\*the\*** U.C.C. **\*[**, for all public school construction in New Jersey.]\***

1. This document is available for review at the Bureau of Facility Planning Services, Department of Education, 1676 N. Olden Avenue, Trenton, New Jersey 08038, or at the Office of Administrative Law, CN 301, Trenton, New Jersey 08625.

2. This document may be purchased from the New Jersey Department of Community Affairs, CN 805, Trenton, New Jersey 08625.

#### 6:22-2.2 Definitions

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

"Academic classroom" means an instructional space approved for use for general instruction purposes. This term differentiates the space from specialized instructional uses such as science lab and shops.

\*["Artificial lighting" means electrical or battery/operated lighting.]\*

"Built-in equipment" means equipment that is constructed into the building at the time of construction or added later.

"Change-of-use" means any change in educational function such as from a classroom to a laboratory or other specialized activity space, and/or change in age group of occupants from pre-kindergarten or kindergarten to elementary, or elementary to secondary.

"Department" means, with regard to these enhancements, the New Jersey Department of Education specifically, the Bureau of Facility Planning Services.

"Greenhouse" means an instructional space or non-instructional space which is used primarily for the growth and/or storage of plants.

\*["Hazardous" means areas where materials or equipment are likely to burn or cause burning with moderate rapidity.

"Inner court" means a courtyard surrounded on all four

sides by walls of the same building.]\*

“Instructional spaces or areas” means any space which is designed and approved for instructional use.

\*[“Middle school” means any school in which any of grades five through eight are housed and the program is departmentalized.]\*

“Multi-purpose” means any space that has been approved for more than one use including instructional use.

“Non-portable motorized equipment” means motorized equipment that is stationary equipment.

“Open space” means any portion of a building \*up to 30,000 square feet,\* other than a gymnasium, auditorium, and cafeteria designed for multiple teaching which may be subdivided into smaller areas by use of partial partitions, moveable partitions, moveable furniture and does not have defined permanent corridors.

\*[“Panic hardware” means knob-less, bar-type mechanisms situated at an approvable height and position on the door.]\*

“Portable or moveable equipment” means any equipment not secured to the building such as free-standing display cases and stuffed furniture.

**“Pre-engineering, modular classroom” means a unit which is manufactured in modular sections, or in pre-cut and pre-sized components which are assembled on a school site. It is designed to be a permanent facility, is non-relocatable and is set upon a permanent foundation.\***

\*[“Primary corridors” means a corridor which is designed to service 75 or more persons traversing to an exit.]\*

**“Relocatable classroom” means a modular or prefabricated unit which is designed to be used at more than one location during the life of the facility. Wheels and axles are not a part of the facility and the facility is designed to be set upon a permanent foundation.\***

“Resilient floor covering” means any approvable material applied over concrete.

“School capacity formula” means the computational formula used in computing the capacity of a school building to derive the functional capacity for the building. Official prescriptions are in the “School Capacity” bulletin. This document may be purchased from the Department of Education, Office of Central Services, CN 500, Trenton, New Jersey 08625.

#### 6:22-2.3 Enhancements to Uniform Construction Code (U.C.C.)

(a) Under the authority granted to it in Chapter 496, Laws of 1983, the State Board of Education hereby adopts the following enhancements to the U.C.C. (see N.J.A.C. 6:22-2.1).

\*[1. Open space education areas shall comply with the following:

i. An open space area of noncombustible or fire resistive construction shall not exceed 30,000 square feet in undivided area. A solid wall or smoke-stop noncombustible or fire resistant partition may have smoke-stop doors therein consistent with the Uniform Construction Code (U.C.C.);

ii. Each subsection of an open space area shall provide an opening to the largest section of the total open space expanse that is at least as wide as 20 percent of the perimeter of the enclosure of that subsection, but cannot be less than 10 feet wide. Any area of the open space which does not provide an unobstructed opening of at least 10 linear feet must be interpreted as not meeting the requirements of open space planning or construction. Such areas will then have to meet all the requirements of the code applying to areas that are not open space areas;

iii. For each 1,000 square feet of floor area, in an open space area that is not air-conditioned, there must be provided at least one window that complied with all the requirements of the U.C.C. The window areas provided shall be reasonably distributed.

2. When an instructional room has windows, the major window wall shall have no exterior obstruction wall within 20 feet of it.

3. In non-air-conditioned instructional rooms, windows shall be glazed with clear glass or other transparent medium, having a light transmission factor of not less than 10 percent. The top of the window area shall be not less than six feet above the finished floor. Window stools in instructional areas shall not be more than three feet six inches above the finished floor. Glazing shall meet Federal Public Law 92-73. The required area of glazing and operable glazing shall comply with Building Officials Code Administrators 704.2 and 706.2.

4. Subdivided portions of an auditorium shall be designed to meet all criteria for windowless instructional spaces.

5. Every inner court shall have a minimum width of 20 feet.

6. All inner courts up to 2,000 square feet in area shall have not less than one exit. Inner courts with an area from 2,000 to 5,000 square feet shall have not less than two exits, one of which shall open into a corridor or to the exterior. Inner courts with an area from 5,000 through 7,500 square feet shall have at least three separate exits, one of which shall open into a corridor or to the exterior. All courts of over 7,500 square feet shall have four exits, two of which shall open into a corridor or to the exterior. Exits to the corridor shall have widths of not less than two exit units. Inner courts shall have exit facilities operable from the court side at all times that the building is occupied; corridor exit doors shall swing into the corridor.

7. No portable or moveable equipment or furniture shall be placed in any lobby, corridor, exitway, stairway or space used as a means of egress.

8. One unit of exit to the corridor or to the exterior is required for each 100 students or fraction thereof for locker rooms. When the gross floor area is more than 2,000 square feet, two separate exitways shall be provided.

9. Bars, grills, or screens placed over existing emergency existing emergency escape windows and over all windows located in rooms occupied by pupils shall be releasable or removable from the inside without the use of a key, tool, or excessive force.

10. All instructional rooms over 300 square feet in area and all places of assembly shall have doors opening into a corridor except those with direct exterior exits. Instructional spaces 300 square feet or less may exit through an adjoining instructional room which opens directly to a corridor or exterior.

11. All exit signs shall be electrically or battery powered. No self-illuminous signs shall be permitted.

12. Corridors shall not terminate more than 10 feet beyond an exit.

13. Where a corridor widens to form a lobby or other space, its depth shall be no greater than its width.

14. A passage off a corridor shall not be deeper than than width of that passage.

15. Minimum clear widths for primary corridors in elementary schools, grades kindergarten through eight, shall be:

i. Seven feet, wall-to-wall without lockers or wardrobes;

ii. Eight feet, wall to locker face with lockers or wardrobes on one side;

iii. Nine feet six inches, locker face to locker face with lockers or wardrobes on both sides;

16. Minimum clear widths, at any point in secondary schools, grades seven through 12, shall be:

- i. Seven feet six inches, wall-to-wall without lockers;
- ii. Eight feet six inches, wall to locker face with lockers or wardrobes on one side;
- iii. Ten feet locker face to locker face with lockers or wardrobes on both sides.

17. Primary corridors may be reduced one foot in width from the above requirements when each room has a direct exit to the outside, the corridor door is recessed so as not to project more than seven inches beyond the corridor wall or face of lockers, or the corridor door swings into the instructional room.

18. Exit stairways shall discharge directly to the exterior.

19. Rooms or spaces with a capacity of from 501 to 900 persons shall have at least three exitways.

20. Rooms or spaces with a capacity of more than 900 persons shall have at least four exitways.

21. Required exitways may use a communicating corridor leading to exterior exits, but exitways from any one room or space with a capacity of 200 or more persons shall not use a common stairway.

22. Instructional rooms having a capacity of 10 or more persons and providing 300 or more square feet of space with direct entrance only through a space other than a corridor, such as an assembly room, stage, gymnasium, cafeteria, all-purpose room or room of similar function, shall be provided with an exterior exit door.

23. Where there are windowless instructional areas, including gymnasiums, cafeterias, and auditoriums, the room shall be provided with an automatic fire suppression system in accordance with National Fire Protection Association Standard No. 13.]\*

**\*[24.]\* \*1.\* \*[All pupil exit doors from a building, including exit doors from auditoriums, gymnasiums, instructional media centers, all-purpose rooms, cafeterias, rooms for 50 or more pupils, and two or more classrooms using a common door shall be equipped with bartype panic hardware.]\* \*All doors equipped with latching devices in buildings of use group E or portions of buildings used for assembly for educational purposes and which serve rooms or spaces with an occupant load greater than 50 shall be equipped with approved panic hardware.\***

\*[25. Locks on all doors used by pupils, except where panic hardware is required, shall be only the lever-operated type permitting egress from the room at all times.

26. Plastic shall not be used for any interior glazing.

27. In pupil-occupied education buildings the height of vertical rise between landings and intermediate platforms shall not exceed nine feet.]\*\*

\*[28.]\* \*2.\* Guardrails along stair runs and landings shall be at 42 inches above the tread nosing without exception.

\*[29. Built-in equipment, display cabinets and lockers erected in corridors or exitways shall be on noncombustible construction.

30. Powered grounds equipment, automobiles and other internal combustion type engines when stored and/or operated within a school building shall be in rooms with a sill height of 18 inches.

31. The fire doors installed in heater rooms shall be hinged to swing into the heater room.

32. Concrete floors in all instructional areas except shops shall be covered with a resilient floor covering.

33. Carpeting shall not be used except as a floor covering.

34. Existing boiler rooms and existing rooms which house

flame operated equipment or incinerators, shall be upgraded to comply with all present regulations when new equipment is installed or the method of firing such equipment is modified or changed or the equipment is enlarged.

35. Not less than two emergency cut-off switches for all heating furnaces shall be provided to disconnect the burner and fuel supply. The switches shall be clearly lettered and conveniently located, one at or near each exit doorway.]\*\*

**\*[36.]\* \*3.\* All heating appliances intended to supply domestic hot water or hot water or steam for space heating shall not be located in any instructional room in use group E, \*[A-4 and I-2,]\* as designated in Building Officials Code Administrators \*[301.1,]\* \*(BOCA)\* except for industrial arts and vocational education shops and laboratories.**

\*[37. A check valve shall be installed in the line supplying gas to each classroom, laboratory, shop, or other area where gas is used by students, except home economics rooms.

38. Gas supply lines at each point of entry, exit, or reentry into a school building shall be encased in a conduit, which conduit shall extend into a normally usable and accessible portion of the building and at the point where the conduit terminates in the building, the space between the conduit and the gas piping shall be sealed to prevent the possible entrance of any leakage. The conduit shall extend at least four inches outside and be vented above grade. Vent pipes shall terminate outside the building at a point not less than two feet measured vertically or horizontally from any window or other building opening. The outer end of vent pipes shall terminate sufficiently above the ground to avoid being obstructed with snow and shall be secured firmly to the building. The entire installation shall be such that the gas piping can be readily replaced without damage to the building. Vents in courts shall be extended to not less than five feet above the roof.]\*\*

**\*[39.]\* \*4.\* \*[The line supplying gas to each]\* \*An electric solenoid key-operated gas shut-off switch shall be installed in all gas supply lines to all\* instructional room\*s\*, laborator\*[y]\*\*ies\*, shop\*s\* or other space\*s\* where gas is used by students\*[, except home economics areas, shall be provided with an electric solenoid key-operated gas shut-off switch]\* \*in use group E.\***

\*[40.]\* \*5.\* An automatic fire detection system shall be installed in all new buildings of use group E (educational), as designated in \*[Building Officials Code Administrators]\* \*BOCA\* 301.1\*[.]\* \*and\* \*41. An automatic Fire Detection system shall be required to be installed]\* in accordance with applicable National Fire Protection Association standards. The system shall utilize:

i. A combination fixed-temperature and Rate of Rise devices in classrooms and other spaces not covered in ii. below; or

ii. Devices to detect abnormal visible smoke densities or gaseous products of combustion are required in corridors and exit stairs; or

iii. An automatic fire suppression system and in areas where suppression is deleted automatic detection devices are installed;

iv. A combination of the above three types of detection device except that a fixed-temperature detector shall be permitted in approved locations such as in a boiler room or incinerator.

\*[42. Where an addition is provided to a building which is exempted from an existing automatic fire detection system, the entire structure shall be brought into compliance. Detectors shall be installed in all areas to provide total building coverage.

43. Where additions or alterations, other than ordinary repairs, are to be made to existing pneumatic fire alarm systems, the entire fire alarm system shall be brought into compliance with item number 46 below.]\*

\*[44.]\* \*6.\* Manual fire alarm boxes, in addition to BOCA 1717.2 requirements, shall be provided in the natural path of escape from fire, near each exterior door from the corridor, kitchen, heater room and other exterior exits that are required to serve 50 or more persons. Additional fire alarm boxes shall be located in the main office, stage, at each stairway entrance from a corridor or place of assembly and near one exterior exit in each section of a place of assembly. It shall not be necessary to traverse more than 200 feet of unobstructed horizontal distance on the same floor in order to reach a fire alarm box.

\*[45. All fire alarm signals shall be automatically locked in at the control panel until manually reset. The manual reset switch shall be of the self restoring type which cannot be left in an abnormal position. It shall be enclosed within the control cabinet or located so as not to be readily accessible to unauthorized personnel.

46. Fire extinguishers shall meet the following standards:

i. Fire extinguishers shall be dry chemical type suitable for use of Class A, B and C fires (multi-purpose). Extinguishers shall carry a rating of at least 2A in addition to its Class B and C ratings. The location of fire extinguishers shall be indicated on the plans and installed prior to occupancy;

ii. Extinguishers in corridors shall be housed in a special cabinet or in a recessed wall rack clearly identified and readily accessible at all times. When the cabinet is glazed, only wire plate glass shall be used. They shall be so distributed that one extinguisher shall be not more than 75 feet travel distance from any point in the corridor, and so that there will not be less than one extinguisher for each 6,000 square feet of floor area or fraction thereof;

iii. Extinguishers having a gross weight not exceeding 20 pounds shall be installed so that the top of the extinguisher is not more than four feet above the floor. Extinguishers having a gross weight greater than 20 pounds (except wheel types) shall be installed so that the top of the extinguisher is not more than 42 inches above the floor;

iv. For hazardous locations, including but not restricted to shops, science laboratories, stages, faculty rooms, garages and heater rooms, at least one 10 BC rated extinguisher shall be provided. These shall be in addition to those required in corridors;

v. Fire blankets of type listed by Underwriters' Laboratories, Inc. shall be provided in all shops, science laboratories, art rooms, home economics rooms, and kitchens. A fire blanket shall be properly mounted in a readily accessible and highly visible cabinet within the room;

vi. The owner or occupant of a property in which portable fire extinguishers are located shall be responsible for the inspection, maintenance and recharging of such equipment in accordance with National Fire Protection Association Standard No. 10.

47. Corridor and stairhall lights shall be controlled by three-way switches at convenient control points.

48. There shall be push-type emergency cut-out switches provided at appropriate locations within shops to de-energize the electrical supply to machinery. These switches shall be provided on the basis of one for each 1,000 square feet or fraction thereof of floor area in the shop, but not less than two. Reset of the interrupted service shall be by a key-operated switch located within the shop. The cut-off and reset circuits

shall be designed and installed to negate the possibility of the control circuit being de-energized thereby being inoperative.

49. All non-portable motorized equipment and machinery shall be provided with magnetic-type switches to prevent machines from automatically restarting upon restoration of power after an electrical failure or activation of the above emergency cut-off.]\*

\*[50.]\* \*7.\* Each instructional space and room of assembly which is illuminated with the use of high intensity discharge (HID) sources (such as mercury vapor, high pressure sodium, and metal halide lamps) shall also be provided with a second source of illumination to provide illumination instantly upon activation of the circuit. \*These\* \*[51. All]\* high intensity discharged (HID) lamps shall be of the fail-safe type which will be permanently extinguished within two minutes after the outer glass of the bulb is broken. All lamps shall be provided with a glass or plastic lens to protect the bulb.

\*[52. Special exhaust systems shall be provided for removal of dust, fumes, odors and excessive heat in all areas such as shops, kitchens, dishwashing rooms, home economic cooking rooms, paint finishing rooms, paint finishing booths, cosmetology classrooms, science laboratories, science prep rooms, and rooms with kilns. Provisions shall be made for introducing tempered make-up air to satisfy exhaust system requirements. Make-up air may be drawn from corridor ceiling plenums. The systems shall have capacities 10 percent in excess of air make-up systems. Rooms accommodating internal combustion engines shall be provided with adequate air intake and exhaust facilities to suit engine requirements; engine exhaust shall be piped to the exterior of the building. Kilns shall be installed in rooms set aside for the teaching of art. They may be installed in other instructional spaces if ventilation systems to the exterior are present. Kilns shall be Underwriters' Laboratories approved and be installed according to manufacturer's specifications which shall not conflict with applicable standards of the National Fire Protection Association, BOCA Basic Mechanical Codes and National Electrical Code.

53. Each shop, where dust generating equipment is installed, shall be provided with dust collecting equipment. Such equipment shall be either single or multi-use vacuum packs or a central dust collection system. Installed systems shall comply with National Fire Protection Association Standard No. 91, and New Jersey Department of Environmental Protection rules (N.J.A.C. 7:27-81 et seq.).

54. All heater rooms shall be provided with an exterior window, skylight or approved explosion hatch of suitable proportions to serve as a release in the event of an explosion.

55. The average ceiling height of an academic classroom or other instructional space containing more than 300 square feet in area shall not be less than nine feet six inches in height and no part shall be lower than eight feet. Instructional spaces of less than 300 square feet and areas of larger spaced devoted to clothing alcoves, storage or work space may have ceilings eight feet in height. It is recommended that an additional two inches of height be provided to allow for inadvertent variations in materials or construction which could result in the finished ceiling height not meeting this requirement.

56. The ceiling height in an academic classroom shall be not less than nine feet six inches. Ceiling heights in other areas shall be at least the following:

|                               |         |
|-------------------------------|---------|
| Gymnasium (Elementary) .....  | 18 feet |
| Gymnasium (Middle) .....      | 20 feet |
| Gymnasium (High School) ..... | 22 feet |
| Auxiliary Gymnasium .....     | 14 feet |

|  |         |
|--|---------|
| Music Room (Vocal and/or Instrumental) ..... | 18 feet |
| Multipurpose Room .....                      | 18 feet |
| Cafeteria .....                              | 12 feet |
| Industrial Arts and Vocational Shop .....    | 15 feet |

57. Public school corridors shall have a minimum ceiling height of not less than eight feet.

58. Lavatories shall be provided with mechanical ventilation.

59. The New Jersey Department of Education School Capacity Bulletin shall be used to determine the capacity of a school building for the purpose of determining numbers of plumbing fixtures.

60. General pupil toilet rooms are those designed and labeled for pupil use, containing at least two of each required fixture, and which are directly accessible from a corridor or an open plan instructional space whenever the building is occupied. Pupils housed within an instructional space shall not be required to travel through any other space, except a corridor to reach a general pupil toilet room.

61. Individual toilet rooms are those designed for a directly accessible to a specific individual or group.

62. There shall be at least one general toilet room for each sex, containing at least two of each respective fixture, on each floor occupied by pupils, or all instructional rooms shall have individual toilet rooms.

63. In conjunction with the individual toilet room requirements, on the main floor at least one toilet room for each sex, with at least one of each respective fixture, must be accessible from the corridor. When there is an assembly room in the building, sanitary facilities shall be available for public use.

64. At least one individual toilet room shall be provided in each kindergarten and prekindergarten room. The water closet shall not exceed 10 inches in height.

65. Entrance to toilet rooms and locker rooms shall be screened to prevent visibility into the room.

66. Water closets shall be separated by individual stall partitions of a smooth impervious material to permit effective cleaning.

67. Floors of all toilet rooms, shower rooms and drying rooms shall be water-tight and impervious to moisture. Floors shall be provided with an integral cove base at least four inches in height.

68. Flooring materials of ceramic tile, quarry tile, sheet vinyl (except for showers) and plastic coatings designed for this purpose shall be deemed to meet the requirements of this subchapter; resilient tiles or exposed concrete are not acceptable in toilet rooms.

69. Where showers are provided, they shall be as follows: 15 to 20 square feet per pupil in a supporting locker room; benches shall be 30 inches apart; one shower head for each 5 to 6 boys and 3 to 4 girls; shower head height five feet for girls and six feet for boys; and, 12 square feet per shower head.

70. Where classrooms, shops or physical education rooms are provided with self-contained individual facilities (water closet, lavatory, and drinking fountains), the pupils in these rooms shall not be counted in computing the number of fixtures required in the general pupil toilet rooms.

71. Drinking fountains shall be provided in kindergarten and prekindergarten rooms.

72. Instructional places shall be provided with sufficient outlets (receptacles) to satisfy the program need but in no case shall there be less than two duplex outlets remotely located.

73. Large group areas such as assembly rooms, auditoriums and other large group instructional spaces shall be provided with a convenience outlet at the probable location of portable

projectors, and built-in speaker cables at the above location as well as stage and platform areas.

74. A health unit shall be provided and shall include a waiting area, an examination area, a rest area with privacy, and toilet facilities sized and arranged so that physically handicapped persons requiring assistance will be able to receive such aid.

75. Instructional greenhouses shall meet the following standards in addition to the U.C.C. standards:

- i. Exit doors shall swing out;
- ii. All doors shall be a minimum of three feet wide;
- iii. Drinking fountains shall not be located inside greenhouses;

iv. A fire alarm system is required when a greenhouse is either attached to a school building or free-standing with more than one instructional space;

v. A minimum of one 2A-10B:C fire extinguisher shall be provided for each 6,000 square feet of floor area or fraction thereof; travel distance to an extinguisher shall not exceed 75 feet from any point in the space;

vi. A minimum of 10 footcandles of artificial lighting is required in all work areas;

vii. Greenhouses may be either attached to a school building or located no less than 20 feet from a major area of the school building;

viii. A greenhouse located in an enclosed court shall not have over 400 square feet of floor area unless it is attached to the school building with an exit door leading directly into a corridor;

ix. The storage of pesticides shall be in a locked metal cabinet and vented to the exterior;

x. Roof load design shall take into consideration the local wind load. The minimum live load design for the roof shall be 15 pounds per square foot;

xi. A minimum of 60 pounds per square foot of live load shall be provided for the floor of greenhouses above the first floor;

xii. Toilet facilities shall be readily available without traveling outdoors for greenhouses which are greater than 400 square feet in area and located more than 100 feet from a secondary school or more than 50 feet from an elementary or middle school (from door to door of each structure);

xiii. Wherever chemicals are stored or used, an eyewash facility should be provided.

76. Small group instruction areas shall meet the following standards in addition to the U.C.C. standards:

i. No part of the ceiling shall be lower than eight feet, six inches;

ii. A number of electrical outlets sufficient to satisfy the program need but in no case fewer than two duplex outlets shall be provided;

iii. Lighting shall be in accordance with the National Electrical Subcode;

iv. Emergency lighting shall be provided where there is no window or no light is available from an adjoining area through a glazed panel of at least four square feet;

v. Concrete floors shall be covered with a resilient floor covering;

vi. The minimum dimension of the room shall be 10 feet;

vii. No small group instructional room shall be less than 150 square feet.

77. In a public school facility or part of a public school facility, any change in education or any change in age group of the occupants shall be considered a change of use, and thus subject to review and approval by the Department of Educa-

tion.]\*

**\*8. All school buildings shall be equipped with a mechanical air supply and exhaust ventilation system which will provide, during periods of occupancy, standard tempered outdoor air supply and mechanical exhaust at the minimum rates set forth in table M-1602.1 of the 1984 BOCA Basic National Mechanical Code.\***

**6:22-2.4 Educational facility planning standards**

**(a) The educational facility planning standards delineated below shall, in conjunction with the Uniform Construction Code, form the requirements for the design and construction of public schools.\***

AGENCY NOTE: This is a new section which incorporates requirements that originally were proposed as "enhancements" under N.J.A.C. 6:22-2.3. Although some have been slightly modified from the proposed version, only three of the planning standards are completely new: #11, #25 and #32. For the reader's easy reference as to where each planning standard appeared in the original proposal, the original citation precedes each standard and is shown in brackets with asterisks; the new citation is shown in boldface with asterisks.

**\*[1.]\* \*1.\*** Open space educational areas shall comply with the following: An open space area of noncombustible or fire resistive construction shall not exceed 30,000 square feet in undivided area. A solid wall or smoke-stop noncombustible or fire resistant partition may have smoke-stop doors therein consistent with the **\*[Uniform Construction Code (]\* U.C.C. \*)];\***

**\*[2.]\* \*2.\*** When an instructional room has windows, the major window wall shall have no exterior obstructing wall within 20 feet of it.

**\*[5.]\* \*3.\*** Every inner court **\*used for instructional purposes\*** shall have a minimum width of 20 feet.

**\*[15.]\* \*4.\*** Minimum clear widths for primary corridors in elementary schools, grades kindergarten through eight, shall be:

- i. Seven feet, wall-to-wall without lockers or wardrobes;
- ii. Eight feet, wall to locker face with lockers or wardrobes on one side;
- iii. Nine feet six inches, locker face to locker face with lockers or wardrobes on both sides;

**\*[16.]\* \*5.\*** Minimum clear widths, at any point in secondary schools, grades seven through 12, shall be:

- i. Seven feet six inches, wall to locker without lockers;
- ii. Eight feet six inches, wall to locker face with lockers or wardrobes on one side;
- iii. Ten feet locker face to locker face with lockers or wardrobes on both sides.

**\*[32.]\* \*6.\*** Concrete floors in all instructional areas except shops shall be covered with a resilient floor covering.

**\*[37.]\* \*7.\*** A check valve shall be installed in the line supplying gas to each classroom, laboratory, shop, or other area where gas is used by students, except home economics rooms.

**\*[38.]\* \*8.\*** **\*[Gas supply lines at each point of entry, exit, or reentry into a school building shall be encased in a conduit, which conduit shall extend into a normally usable and accessible portion of the building and at the point where the conduit terminates in the building, the space between the conduit and the gas piping shall be sealed to prevent the possible entrance of any leakage.]\*** The conduit **\*of gas supply lines\*** shall extend at least four inches outside and be vented above grade. Vent pipes shall terminate outside the building at a point not less than two feet measured vertically or

horizontally from any window or other building opening. The outer end of vent pipes shall terminate in a weatherproof and securely fastened vent cap. They shall terminate sufficiently above the ground to avoid being obstructed with snow and shall be secured firmly to the building. The entire installation shall be secured firmly to the building. The entire installation shall be such that the gas piping can be readily replaced without damage to the building. Vents in courts shall be extended to not less than five feet above the roof.

**\*[48.]\* \*9.\*** There shall be push-type emergency cut-off switches provided at appropriate locations within shops to de-energize the electrical supply to machinery. These switches shall be provided on the basis on one for each 1,000 square feet or fraction thereof of floor area in the shop, but not less than two. Reset of the interrupted service shall be by a key-operated switch located within the shop. The cut-off and reset circuits shall be designed and installed to negate the possibility of the control circuit being de-energized thereby being in-operative.

**\*[49.]\* \*10.\*** All non-portable motorized equipment and machinery shall be provided with magnetic-type switches to prevent machines from automatically restarting upon restoration of power after an electrical failure or activation of the above emergency cut-off.

**\*11. Installed artificial lighting intensity shall comply with the following minimum footcandles which shall be maintained on the task at any time:\***

**\*INSTALLED LIGHTING INTENSITY**

| Locations  | Minimum Acceptable Footcandles |
|--|--------------------------------|
| <b>Classrooms and instructional areas—on work surface</b>  | <b>50</b>                      |
| <b>Study halls, lecture rooms, art rooms, offices, libraries, conference rooms, work rooms, shops, laboratories, and secondary school cafeterias</b> | <b>50</b>                      |
| <b>Drafting, typing and sewing rooms</b>   | <b>70</b>                      |
| <b>Reception rooms, gymnasiums, auditoriums, cafeterias, all-purpose rooms, and swimming pools</b>   | <b>30</b>                      |
| <b>Locker rooms, washrooms, toilet rooms, corridors containing lockers, stairways</b>  | <b>10</b>                      |
| <b>Corridors without lockers, and storerooms</b>   | <b>5</b>                       |
| <b>Classrooms for the partially seeing</b>   | <b>70*</b>                     |

**\*[53.]\* \*12.\*** **\*[Each shop, where dust generating equipment is installed,]\*** **\*Power tools and machines in shops which generate dust\*** shall be provided with dust collecting equipment. Such equipment shall be either single or multi-use vacuum packs or a central dust collection system. Installed systems shall comply with National Fire Protection Association Standard No. 91, and New Jersey Department of Environmental Protection rules (N.J.A.C. 7:27-81 et seq.).

**\*[55.]\* \*13.\*** The average ceiling height of an academic classroom or other instructional space containing more than 300 square feet in area shall not be less than nine feet six inches in height and no part shall be lower than eight feet. Instructional spaces of less than 300 square feet and areas of larger spaces devoted to clothing alcoves, storage or work space may have ceilings eight feet in height. It is recommended that an additional two inches in height be provided to allow for in-

advertent variations in materials or construction which could result in the finished ceiling height not meeting this requirement.

\*[56.]\* \*14.\* The ceiling height in an academic classroom shall be not less than nine feet six inches. Ceiling heights in other areas shall be at least the following:

|  |         |
|--|---------|
| Gymnasium (Elementary) .....                 | 18 feet |
| Gymnasium (Middle) .....                     | 20 feet |
| Gymnasium (High School) .....                | 22 feet |
| Auxiliary Gymnasium .....                    | 14 feet |
| Music Room (Vocal and/or Instrumental) ..... | 18 feet |
| Multipurpose Room .....                      | 18 feet |
| Cafeteria .....                              | 12 feet |
| Industrial Arts and Vocational Shop .....    | 15 feet |

\*[57.]\* \*15.\* Public school corridors shall have a minimum ceiling height of not less than eight feet.

\*[59.]\* \*16.\* The New Jersey Department of Education \*\*\* School Capacity\*\*\* \*[B]\*\*b\*ulletin shall be used to determine the capacity of a school building for the purpose of determining numbers of plumbing fixtures.

\*[60.]\* \*17.\* General pupil toilet rooms are those designed and labeled for pupil use, containing at least two of each required fixture, and which are directly accessible from a corridor or an open plan instructional space whenever the building is occupied. Pupils housed within an instructional space\*, which is in excess of 300 square feet,\* shall not be required to travel through any other space, except a corridor to reach a general pupil toilet room.

\*[62.]\* \*18.\* There shall be at least one general toilet room for each sex, containing at least two of each respective fixture, on each floor occupied by pupils, or all instructional rooms shall have individual toilet rooms.

\*[64.]\* \*19.\* At least one individual toilet room shall be provided in each kindergarten and prekindergarten room. The water closet shall not exceed 10 inches in height.

\*[65.]\* \*20.\* Entrance to toilet rooms and locker rooms shall be screened to prevent visibility into the room.

\*[66.]\* \*21.\* Water closets shall be separated by individual stall partitions **\*including doors which are\*** of a smooth impervious material to permit effective cleaning.

\*[67.]\* \*22.\* Floors of all toilet rooms, shower rooms and drying rooms shall be water-tight and impervious to moisture. Floors shall be provided with an integral cove base at least four inches high.

\*[68.]\* \*23.\* Flooring materials of ceramic tile, quarry tile, sheet vinyl (except for showers) and plastic coatings designed for this purpose shall be deemed to meet the requirements of this subchapter; resilient tiles or exposed concrete are not acceptable in toilet rooms.

\*[69.]\* \*24.\* Where showers are provided, they shall be as follows: 15 to 20 square feet per pupil in a supporting locker room; benches shall be 30 inches apart; one shower head for each 5 to 4 girls; shower head height of five feet for girls and six feet for boys; and, 12 square feet per shower head.

**\*25. Chemistry laboratories shall be equipped with an emergency shower.\***

\*[71.]\* \*26.\* Drinking fountains shall be provided in kindergarten and prekindergarten rooms.

\*[72.]\* \*27.\* Instructional places shall be provided with sufficient outlets (receptacles) to satisfy the program need but in no case shall there be less than two duplex outlets remotely located.

\*[73.]\* \*28.\* Large group areas such as assembly rooms, auditoriums and other large group instructional spaces shall be provided with a convenience outlet at the probable location

of portable projectors, and built-in speaker cables at the above location as well as stage and platform areas.

\*[74.]\* \*29.\* A health unit shall be provided and shall include a waiting area, an examination room, a rest area with privacy, and toilet facilities sized and arranged so that physically handicapped persons requiring assistance will be able to receive such aid.

\*[75.]\* \*30.\* Instructional greenhouses shall meet the following standards in addition to the U.C.C. standards **\*and requirements of the Fire Prevention Code\***:

\*[ii.]\* \*i.\* All doors shall be a minimum of three feet wide;

\*[iii.]\* \*ii.\* Drinking fountains shall not be located inside greenhouses;

\*[vii.]\* \*iii.\* Greenhouses may be either attached to a school building or located no less than 20 feet from a major area of the school building;

\*[ix.]\* \*iv.\* The storage of pesticides shall be in a locked metal cabinet and vented to the exterior;

\*[xiii.]\* \*v.\* Wherever chemicals are stored or used, an eye-wash facility shall be provided.

\*[76.]\* \*31.\* Small group instruction areas shall meet the following standards in addition to the U.C.C. standards:

i. No part of the ceiling shall be lower than eight feet, six inches;

ii. A number of electrical outlets sufficient to satisfy the program need but in no case fewer than two duplex outlets shall be provided;

\*[v.]\* \*iii.\* Concrete floors shall be covered with a resilient floor covering;

\*[vi.]\* \*iv.\* The minimum dimension of the room shall be 10 feet;

\*[vii.]\* \*v.\* No small group instructional room shall be less than 150 square feet.

\*[77.]\* \*32.\* In a public school facility \*[or part of a public school facility, any change in education or any change in age group of the occupants]\* **\*the conversion of a space from one function to another causing physical renovation to satisfy educational program needs and/or the rules of the U.C.C. (for example, the conversion of a classroom into a science laboratory)\*** shall be considered a change \*[of]\* \*in\* use \*[.]\* and \*[thus]\* subject to review and approval by the Department of Education. **\*In a public school facility wherein the age group or grade level of the users change (for example, the intended use as a junior high or middle school of a school constructed as an elementary school) shall also be considered a change in use and subject to review and approval by the Department of Education.\***

SUBCHAPTER 3. SUBSTANDARD SCHOOL FACILITIES

6:22-3.1 Emergency provisions for accommodation of school pupils in substandard school facilities

(a) Substandard facilities are all on-site facilities which have never received approval of the State Board of Education as having met the requirements of this chapter or the approval of the local municipal construction official, and sub-code officials, as having met the State Uniform Construction Code which were in effect at the time the facilities were constructed or altered. All off-site facilities being provided by district boards of education for use by public school students are also substandard.

(b) All emergency provisions for the accommodation of school pupils shall be initially approved by the county in which the district board of education is situated, such approval to be given for one year only, renewable for one year if, in the

judgment of the county superintendent, effort is being made for the provision of adequate and proper school accommodations. No substandard facility, however, shall be approved for more than two consecutive years unless it is inspected by the Bureau of Facility Planning Services in the Division of Finance, Department of Education to insure that the accommodations meet health, safety and educational standards for temporary facilities, that the utilization of the accommodations is temporary, and that a plan has been developed by the district board of education to upgrade the accommodations to standard, fully-approved conditions.

(c) County superintendents will annually monitor the plan of district boards of education to upgrade facilities to approved temporary substandard and/or standard status. Also, they will insure that district board of education annual budgets include sufficient funding to implement the plan. As an alternative funding method, district boards of education may secure voter authorization for capital improvements to include implementation of the plan.

(d) In making a determination upon any application for the use of emergency substandard facilities, the following factors shall be taken into account.

1. Accommodations in an existing public school:

i. Safety factors:

(1) The floors, walls and ceilings of rooms used for instruction shall be free from moisture, peeling paint, plaster and materials which are potentially hazardous;

(2) Provision shall be made for the storage of pupils' clothing other than in a corridor or exitway;

(3) Each instructional room housing more than 10 pupils and containing more than 400 square feet shall have a door opening directly into the corridor or an exit door opening directly to the exterior. Any windowless rooms shall have two separate means of egress leading to an exitway separated by fire doors;

(4) The hardware on doors of any space occupied by pupils shall be of the **\*knob-operated or\*** lever-operated type only, permitting egress from the room at all times. Key operated locks, thumb-turn locks, hasps or similar types of locking devices shall not be permitted;

(5) Doors opening into the corridor shall be glazed with one-quarter inch wire plate glass only;

(6) Every enclosed space shall be protected by either an approved automatic fire or smoke detector or a fire suppression device tied into the total public school fire alarm system;

(7) Each instructional room capable of housing more than 10 pupils shall have an approved exitway with sufficient units of exit available and within 150 feet travel distance;

(8) Directions for exiting from the building in case of emergency shall be posted in each space;

(9) Concrete floors shall be covered with a resilient floor covering, except shops. Any carpeting, together with its backing or underlayment, shall have passed the flame spread requirements of 75 or less as per the American Society for Testing and Material 84-77.

ii. Ceiling height: The average ceiling height shall be at least eight feet six inches for instructional spaces containing over 400 square feet of floor area.

iii. Heating and ventilation:

(1) The room shall be uniformly heated to a temperature of at least 68°F and not to exceed 80°F when occupied;

(2) Each instructional room shall have natural light with one or more operative window sash which as a stool height not to exceed four feet six inches; or the room shall have

mechanical air supply and exhaust sufficient to provide not less than two air changes per hour.

iv. Toilet facilities and drinking fountains: Toilet facilities shall be available within a reasonable distance, that is, not more than one floor away, and shall be equipped with an exterior operating window sash or mechanical exhaust ventilation.

v. Lighting: At least 50 footcandles of uniformly distributed artificial illumination shall be provided. Emergency lighting shall also be provided if the space is windowless and exceeds 400 square feet.

vi. Equipment and supplies: Furniture and equipment suitable for the age and size of the pupils, purposes of instruction and which is in good condition shall be provided.

vii. Room size: Each small group instruction room shall provide at least 20 square feet of open floor area per pupil with no dimension less than 10 feet and not less than 100 square feet. Rooms housing handicapped pupils shall generally adhere to the "School Capacity" **\*[B]\*\*b\*ulletin** and other applicable policy documents of the Department of Education.

viii. Instruction:

(1) Chalkboard, or other appropriate writing surface, and a display board suitable for the instructional program shall be provided;

(2) Sufficient electrical duplex outlets shall be provided to satisfy the educational program with not less than one outlet per space.

2. Emergency provisions for accommodation of school pupils in off-site, rented or leased buildings:

i. Safety factors:

(1) The floors, walls, and ceilings of rooms used for instruction shall be free from moisture, peeling paint, plaster and materials which are potentially hazardous;

(2) Provision shall be made for the storage of pupils' clothing other than in a corridor or exitway;

(3) Each instructional room housing more than 10 pupils and containing more than 400 square feet shall have a door opening directly to the exterior. Any windowless rooms shall have two separate means of egress leading to an exitway separated by fire doors;

(4) The hardware on doors of any space occupied by pupils shall be of the **\*knob-operated or\*** lever-operated type only, permitting egress from the room at all times. Key operated locks, hasps or similar types of locking devices shall not be permitted;

(5) Concrete floors shall be covered with a resilient floor covering, except shops. Any carpeting, together with its backing or underlayment, shall have passed the flame spread requirements of 75 or less as per the American Society for Testing and Material 84-77;

(6) Each exterior exit door serving more than 25 persons shall be equipped with panic hardware only and shall be free at all times of chains or other restraints;

(7) Every building shall be equipped with a manual fire alarm system with pull stations located at or near each exterior exit door, place of assembly, boiler room, and main office. The system shall be designed to provide continuing ringing automatically with bells located so that the bells are clearly audible in all occupied spaces;

(8) Adequate units of exit and exitways as required by the Uniform Construction Code shall be provided. Directions for exiting the facility under emergency conditions shall be posted in every instructional room;

(9) The boiler room shall be enclosed by a floor wall and

ceiling designed to provide not less than 3/4 hour fire resistance rating. All openings within the enclosure shall be equipped with a self-closing "C" label fire door lettered "Fire Door Keep Closed." Provision shall be made for a fresh air intake to supply outside air necessary to support burner combustion.

ii. Ceiling height: The average ceiling height shall be at least eight feet six inches for instructional spaces containing 400 square feet of floor area.

iii. Heating and ventilation

(1) The room shall be uniformly heated to a temperature of at least 68°F and not to exceed 80°F when occupied;

(2) Each instructional room shall have natural light with one or more operative window sash which has a stool height not to exceed four feet six inches; or the room shall have mechanical air supply and exhaust sufficient to provide not less than two air changes per hour.

iv. Lighting: At least 50 footcandles of uniformly distributed artificial illumination shall be provided. Emergency lighting shall also be provided if the space is windowless and exceeds 400 square feet.

v. Toilet facilities and drinking fountains:

(1) There shall be a minimum of two urinals, two water closets and two lavatories for **\*both\*** boys and girls. They shall be available within a reasonable distance, that is, not more than one floor away, and shall be equipped with an exterior operating window sash or mechanical exhaust ventilation. Single toilet facilities will be permitted for students in grades pre-kindergarten, kindergarten, one and two;

(2) At least one drinking fountain for each 50 pupils shall be provided.

\*[vi. Lighting: At least 50 footcandles of uniformly distributed artificial illumination shall be provided.]\*

\*[vii.]\* **\*vi.\*** Schoolground and play facilities: The recreational-outside play area for students shall include but not be limited to sufficient space, equipment and safe surfaces for the building enrollment and program need and be protected from hazards or traffic conditions.

\*[viii.]\* **\*vii.\*** Equipment and supplies: Furniture and equipment suitable for the age and size of the pupils, purposes of instruction and which is in good condition shall be provided.

\*[ix.]\* **\*viii.\*** Room size: Each small group instructional space shall provide at least 20 square feet of open floor area per pupil with no dimension less than 10 feet and not less than 100 square feet. Rooms housing handicapped pupils shall generally adhere to the "School Capacity" **\*[B]\*\*b\*ulletin** and other applicable policy documents of the Department of Education.

\*[x.]\* **\*ix.\*** Instruction:

(1) Chalkboard, or other appropriate writing surface, and a display board suitable for the instructional program shall be provided\*[\*] **\*;\*;**

(2) Sufficient electrical duplex outlets shall be provided to satisfy the instructional program with not less than one outlet per space.

\*[xi.]\* **\*x.\*** Other:

(1) A copy of an Occupancy Permit for the facility issued by the local construction official shall be on file in the Department of Education\*[\*] **\*;\*;**

(2) A copy of an inspection report from the local fire official and health official approving use of the facility shall be on file in the Department of Education.

#### SUBCHAPTER 4. LONG-RANGE FACILITIES PLANS

6:22-4.1 Long-range facilities plans  
(No change in text.)

## ENVIRONMENTAL PROTECTION

(a)

### DIVISION OF PARKS AND FORESTRY

#### Wild and Scenic Rivers Systems

#### Readoption: N.J.A.C. 7:38

Proposed: August 19, 1985 at 17 N.J.R. 1986(a).  
Adopted: September 17, 1985 by Robert E. Hughey,  
Commissioner, Department of Environmental  
Protection.

Filed: September 18, 1985 as R.1985 d.510, **without change.**

Authority: N.J.S.A. 13:1D-1 et seq., 13:8-45 et seq.

Effective Date: September 18, 1985.

Expiration Date pursuant to Executive Order No. 66  
(1978): September 18, 1990.

DEP Docket No. 042-85-07.

#### Summary of Public Comments and Agency Responses:

Comments were received from one environmental association during the comment period which closed on September 18, 1985. The association stated that it supports readoption of the regulations governing the state's Wild and Scenic Rivers System, and urges the Department of Environmental Protection to protect more of the State's rivers by encouraging wider application of this program.

**Full text** of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 7:38.

## HEALTH

### DIVISION OF HEALTH FACILITIES EVALUATION

(b)

#### Standards for Licensure of Residential Health Care Facilities Fire Protection; 21 or More Beds

#### Adopted Amendment: N.J.A.C. 8:43-3.22

Proposed: July 15, 1985 at 17 N.J.R. 1731(a).  
 Adopted: September 19, 1985 by J. Richard Goldstein,  
 M.D., Commissioner, Department of Health (with  
 approval of Health Care Administration Board).  
 Filed: September 19, 1985 as R.1985 d.513, **without  
 change.**

Authority: N.J.S.A. 26:2H-1 et seq., specifically  
 26:2H-5.

Effective Date: October 21, 1985.  
 Expiration Date pursuant to Executive Order No. 66  
 (1978): August 6, 1986.

**Summary of Public Comments and Agency Responses:**

The Department received two letters regarding the proposed amendment to N.J.A.C. 8:43-3.22 during the comment period and responded to the commentors in writing. The letters were submitted by the New Jersey State Department of Human Services, Division of Medical Assistance and Health Services, and by the New Jersey State Board of Nursing.

Thomas Russo, Director, Division of Medical Assistance and Health services, did not offer any comment as the amendment, in the opinion of his staff, will not affect the operations of his program.

Sister Theresa Harris of the New Jersey State Board of Nursing recommended the extension of the rule to all licensed residential health care facilities irrespective of the number of beds.

The Department does not concur with the comment of the New Jersey State Board of Nursing, and no changes have been made. The amendment to N.J.A.C. 8:43-3.22(q) has been adopted in order to make the Department of Health rule conform to a similar rule of the Department of Community Affairs (N.J.A.C. 5:27-5.8). This conformity is essential since the Department of Community Affairs makes available low interest loans to facilities of 21 or more beds which are required to comply with N.J.A.C. 8:43-3.22(q). However, the low interest loans are not available to facilities of 20 or fewer beds.

Since the Department of Community Affairs will not grant a low interest loan to residential health care facilities of less than 21 beds, such facilities would suffer a financial hardship if required to install a sprinkler system and might be forced to close. Therefore, the Department does not feel it prudent to extend the requirements for the installation of sprinkler systems to all residential health care facilities irrespective of the number of beds.

**Full text of the adoption follows.**

8:43-3.22 Specifications for electrical automatic fire alarm and detection systems; Office of State Fire Marshal

(a)-(p) (No change.)

(q) All facilities licensed for 21 or more beds except those of fire-resistive construction or one-story, one-hour rated non-combustible construction shall have an operational automatic comprehensive sprinkler system equipped with an alarm system. Facilities licensed for 50 or more beds shall comply with this requirement by January 31, 1983. Facilities licensed for 21 to 49 beds shall comply with this requirement by January 1, 1985.

**(a)**

**Standards for Licensure of Residential Health Care Facilities Personal Needs Allowance**

**Adopted Amendment: N.J.A.C. 8:43-4.13**

Proposed: July 15, 1985 at 17 N.J.R. 1731(b).  
 Adopted: September 19, 1985 by J. Richard Goldstein,  
 M.D., Commissioner, Department of Health (with  
 approval of Health Care Administration Board).  
 Filed: September 19, 1985 as R.1985 d.512, **without  
 change.**

Authority: N.J.S.A. 26:2H-1 et seq., specifically  
 26:2H-5.

Effective Date: October 21, 1985.  
 Expiration Date pursuant to Executive Order No. 66  
 (1978): August 19, 1990.

**Summary of Public Comments and Agency Responses:**

The Department received two letters of comment regarding the proposed amendment to N.J.A.C. 8:43-4.13 during the comment period and responded to the commentors in writing. The comments were submitted by the New Jersey State Department of Human Services, Division of Medical Assistance and Health Services, and the New Jersey State Board of Nursing. The Director of the Division of Medical Assistance and Health Services did not offer any comment as the amendment, in the opinion of his staff, will not affect the operations of his program. The New Jersey State Board of Nursing approved of the amendment. Therefore, no changes were made.

**Full text of the adoption follows.**

8:43-4.13 Personal needs allowance

(a) The owner or operator or his or her representative shall reserve for each resident who receives Supplemental Security Income (SSI) or General Public Assistance a monthly personal needs allowance of at least the amount specified by the Division of Youth and Family Services of the New Jersey State Department of Human Services pursuant to N.J.S.A. 44:7-87(h). The resident shall not be required to provide the owner, operator, employee or their representative(s) with any portion of the personal needs allowance. No owner, operator, employee or their representative(s) shall coerce, intimidate, or exploit residents into providing them with any portion of the personal needs allowance.

(b)-(c) (No change.)

**(b)**

**OCCUPATIONAL AND ENVIRONMENTAL HEALTH**

**Reporting of Occupational and Environmental Disease**

**Adopted New Rule: N.J.A.C. 8:57-1.13**

**Adopted Amendment: N.J.A.C. 8:44-2.10**

Proposed: August 5, 1985 at 17 N.J.R. 1831(a).  
 Adopted: September 10, 1985 by Evelyn Geddes,  
 Chairperson, Public Health Council.  
 Filed: September 23, 1985 as R.1985 d.518, **without change.**

Authority: N.J.S.A. 26:1A-7 and N.J.S.A. 45:9-42.34.

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): June 18, 1990 for N.J.A.C. 8:57-1.13;  
 November 7, 1988 for N.J.A.C. 8:44-2.10.

**Summary of Public Comments and Agency Responses:**

One set of comments was received from Dr. Woodhall Stopford, a medical consultant to industries using mercury.

He raises two concerns: 1) the proposed reporting level for mercury is too low, and 2) the utilization of the information collected is unclear.

The New Jersey Department of Health (NJDOH) agrees with Dr. Stopford that the department selected the 95th percentile level, the normal level in the general population, for determining the reportable standard for mercury. Dr. Stopford suggests a reportable level 11 times higher that corresponds to the OSHA allowable airborne level. The NJDOH has reviewed NIOSH's recommendations for acceptable levels of mercury as well as the medical literature and believes that health effects, particularly neurologic and renal effects, occur within levels OSHA considers acceptable. NJDOH therefore rejects the higher reportable levels proposed by Dr. Stopford as not ensuring that individuals with mercury toxicity or potential toxicity are reported to the department. The level selected by the department will indicate individuals with elevated levels and allow prompt intervention at an early-stage before toxicity is too severe or irreversible. He proposed, as another alternative, a separate standard for the general population versus workers. This is not practical as laboratories do not know the occupation or working conditions of the patients whose blood they test. His concern that individual samples or values associated only with plants and not departments within plants is valid and is addressed by the department in response to his second main concern of how will the NJDOH utilize the information.

The NJDOH intends to utilize the information in a number of ways. As Dr. Stopford is aware from collaboration on a previous investigation, the NJDOH is very familiar with the toxicity of mercury and has expertise in assessing individuals for that toxicity. Activities the NJDOH plans to initiate with the information include: 1) aggregation of the data and preparation of statistical reports, 2) epidemiologic investigations of populations of workers exposed to toxic substances, 3) on-site industrial hygiene investigations to evaluate controls and provide recommendations for improving controls, and 4) referrals to other governmental agencies such as OSHA, OSHA Consultative Services in the New Jersey State Department of Labor or the New Jersey Department of Environmental Protection.

The type of activity planned will depend on the department's assessment of the levels including the degree of elevation, number of elevated samples and mode of exposure. The NJDOH policy has always been to work cooperatively with management and labor in preventing occupational disease. However, the Department would be negligent if, when faced

with markedly elevated mercury levels in a worker from a facility that intended to take no corrective action, it did not refer this to a regulatory agency. The Department will continue its policy of working cooperatively with management with the data generated from these reports. The Department does not anticipate the adverse problems discussed by Dr. Stopford.

The model the Department is using for its rule has been very successfully implemented in New York State. The NJDOH has developed a reciprocal agreement to share data between the two states.

Colleagues in New York State have not seen the use of laboratory tests curtailed because of this regulation requiring reporting, and the Department does not anticipate such a problem in this State.

**Full text** of the adoption follows.

8:57-1.13 Reportable occupational and environmental diseases and poisons

(a) The chief administrator or other persons having control or supervision over any hospital in which any person is ill or infected with any of the diseases or poisons listed in (b) and (c) below shall, within 30 days after such disease or poison has been diagnosed, report such disease or poison to the reporting officer having jurisdiction over the territory in which such hospital is located. Reporting officers who receive reports of diseases or poisonings required under (b) and (c) below shall send a copy thereof to the State Department of Health within seven days of receipt of the report. The disease or poison shall be considered diagnosed if it is listed as a primary or secondary diagnosis on the discharge summary.

(b) The following diseases are declared to be reportable to the State Department of Health for purposes of this section. All diseases listed herein coded according to the 9th ICD revision are to be reported in the manner prescribed by (d) below:

1. Extrinsic allergic alveolites ICD code 495, 495.1, 495.2, 495.3, 495.4, 495.7, 495.8
2. Coal workers pneumoconiosis ICD code 500 and 500.0
3. Asbestosis ICD code 501 and 501.0
4. Silicosis ICD code 502 and 502.0
5. Pneumoconiosis, other dust inorganic ICD code 503 and 503.0
6. Pneumonopathy due to organic dust ICD code 504 and 504.0
7. Pneumoconiosis, unspecified ICD code 505
8. Bronchitis, Pneumonitis, inflammation both acute and chronic and acute pulmonary edema due to fumes and vapors ICD code 506.0, 506.1, 506.2, 506.3, 506.4 and 506.9
9. Pneumonitis due to inhalation of solids or liquids ICD codes 507.1 and 507.8
10. Respiratory conditions due to unspecified external agents ICD codes 508.8 and 508.9

(c) Poisoning due to the following shall also be reported to the State Department of Health in the manner prescribed by (d) below.

- |                              |                   |
|------------------------------|-------------------|
| petroleum products           | ICD 981 and 981.0 |
| benzene                      | ICD 982           |
| carbon tetrachloride         | ICD 982.1         |
| carbon disulfide             | ICD 982.2         |
| chlorinated hydrocarbons     | ICD 982.3         |
| non-petroleum-based solvents | ICD 982.8         |
| corrosive aromatics          | ICD 983.0         |

|                              |                            |
|------------------------------|----------------------------|
| acids                        | ICD 983.1                  |
| alkalies                     | ICD 983.2                  |
| caustic, unspecified         | ICD 983.9                  |
| organic lead                 | ICD 984.1                  |
| mercury                      | ICD 985                    |
| arsenic                      | ICD 985.1                  |
| manganese                    | ICD 985.2                  |
| beryllium                    | ICD 985.3                  |
| antimony                     | ICD 985.4                  |
| cadmium                      | ICD 985.5                  |
| chromium                     | ICD 985.6                  |
| other specified metals       | ICD 985.8                  |
| unspecified metals           | ICD 985.9                  |
| nitrogen oxides              | ICD 987.2                  |
| sulfur dioxide               | ICD 987.3                  |
| freon                        | ICD 987.4                  |
| chlorine                     | ICD 987.6                  |
| hydrogen cyanide             | ICD 987.7                  |
| other gases                  | ICD 987.8                  |
| unspecified gas, fume, vapor | ICD 987.9                  |
| hydrogen cyanide             | ICD 989                    |
| pesticides                   | ICD 989.2, 989.3 and 989.4 |

(d) The report required by (a) above shall state the current ICD code of the disease, the name, home address, medical record number, year of birth and sex of the person ill or infected with such disease, the name of the attending physician, the reporting hospital, and such other information as may be required by the State Department of Health.

OFFICE OF ADMINISTRATIVE LAW NOTE: The text of N.J.A.C. 8:44-1 as it currently appears in the New Jersey Administrative Code should properly be codified as Subchapter 2 (8:44-2) with Subchapter 1 marked Reserved. The unamended portions of N.J.A.C. 8:44-2.10 below currently appear at 8:44-1.10.

8:44-2.10 Reporting by laboratory supervisors

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

(d) Laboratory supervisors shall immediately report to the State Department of Health, results of laboratory examinations indicating levels of hazardous substances in blood and urine equal to or greater than the following:

1. Lead:
  - i. Blood lead levels equal to or greater than 25 ug/dl;
  - ii. Urine lead levels equal to or greater than 80 ug/l in individuals greater than 16 years of age.
2. Mercury:
  - i. Blood mercury levels equal to or greater than 2.8 ug/dl;
  - ii. Urine mercury levels equal to or greater than 20 ug/L.
3. Arsenic:
  - i. Blood arsenic levels equal to or greater than .07 ug/ml;
  - ii. Urine arsenic levels equal to or greater than 100 ug/L.
4. Cadmium:
  - i. Blood cadmium levels equal to or greater than 5 ug/L;
  - ii. Urine cadmium levels equal to or greater than 10 ug/l.

## DRUG UTILIZATION REVIEW COUNCIL

(a)

### Interchangeable Drug Products

### Adopted Amendment: N.J.A.C. 8:71

Proposed: January 21, 1985, at 17 N.J.R. 158(a).

Adopted: September 20, 1985 by the Drug Utilization Review Council, James Perhach, Ph.D., Acting Chairman.

Filed: September 23, 1985 as R.1985 d.516, with portions of the proposal **not adopted but still pending.**

Authority: N.J.S.A. 24:6E-6(b).

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): April 2, 1989.

#### Summary of Public Comments and Agency Responses:

Regarding dipyridamole: Boehringer-Ingelheim (BI) had requested that the Drug Utilization Review Council not add any dipyridamoles to the List of Interchangeable Drug Products pending a determination by the Office of Administrative Law as to the validity of BI's claim that proposed generics must be compared to the branded product, Persantine, in its 25 mg form ONLY. The Council has received Judge Kenneth Springer's July 25, 1985 recommendations (see OAL DKT NO. HDR 8058-84) on the issues involved and concurs with Judge Springer that it is NOT necessary to restrict comparisons to the 25 mg strength of Persantine.

The following products and their respective manufacturers were **adopted**:

**Dipyridamole tabs 25, 50, 75 mg** Par, Sidmak, Superpharm

**Sulfamethoxazole/trimethoprim tabs 400/80, 800/160** Chelsea, Heather, Superpharm

The following products were **not adopted but are still pending**:

Hydroxyzine HCl tabs 10, 25, 50 mg Sidmak

Meclizine HCl tabs 12.5, 25 mg Sidmak

Hydroxyzine pamoate caps 25, 50, 100 mg Superpharm

Chlorpropamide tabs 250 mg Drummer/Phoenix

The following product was **not adopted**:

Chlordiazepoxide HCl caps 5, 10, 25 mg Superpharm

OFFICE OF ADMINISTRATIVE LAW NOTE: Related Notices of Adoption appear at 17 N.J.R. 1295(a), 1562(a) and 2043(a).

(b)

### Interchangeable Drug Products

### Adopted Amendment: N.J.A.C. 8:71

Proposed: May 6, 1985, at 17 N.J.R. 1043(a).

Adopted: September 20, 1985 by the Drug Utilization Review Council, James Perhach, Ph.D., Acting Chairman.

Filed: September 23, 1985 as R.1985 d.517, with portions of the proposal **not adopted but still pending.**

Authority: N.J.S.A. 24:6E-6(b).

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): April 2, 1989.

**Summary of Public Comments and Agency Responses:**

Regarding propranolol: The Council heard extensive testimony from Ayerst Laboratories (manufacturers of the branded product, Inderal) contesting the bioequivalence of the proposed generics to Inderal. Specifically, Ayerst stated that the proposed products from Lederle would not be therapeutically equal to Inderal because Lederle's studies were unreliable due to a low statistical power analysis (meaning that there was a large chance that the Council's potential decision that Lederle's propranolols were equivalent to Inderal would be erroneous), a failure to compare the proposed products on a tablet-strength to tablet-strength basis, and also because none of the proposed generics have approval from the Federal Food and Drug Administration to list in their package insert one important therapeutic use of Inderal, namely, its use in patients who have previously suffered from a "heart attack."

The Council acted to NOT approve Lederle's propranolol tablets in the 10, 20, and 40 mg strengths, thus acted in favor of Ayerst's arguments in regard to those Lederle products, but approved the 80 mg Lederle product, which did not display a low statistical power analysis.

Two Council physicians, Drs. Woske and Hutcheon, stated that the differences seen between the generics and Inderal were not of clinical significance. It was also noted that the Federal Food and Drug Administration has adjudged both the Lederle and Chelsea propranolol products to be therapeutically equivalent to Inderal.

Regarding thioridazines: Sandoz, makers of the branded product, Mellaril, for which the proposed thioridazines are to be substituted, objected to the Barr products, stating that the Federal Food and Drug Administration (FDA) is reviewing the assay methods Barr utilized, which Sandoz contends may be faulty.

The Council noted that the FDA had not changed the therapeutic equivalency code for Barr's thioridazines, which remain coded "AB," or therapeutically equal to Mellaril.

The following products and their respective manufacturers were **adopted**:

|  |            |
|--|------------|
| Acetic acid/aluminum acetate otic                  | Pharmafair |
| Propranolol tabs 10, 20, 40, 80 mg                 | Chelsea    |
| Propranolol tabs 80 mg                             | Lederle    |
| Chlorpropamide tabs 100, 250 mg                    | Barr       |
| Doxycycline hyclate tabs 100 mg                    | Barr       |
| Hydroxyzine pamoate caps 25, 50, 100 mg            | Barr       |
| Thioridazine HCl tabs 150, 200 mg                  | Barr       |
| Furosemide tabs 80 mg                              | Lederle    |
| Sulfamethoxazole/trimethoprim tabs 400/80, 800/160 | Par, Barr  |
| Ibuprofen tabs 600 mg                              | Chelsea    |

The following products were **not adopted but are still pending**:

|   |             |
|---|-------------|
| Isosorbide dinitrate S.L. tabs 10 mg    | Barr        |
| Isosorbide dinitrate tabs 20, 30 mg     | Barr        |
| Prenatal vits (Stuartnatal 1+1 formula) | Amer. Ther. |

|  |          |
|--|----------|
| Propranolol HCl tabs 10, 20, 40, 60, 80 mg   | Schering |
| Propranolol HCl tabs 10, 20, 40 mg           | Lederle  |
| Aminophylline tabs 100 mg                    | Cord     |
| Dipyridamole tabs 25 mg                      | Bolar    |
| Dipyridamole tabs 25, 50, 75 mg              | Barr     |
| Methyclothiazide tabs 5 mg                   | Colmed   |
| Procainamide tabs, extended release 750 mg   | Bolar    |
| Thioridazine HCl tabs 100 mg                 | Cord     |
| Warfarin sodium tabs 2, 2.5, 5 mg            | Colmed   |
| Thioridazine HCl tabs 10, 15, 25, 50, 100 mg | Zenith   |

The following products were **not adopted**:

|                                    |               |
|------------------------------------|---------------|
| Chlordiazepoxide/clidinium bromide | Amer. Ther.   |
| Methyclothiazide/reserpine tabs    | Pharm. Basics |
| Phenazopyridine/sulfisoxazole tabs | Amer. Ther.   |

SPECIAL NOTE: One proposed product, Propranolol tabs 60 mg (Chelsea), was withdrawn from consideration by the manufacturer due to marketing considerations.

A second set of products, Dipyridamole tabs 25, 50, 75 mg (Sidmak), have been adopted in a companion Notice of Adoption in this Register.

OFFICE OF ADMINISTRATIVE LAW NOTE: A related Notice of Adoption appears at 17 N.J.R. 2042(b).

**(a)**

**Interchangeable Drug Products**

**Adopted Amendment: N.J.A.C. 8:71**

Proposed: July 15, 1985, at 17 N.J.R. 1733(a).

Adopted: September 20, 1985 by the Drug Utilization Review Council, James Perhach, Ph.D., Acting Chairman.

Filed: September 23, 1985 as R.1985 d.519, with portions of the proposal **not adopted but still pending.**

Authority: N.J.S.A. 24:6E-6(b).

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): April 2, 1989.

**Summary of Public Comments and Agency Responses:**

Regarding tolazamide: The Upjohn Company, makers of Tolinase, the brand for which generic tolazamide is to be substituted, objected to the proposed tolazamides by Duramed, Par, and Pharm. Basics, stating that the Federal Food and Drug Administration (FDA) has not yet approved these products for marketing. The Council agreed, deferring action on these tolazamides.

The following products and their respective manufacturers were adopted:

|                                 |            |
|---------------------------------|------------|
| Antipyrine/benzocaine otic soln | Clay-Park  |
| Atropine SO4 ophth soln 1%      | Pharmafair |
| Atropine SO4 ophth oint 1%      | Pharmafair |
| Brompheniramine/                |            |

phenylpropanolamine/codeine syrup  
 Hydroxyzine HCl tabs 10, 25, 50 mg  
 Multivitamin/Fluoride 1 mg chewable  
 Papaverine HCl tabs 300 mg  
 Phenazopyridine HCl tabs 100, 200 mg  
 Pilocarpine HCl ophth soln 0.5, 3, 6%  
 Propoxyphene napsylate 100 mg/  
 acetaminophen 650 mg tabs

Sulfacetamide sod. ophth soln 15, 30%  
 Triprolidine/pseudoephedrine/codeine  
 cough syrup  
 Chlorpropamide tabs 100, 250 mg  
 Guanethidine monosulfate tabs 10 mg,  
 25 mg  
 Ibuprofen tabs 400 mg, 600 mg  
 Metoclopramide tabs 10 mg

The following products were **not adopted but are still pending**:

Ethaverine HCl tabs 100 mg  
 Isometheptene mucate 65 mg,  
 dichloralphenazone 100 mg,  
 acetaminophen 325 mg caps  
 Phenylephrine HCl ophth soln 2.5%  
 Phenylephrine HCl ophth soln 10%  
 (viscous)  
 Phentermine HCl caps 30 mg  
 Phenytoin extended caps 100 mg  
 Tolazamide tablets 250, 500 mg  
 Tolazamide tablets 100, 250, 500 mg  
 Tolazamide tablets 100, 250, 500 mg  
 Dipyridamole tabs 25, 50, 75 mg  
 Hydralazine/HCTZ caps 25/25, 50/50,  
 100/50  
 Dipyridamole tabs 25, 50, 75 mg  
 Doxycycline hyclate caps 50, 100 mg  
 Metronidazole tabs 250 mg  
 Propranolol tabs 80 mg  
 Thioridazine HCl tabs 10, 15, 25,  
 50 mg  
 Thioridazine HCl tabs 10, 15, 25,  
 50 mg  
 Deserpidine/methyclothiazide tabs  
 Diazepam tabs 2, 5, 10 mg  
 Disopyramide caps 100, 150 mg  
 Doxycycline hyclate tabs 100 mg  
 Fluphenazine HCl tabs 5 mg  
 Ibuprofen tabs 300, 600 mg  
 Ibuprofen tabs 400, 600 mg  
 Lorazepam tabs 0.5, 1, 2 mg  
 Meprobamate/ASA tabs  
 Methyldopa/HCTZ tabs 15, 25 mg  
 Methyldopa tabs 250, 500 mg  
 Metoclopramide tabs 10 mg  
 Propranolol HCl tabs 10, 20, 40, 60, 80,  
 90 mg  
 Propranolol HCl tabs 40 mg  
 Vitamin B complex/minerals (Berocca  
 Plus formula)

NPC  
 Pharm. Basics  
 Sidmak  
 Sidmak  
 Quantum  
 Pharmafair

Zenith, Lemmon,  
 Mylan  
 Pharmafair

NPC  
 Sidmak

Bolar  
 Par  
 Colmed

Sidmak

Central  
 Pharmafair

Pharmafair  
 Duramed  
 Bolar  
 Colmed  
 Duramed  
 Par  
 Zenith

Par  
 Danbury  
 Halsey  
 Halsey  
 Duramed

Cord

Danbury  
 Zenith  
 Zenith  
 Zenith,  
 Mylan

Lemmon  
 Zenith  
 Zenith  
 Mylan  
 Quantum  
 Zenith  
 Mylan  
 Zenith  
 Quantum

Zenith  
 Mylan

Pioneer

# HUMAN SERVICES

(a)

## DIVISION OF MENTAL HEALTH AND HOSPITALS

### Organization of the Division of Mental Health and Hospitals

#### Adopted New Rule: N.J.A.C. 10:30

Authorized By: Geoffrey S. Perselay, Acting  
 Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12 and N.J.S.A. 52:14B-4(b)  
 (exempt organizational rule).

Filed: September 23, 1985 as R.1985 d.515.  
 Effective Date: September 23, 1985.

#### Summary

Geoffrey S. Perselay, Acting Commissioner, Department of Human Services, adopts, as a rule, a description of the organization of the Division of Mental Health and Hospitals. This rule is intended to inform the public of the existence of and the basic tasks and responsibilities delegated to the Division of Mental Health and Hospitals and how it is organized to implement those duties. The rule also explains the requirements which must be followed for the proper submission of rulemaking petitions from interested persons.

These organizational rules are exempt from the notice and hearing requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.; and became effective upon filing N.J.S.A. 52:14B-4(b).

#### Social Impact

This proposal provides the public with:

1. An official and ready reference of general information concerning the Division of Mental Health and Hospitals' operation and structure in order to promote citizen participation and understanding; and
2. The specific requirements for public participation in rulemaking proceedings as petitioners, commentators, objectors or supporters in order to ensure agency accountability.

#### Economic Impact

No additional costs, either to the public or any State agency, are expected to result from this rule, as it merely describes existing activities.

Full text of the rule follows.

### CHAPTER 30 NEW JERSEY DIVISION OF MENTAL HEALTH AND HOSPITALS: ORGANIZATIONAL RULE

#### SUBCHAPTER 1. DIVISION FUNCTION AND PUBLIC ACCESS

10:30-1.1 Functions of the Division

SPECIAL NOTE: One strength of a proposed product, Ibuprofen tabs 300 mg (Par), was withdrawn from consideration by its manufacturer due to marketing reasons.

(a) The Division of Mental Health and Hospitals is responsible for the development, coordination and operational support of a comprehensive mental health system. The major objectives of the Division are to insure:

1. Accessible and clinically appropriate mental health services;
2. Community based care, with hospitalization only when necessary, designed to maximize the client's level of functioning and independence; and
3. Individualized treatment reflecting the needs and strengths of each client.

(b) The Division supervises the provision of a broad range of community mental health services throughout the State. It contracts with more than 100 community agencies to provide outpatient, emergency, partial care, residential and consultation and education services, and to provide screening services which reduce inappropriate admissions to State and county psychiatric hospitals.

(c) The Division operates seven institutions; four regional hospitals (Ancora, Greystone Park, Marlboro and Trenton); a children's facility (Arthur Brisbane Child Treatment Center); a geriatric facility (Glen Gardner Center for Geriatrics); and the Forensic Psychiatric Hospital.

(d) Five counties also operate psychiatric hospitals.

(e) The Division's Central Office oversees the provision of community and institutional care with emphasis on quality assurance, training, program development, evaluation, management, information systems, and fiscal planning.

10:30-1.2 Public information, requests and submissions

The public has ready access to information regarding all Division activities (except as to individual clients). Questions concerning a specific hospital or agency should be directed to the Chief Executive or Director, respectively. Each county has a County Mental Health Administrator who will provide assistance when requested. Questions concerning general policies should be directed to the Division's Public Information Office, CN 700, Trenton, N.J. 08625. Each hospital and agency as well as the Division have advisory boards to facilitate ongoing public participation in the development of the mental health system.

10:30-1.3 Procedure to petition for a rule

Any person may request the Division to promulgate, amend or appeal any rule by submitting a written petition. It shall include the name and address of the petitioner, the action and the reasons for the request. Within 30 days, the Division shall advise the petitioner in writing of its response to the request. Address petitions to:

New Jersey Division of Mental Health  
and Hospitals  
Public Information Office  
CN 700, Trenton, N.J. 08625

**DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES**

**(a)**

**Pharmaceutical Services Manual  
Preventive Vaccines, Biologicals, Drugs and**

**Therapeutic Drugs**

**Adopted Amendments: N.J.A.C. 10:51-1.13,  
1.14, Appendix A, and 3.12**

Proposed: May 20, 1985 at 17 N.J.R. 1237(a).

Adopted: September 30, 1985 by Geoffrey S. Perselay, Esq., Acting Commissioner, Department of Human Services.

Filed: September 30, 1985 R.1985 d.533, **without change.**

Authority: N.J.S.A. 30:4D-6b(6).

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): November 2, 1985 for 10:51-1; September 11, 1986 for 10:51-3.

**Summary of Public Comments and Agency Responses:  
No comments received.**

**Full text** of the adoption follows.

10:51-1.13 Services requiring prior authorization

(a) The therapeutic classes and dosage forms listed below require prior authorization, obtained by the prescribed from the Medicaid District Office. If the prior authorization request is approved, an authorization number will be provided and must appear on the prescriber's original or valid transcribed prescription. The space labeled "Check if Prior Authorized Service" on the prescription claim form (MC-6) must be checked and the "prior authorization" number provided must be entered in the proper space.

1. Preventive drugs, vaccines and biologicals and therapeutic drugs listed in Appendix A of this subchapter when not available free of charge.
2. Injectable medications as follows:
  - i. (No change in text.)
  - ii. (No change in text.)
3. Protein replacement products, such as, but not limited to, Probona, Portagen, and other special items listed in Appendix E.
- 4.-6. (No change.)

10:51-1.14 Services not eligible for reimbursement

(a) The following classes of prescription drugs are not eligible for reimbursement:

- 1.-5. (No change.)
6. Preventive drugs, vaccines and biologicals and therapeutic drugs when available free of charge. See Appendix A.
  - i. Exceptions: Instances where prior authorization to provide preventive drugs, vaccines and biologicals and therapeutic drugs has been obtained from the Medicaid District Office. Such authorization must be requested for each prescription for these products.
  - 7.-9. (No change.)
  10. Food supplements, milk modifiers, infant formulas and therapeutic diets.
    - i. Exception: Protein replacements and other special items listed in Appendix E.
  - 11.-13. (No change.)
  14. Injectable drug products;
    - i. Exceptions:
      - (1) (No change.)
      - (2) (No change in text.)

- (3) (No change in text.)
- (4) (No change in text.)
- 15.-16. (No change.)
- (b) (No change.)

Delete in its entirety the current text at N.J.A.C. 10:51-1, Appendix A and replace it with the following:

APPENDIX A

Preventive Vaccines, Biologicals and Drugs and Therapeutic Drugs

Preventive vaccines, biologicals and drugs and therapeutic drugs are available free of charge from certain agencies under certain conditions as listed below:

A. Preventive Vaccines and Biologicals

1. Immunization Vaccines

Pediatric Routine Immunizations—Free vaccines for routine pediatric immunizations such as oral polio; rubella; measles; mumps; diphtheria, pertussis and tetanus combined; etc. are available for use by local health departments which have child health clinics or school age health clinics. For information about these clinics, call the New Jersey State Health Department (609) 292-5635.

Free vaccines are not available to physicians in private practice.

2. Rabies Vaccine

Rabies Vaccine, Human Diploid Cell (H.D.C.V.) and Rabies Immune Globulin (human origin) are available at certain designated hospitals upon consultation with a New Jersey State Department of Health physician (Division of Epidemiology and Disease Control, Communicable Disease Control Services, call (609) 292-7300 during the day; (609) 392-2020 at night, on weekends or holidays.)

3. Immune Serum Globulin (ISG)

Immune Serum Globulin is available from the New Jersey Department of Health in Trenton upon consultation with a New Jersey State Department of Health physician (Division of Epidemiology and Disease Control, Communicable Disease Control Services, Telephone (609) 292-7300.) It is released only for use against hepatitis A in selected instances, i.e., medically indigent, outbreak control, etc. It is not available for women exposed to Rubella.

B. Preventive and Therapeutic Drugs

1. Antituberculous Drugs

Antituberculous drugs are available free of charge for patients under the supervision of chest clinics approved by the New Jersey State Department of Health. Free antituberculous drugs are not available to patients under private physician supervision. For information about the location of these "approved" chest clinics, call the New Jersey State Health Department (609) 292-7100.

2. Sexually Transmitted Disease (STD) Drugs

Drugs for the prevention and treatment of sexually transmitted diseases are available free of charge for patients under the supervision of STD clinic approved by the New Jersey State Department of Health. Such medication is also available to private physicians. For information about the availability of such medication call the New Jersey State Health Department (609) 292-4027.

10:51-3.12 Services not eligible for reimbursement

(a) The following classes of prescription drugs are not eligible for reimbursement:

- 1.-5. (No change.)

6. Preventive drugs, vaccines and biologicals and therapeutic drugs when available free of charge. See Appendix A

of N.J.A.C. 10:51-1.

i. Exceptions: Instances where prior authorization to provide preventive drugs, vaccines and biologicals and therapeutic drugs has been obtained from the Medicaid District Office.

7.-8. (No change.)

9. Food supplements, milk modifiers, infant formulas and therapeutic diets;

i. Exception: Protein replacements and other special items listed in Appendix E.

10.-14. (No change.)

(a)

Procedure Code Manual Fees for Laboratory Services

Adopted Amendments: N.J.A.C. 10:54-3

Proposed: June 3, 1985 at 17 N.J.R. 1376(a).

Adopted: September 30, 1985 by Geoffrey S. Perselay, Esq., Acting Commissioner, Department of Human Services.

Filed: September 30, 1985 as R.1985 d.531, without change.

Authority: N.J.S.A. 30:4D-6a(3); 42 CFR 447.325

Effective Date: October 21, 1985.

Expiration Date pursuant to Executive Order No. 66 (1978): May 14, 1989.

Summary of Public Comments and Agency Responses: No comments received.

Full text of the adoption follows.

FEES FOR LABORATORY SERVICES

| Procedure Code | Laboratory Service  | Medicaid Dollar Value |
|----------------|---|-----------------------|
| 8504           | Carcinoembryonic Antigen (CEA) (RIA)  | 22.40                 |
| 8526           | (Rast) Each additional Antigen  | 4.80                  |
| 8639           | Chromatography, single phase (Section II)   | 4.40                  |
| 8730           | Thromboplastin Generation Test (TGT)  | 9.00                  |
| 8761           | Triglycerides (Neutral Fat)   | 8.30                  |
| 8867           | Culture, Fungus (definitive) (e.g., Candida Albicans).  | 8.00                  |
| 8868           | Yeast Screen (not definitive) from Urine, Vaginal or Throat Cultures only (for example, germ tube).   | 3.00                  |
| 8988           | House Call to Home Bound Patient in Home or Sheltered Boarding Home for purpose of obtaining blood by venous or arterial puncture. Reimbursement limited to once per trip regardless of number of patients. | 10.00                 |
| 8998           | Visit to obtain Blood Specimens by venous or arterial puncture "First Person in Nursing Home"   | 1.80                  |
| 8999           | Visit to obtain Blood Specimens by venous or arterial puncture "Each additional person in Nursing Home"   | 0.60                  |

**LABOR****(a)****THE COMMISSIONER****Base Week for Unemployment Compensation and State Plan Temporary Disability****Adopted Amendment: N.J.A.C. 12:15-1.6**

Proposed: August 19, 1985 at 17 N.J.R. 2007(b).  
 Adopted: September 26, 1985 by Charles Serraino,  
 Commissioner, Department of Labor.  
 Filed: September 26, 1985 as R.1985 d.525, **without change.**

Authority: N.J.S.A. 34:1-5, 34:1-20, 43:21-19(t),  
 43:21-27, L.1984, c.24, and L.1984, c.104.

Effective Date: October 21, 1985.  
 Expiration Date pursuant to Executive Order No. 66  
 (1978): December 31, 1985.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

Full text of the adoption follows.

12:15-1.6 Base week  
 In accordance with the provisions of N.J.S.A. 43:21-19(t),  
 the base week amount is hereby promulgated as being \$72.00  
 per week for benefit years commencing on or after October  
 1, 1985 and periods of disability commencing October 1, 1985.

**DIVISION OF WORKPLACE STANDARDS****(b)****Wage and Hour Regulations****Readoption: N.J.A.C. 12:56**

Proposed: August 19, 1985 at 17 N.J.R. 2008(a).  
 Adopted: September 26, 1985 by Charles Serraino,  
 Commissioner, Department of Labor.  
 Filed: September 26, 1985 as R.1985 d.524, **without change.**

Authority: N.J.S.A. 34:11-56a19.

Effective Date: September 26, 1985.  
 Expiration Date pursuant to Executive Order No. 66  
 (1978): September 26, 1990.

**Summary of Public Comments and Agency Responses:**  
 A comment period was held open until September 23, 1985.  
 Comments received from:

Cooperative Extension Service of Cook College Rutgers,  
 Woodstown, N.J.

Gloucester County Board of Agriculture, Clayton, N.J.  
 New Jersey Department of Agriculture, Trenton, N.J.  
 Sunny Slope Farms of New Jersey, Bridgeton, N.J.  
 Variety Farms, Inc., Hammonton, N.J.

All comments were directed to N.J.A.C. 12:56-11, Wage Order No. 1, Employment in the First Processing of Farm Products Occupations. All commentors made the same arguments that the Wage Order was meant to apply to processing plants and not the farmer who is primarily engaged in the growing of fruits and vegetables.

The Attorney General's Office has previously advised that it is appropriate to apply the Wage Order to the packing of produce when such activity is performed in packing establishments on the farm premises.

To reconsider the Wage Order at this time would mean the Department would be without wage and hour rules because the rules expire November 1, 1985 under Executive Order No. 66 (1978). Therefore, the rules are readopted at this time without change.

Further consideration will be given to the Wage Order under N.J.S.A. 34:11-56a18.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 12:56.

**(c)****Wage Orders for Minors****Readoption: N.J.A.C. 12:57**

Proposed: August 19, 1985 at 17 N.J.R. 2009(a).  
 Adopted: September 26, 1985 by Charles Serraino,  
 Commissioner, Department of Labor.  
 Filed: September 26, 1985 as R.1985 d.523, **without change.**

Authority: N.J.S.A. 34:11-56a19.

Effective Date: September 26, 1985.  
 Expiration Date pursuant to Executive Order No. 66  
 (1978): September 26, 1990.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 12:57.

**(d)****Child Labor****Readoption: N.J.A.C. 12:58**

Proposed: August 19, 1985 at 17 N.J.R. 2009(b).  
 Adopted: September 26, 1985 by Charles Serraino,

Commissioner, Department of Labor.  
 Filed: September 26, 1985 as R.1985 d.522, **without change.**

Authority: N.J.S.A. 34:2-21.64

Effective Date: September 26, 1985.  
 Expiration Date pursuant to Executive Order No. 66 (1978): September 26, 1990.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text** of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 12:58.

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION OF MOTOR VEHICLES

##### Central Title and Registration Service Expiration of Temporary Initial Registration

##### **Adopted Amendment: N.J.A.C. 13:21-11.13**

Proposed: August 5, 1985 at 17 N.J.R. 1863(a).  
 Adopted: September 10, 1985 by Robert S. Kline,  
 Acting Director, Division of Motor Vehicles.  
 Filed: September 24, 1985 as R.1985 d.520, **without change.**

Authority: N.J.S.A. 39:10-4, 39:3-4 and 39:3-4c.

Effective Date: October 21, 1985.  
 Expiration Date pursuant to Executive Order No. 66 (1978): October 21, 1990.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text** of the adoption follows.

13:21-11.13 Expiration date of temporary initial registration  
 (a) All temporary initial registrations issued to residents of this State shall expire at the end of 60 days or as soon as the permanent registration and plates have been received from the Division of Motor Vehicles, whichever occurs first. The temporary plates must be destroyed at the time of expiration.

(b) All temporary initial registrations issued to non-residents shall expire at the end of 20 days or as soon as the permanent registration and plates have been received from the Division of Motor Vehicles, whichever occurs first. The temporary plates must be destroyed at the time of expiration.

(c) Under no circumstances may a dealer extend the expiration date or issue a new temporary initial registration and plates for the same vehicle.

### (b)

#### BOARD OF MEDICAL EXAMINERS

##### Termination of Pregnancy

##### **Adopted Amendment: N.J.A.C. 13:35-4.2**

Proposed: August 5, 1985 at 17 N.J.R. 1865(a).  
 Adopted: September 11, 1985 by New Jersey State Board of Medical Examiners, Edward W. Luka, M.D., President.  
 Filed: September 30, 1985 as R.1985 d.530, **without change.**

Authority: N.J.S.A. 45:9-2.

Effective Date: October 21, 1985.  
 Expiration Date pursuant to Executive Order No. 66 (1978): August 1, 1988.

##### **Summary of Public Comments and Agency Responses:**

Four comments were received: from the New Jersey Catholic Conference Committee, the New Jersey Right to Life Committee, New Jersey Citizens Concerned for Life, Inc., and Pregnancy Aid and Information Center. One writer was of the impression that there were no current rules of the Department of Health on the manner in which licensed health care facilities may dispose of fetal tissue, which is a matter related to the Medical Board proposal. In fact, however, the Department of Health has addressed this matter in its rule N.J.A.C. 8:43A-12.2 and 14.6.

Two writers contended that the terms of subsection (e) are vague. The Board disagrees and expects that its licensees are experienced in dealing with services ancillary to the medical profession or are well able to ascertain this information. In any event, it will now be an obligation of the Medical Board licensee to make suitable inquiry to assure that delivery of tissue is done solely in compliance with this rule. A writer complained that the Board rule does not require a pathological examination in every case. Based on the Board's fund of professional information, it recognizes that in most instances, gross visual or microscopic inspection of the removed tissue is sufficient to demonstrate that the patient was in fact pregnant and that inspection, plus the surgical technique used, will adequately show that the pregnancy has been terminated. Thus, in the overwhelming number of termination procedures, compelling the patient to undergo the additional expense of a separate pathology analysis may well be found to be unwarranted and the Board will not impose such a routine directive, especially in the case of first trimester terminations, on its licensees without compelling reasons not presented to it at this time. It nevertheless remains a professional responsibility for the attending surgeon to perform or arrange for a pathological analysis in those instances when any question arises as to whether there was a real pregnancy or whether other pathology may be present. The Board also notes that the Department of Health has adopted N.J.A.C. 8:43A-12.2(a)9 dealing with this subject.

Finally, some writers referred to the fetal tissue as "remains of pre-born babies" and suggested other phrases to identify the topic and also urged requirement of cremation or burial. The Board rejects these suggestions. This rule is addressed to medical practitioners performing a surgical procedure and the

Board finds medical terminology to be more appropriate. The Board therefore determined to adopt the rule amendment in the form proposed.

Full text of the adoption follows.

13:35-4.2 Termination of pregnancy

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

(e) The physician shall make suitable arrangements to insure that all tissues removed shall be properly disposed of by submission to a qualified physician for pathologic analysis or by incineration or by delivery to a person/entity licensed to make biologic and/or tissue disposals in accordance with law.

(f) These rules are intended to regulate the quality of medical care offered by licensed physicians for the protection of the public, and are not intended to affect rules of the Department of Health establishing institutional requirements.

**(a)**

**PORT AUTHORITY OF NEW YORK AND NEW JERSEY**

**Schedule of Charges  
Kennedy International Airport  
Newark International Airport**

Adopted: September 10, 1985 by The Port Authority of New York and New Jersey, Doris E. Landre, Secretary.

Filed: September 18, 1985 as R.1985 d.509 (Exempt, from Administrative Procedure Act as "Exempt Agency," see N.J.S.A. 52:14B-2(a)).

Effective Date: Kennedy International Airport, September 1, 1985. Newark International Airport, July 1, 1985.

Full text of the adoption follows.

Kennedy International Airport—Revision to Schedule of Charges.

RESOLVED, that the Schedule of Charges at Kennedy International Airport applicable to aircraft operators using the International Arrivals Building, other than those which pay rates based on the Wing Building Lease formula, be and the same is hereby amended, effective September 1, 1985, as follows:

| Service  | Present Charge | Proposed Charge |
|--|----------------|-----------------|
| Section VI<br>Federal Inspection Service—<br>Per Passenger | \$ 3.85        | 3.70            |
| Section VII<br>General Terminal Charge—<br>Per Aircraft    | 72.00          | 165.00          |
| Per Passenger  | 2.60           | 2.15            |
| Section V<br>Porter Service Charge—<br>Per Passenger       | .55            | .45             |

and it is further

RESOLVED, that the Executive Director be and he hereby is authorized to effect further changes in these charges, at his discretion.

Newark International Airport: Revision to Schedule of Charges—International Departures Facility Surcharge.

RESOLVED, that the Schedule of Charges for the Public Landing Area and related Public Areas and Services at Newark International Airport adopted by the Committee by resolution of October 5, 1959, as subsequently amended, be and the same hereby is amended, effective July 1, 1985 by adding a new Section VI 3. to be the Terminal C, International Departures Facility Surcharges (domestic or international) to provide for an additional fee of \$3 for each passenger departing (domestic or international) the International Departures Facility to be paid by aircraft operators being provided passenger counters, facilities or services controlled by the Port Authority.

# EMERGENCY ADOPTION

## HUMAN SERVICES

### (a)

#### DIVISION OF PUBLIC WELFARE

#### Food Stamp Program Revised Income Deductions, Utility Allowances, Uniform Telephone Allowance and Maximum Coupon Allotments

#### Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 10:87-12.1 and 12.2

Emergency Amendment Adopted: September 9, 1985 by  
Geoffrey S. Perselay, Acting Commissioner,  
Department of Human Services.

Gubernatorial Approval (N.J.S.A. 52:14B-4(c)):  
September 17, 1985.

Emergency Amendment Filed: September 26, 1985 as  
R. 1985 d.526.

Authority: N.J.S.A. 30:4B-2; the Food Stamp Act of  
1977 as amended; 7 CFR 273.9(d)(6), (7), and (8); and  
7 CFR 273.10(e)(4).

Emergency Amendment Effective Date: September 26,  
1985.

Emergency Amendment Operative Date: October 1,  
1985.

Emergency Amendment Expiration Date: November  
25, 1985.

Concurrent Proposal Number: PRN 1985-601.

Submit comments by November 20, 1985 to:  
Audrey Harris, Director  
Division of Public Welfare  
CN 716  
Trenton, New Jersey 08625

This amendment was adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency amendment are being proposed for readoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The readopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

The agency emergency adoption and concurrent proposal follows:

#### Summary

The Department of Human Services is required by the Food

Stamp Act of 1977, as amended and Federal regulations to revise maximum coupon allotments (7 CFR 273.10(e)(4)) and increase the standard deduction (7 CFR 273.9(d)(7)) and dependent care/shelter deduction (7 CFR 273.9(d)(8)) to reflect the annual Federal adjustment of these amounts which takes into account changes in the cost of living. Additionally, the Department is updating the uniform telephone allowance to \$12.40 and adjusting the utility allowances (7 CFR 273.9(d)(6)) to reflect the decrease, over the past twelve months, in the average cost of services, fuel and utilities. The heating utility allowance (HUA), which can be utilized by households who are responsible for their heating costs, is \$186.00. The standard utility allowance (SUA), which is for use by households that are not responsible for their heating costs but who are responsible for a major utility expense, is \$111.00. These are annualized amounts and will be effective through September 1986.

#### Social Impact

The increase in the standard deduction, dependent care/shelter deduction, uniform telephone allowance, and increase in maximum coupon allotments will result in an increase in the amount of food stamp benefits households are entitled to receive.

Both the annualized SUA and HUA are being amended to reflect a decrease in the average cost of fuels and utilities. However, it should be noted that households having utility expenses in excess of the SUA or HUA may elect to have actual expenses used in the eligibility and benefit computation.

#### Economic Impact

The net effect of the increase in the standard deduction, dependent care/shelter deduction, uniform telephone allowance, and maximum coupon allotments will be an increase in benefits for food stamp recipients. Contingent on individual household circumstances, some households may experience a small decrease in benefits due to the decrease in the utility allowances. However, this decrease may be offset due to the increases in other deductions and the use of actual utility expenses if in excess of the SUA or HUA.

Those changes will not have a significant adverse impact on the Department and local agencies administering the program but may bring some additional Federal funds into the State for those households participating in this federally funded program.

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

#### 10:87-12.1 Income deduction table

TABLE I  
Income Deductions

|                                  |            |                 |
|----------------------------------|------------|-----------------|
| Standard Deduction               | [\$ 95.00] | <b>\$ 98.00</b> |
| Dependent Care/Shelter Deduction | [\$134.00] | <b>\$139.00</b> |
| Uniform Telephone Allowance      | [\$ 9.89]  | <b>\$ 12.40</b> |
| Standard Utility Allowance       | [\$114.00] | <b>\$111.00</b> |
| Heating Utility Allowance        | [\$191.00] | <b>\$186.00</b> |

10:87-12.2 Maximum coupon allotment table

**TABLE II**

**Maximum Coupon Allotment (MCA)**

| <b>Household Size</b>  | <b>MCA</b>           |
|------------------------|----------------------|
| 1                      | [\$ 79] <b>\$ 80</b> |
| 2                      | [ 145] <b>147</b>    |
| 3                      | [ 208] <b>211</b>    |
| 4                      | [ 264] <b>268</b>    |
| 5                      | [ 313] <b>318</b>    |
| 6                      | [ 376] <b>382</b>    |
| 7                      | [ 416] <b>422</b>    |
| 8                      | [ 475] <b>483</b>    |
| 9                      | [ 534] <b>543</b>    |
| 10                     | [ 593] <b>603</b>    |
| Each Additional Member | [ +59] <b>+60</b>    |

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# MISCELLANEOUS NOTICES

## INSURANCE

(a)

### DIVISION OF ADMINISTRATION

#### Administrative Orders and Declarations

#### Notice of Correction: Executive Order No. 66 (1978) Expiration Date, N.J.A.C. 11:1-5

An error appears in the October 1, 1984 New Jersey Register at 16 N.J.R. 2677(a), Administrative Orders and Declarations, concerning the expiration date of Chapter 5. The Executive Order No. 66 (1978) Expiration Date for Chapter 5 should read **October 1, 1989**.

## LAW AND PUBLIC SAFETY

(b)

### DIVISION OF MOTOR VEHICLES

#### Bulk Commodities Application

#### Public Notice

Take notice that Robert S. Kline, Acting Director, Division of Motor Vehicles pursuant to the authority of N.J.S.A. 39:5E.11, hereby lists the names and addresses of applicants who have filed an application for a common carrier's Certificate of Public Convenience and Necessity and/or a contract carrier permit to engage in the business of transporting bulk commodities in intrastate commerce.

#### CONTRACT CARRIER (NON-GRANDFATHER)

R. Samuel Wescott Inc.  
93F Glassboro Cross Keys Road  
Crosskeys, New Jersey 08094

#### COMMON CARRIER (NON-GRANDFATHER)

Penn Jersey Industries, Inc.    Harmony Sand & Gravel, Inc.  
Jacoby Creed Road                    Rural Route  
P.O. Box 207                            Box 277  
Mt. Bethel, PA. 18343                Bevedere, New Jersey 07833

Protests in writing and verified under oath may be presented by interested parties to the Director of Motor Vehicles within 20 days following the publication date of an application.

## TREASURY-GENERAL

(c)

### DIVISION OF BUILDING AND CONSTRUCTION

#### Architect-Engineer Selection

#### Notice of Assignments: September 13, 1985

Solicitation of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, prequalified New Jersey consulting firms. For information on DBC's prequalification and assignment procedures, call (609) 984-6979.

Last list dated August 13, 1985.

The following assignments have been made:

| DBC No. | PROJECT   | A/E   | CCE                   |
|---------|---|---|-----------------------|
| A490    | Replace First Floor House Residence #3 Youth Correctional Institution Annandale, NJ | Vincent E. Paolicelli                       | \$ 25,000.00          |
| M639    | Conversion of Woodrow Center to Galley Woodbine Developmental Center Woodbine, NJ   | Kolbe & Poconi                              | \$105,400.00          |
| A496    | Miscellaneous Repairs Cerynick Residential Ringwood State Park Ringwood, NJ         | L. J. Mineo, Jr., AIA                       | \$ 25,000.00          |
| M642    | Roof Replacement Union County Day Training Center Scotch Plains, NJ                 | Kruger, Kruger, Albenberg                   | \$ 85,000.00          |
| M641    | Electrical Improvements-West Campus Vineland Developmental Center Vineland, NJ      | Borda Engineers & Energy Consultants        | \$ 34,800.00          |
| A285    | Review Fire Suppression System DEP Office Building Trenton, NJ                      | Syska & Hennessy, Inc.                      | \$ 7,500.00 Services  |
| A493    | Renovations to Distribution Center Trenton, NJ                                      | St. Onge Ruff, Inc.                         | \$ 3,500.00 Services  |
| P469    | Hydrographic Survey Morris Canal Basin Liberty State Park Jersey City, NJ           | Geod Corporation                            | \$ 11,474.00 Services |
| C289    | Investigation of Ventilation Problems —Kitchen Trenton State Prison Trenton, NJ     | J. M. DiGiacinto & Associates               | \$ 1,500.00           |
| A497    | Structural Study Richard J. Hughes Justice Complex Trenton, NJ                      | Zellin-Argo Structural Investigations, Inc. | \$ 26,634.00 Services |
| P470    | Renovations of Three Porches The Hermitage House Hokokus, NJ                        | Leslie M. Dennis & Son                      | \$ 42,000.00          |
| M647    | Swimming Pool Repairs North Jersey Developmental Center Totowa, NJ                  | Tigue-Firtion-Carrino                       | \$ 19,000.00          |
| F019    | Facility Consultant Stockton State College Pomona, NJ                               | Pennonni Associates, Inc.                   | \$ 20,000.00 Services |
| H815    | Upgrade Fire/Safety Systems Phase V Glassboro State College Glassboro, NJ           | John C. Morris & Associates                 | \$300,000.00          |

|      |   |  |                          |
|------|---|--|--------------------------|
| P902 | Solar Hot Water System<br>Atsion Recreation Area<br>Wharton State Forest                                      | Colm Engineering, PA                   | \$ 17,000.00             |
| P903 | Solar Hot Water System<br>Island Beach State Park   | Colm Engineering, PA                   | \$ 37,000.00             |
| F019 | Facility Consultant<br>Stockton State College<br>Pomona, NJ   | Pennoni Associates, Inc.               | \$ 20,000.00<br>Services |
| F017 | Facility Consultant<br>Glassboro State College<br>Glassboro, NJ   | Lammey & Giorgio, PA                   | \$ 25,000.00<br>Services |
| F018 | Facility Consultant<br>Glassboro State College<br>Glassboro, NJ   | Roy Larry Schlein &<br>Associates      | \$ 25,000.00<br>Services |
| M651 | Emergency Ceiling Replacement<br>Lincoln Boulevard<br>Trenton Psychiatric Hospital<br>Trenton, NJ             | Matthew L. Rue,<br>AIA                 | \$ 20,000.00             |
| H826 | Recaulk Exterior Joints<br>Mallory & Finley Halls & Library<br>Montclair State College<br>Upper Montclair, NJ | Mylan Architectural<br>Group           | \$100,000.00             |
| M649 | Replacement of Unit II Transformers<br>N.J. Memorial Home<br>Vineland, NJ                                     | Borda Engineers                        | \$ 18,000.00             |
| F017 | Facility Consultant<br>Glassboro State College<br>Glassboro, NJ   | Lammey & Giorgio, PA                   | \$ 25,000.00<br>Services |
| D001 | Facility Consultant<br>Department of Corrections  | J. M. DiGiacinto<br>& Associates, Inc. | \$ 25,000.00<br>Services |
| D002 | Facility Consultant<br>Department of Corrections  | Costanza-Spector<br>Associates         | \$ 25,000.00<br>Services |
| X003 | Facility Consultant<br>Division of Motor Vehicles   | Architects DiGeronimo,<br>PA           | \$ 50,000.00<br>Services |
| X004 | Facility Consultant<br>Division of Motor Vehicles   | Eugene F. O'Connor, AIA                | \$ 50,000.00<br>Services |
| X005 | Facility Consultant<br>Division of Motor Vehicles   | Tarquini Organization                  | \$ 50,000.00<br>Services |
| X006 | Facility Consultant<br>Division of Motor Vehicles   | H. V. Weeks, Inc.                      | \$ 50,000.00<br>Services |
| X007 | Facility of Consultant<br>Division of Motor Vehicles  | Pennoni Associates, Inc.               | \$ 50,000.00<br>Services |

# TRANSPORTATION

(a)

## CONSTRUCTION AND MAINTENANCE UNIT

### Newspaper Dispensers on State Highway Right-of-Way

### Agency Response to Notice of Petition for a Rule to Amend N.J.A.C. 16:41B-5.1(a) by New Jersey Utilities Association, 130 West State Street, Trenton, New Jersey 08608.

Authorized By: Roger A. Bodman, Commissioner, Department of Transportation.

Take notice that on March 6, 1985, New Jersey Utilities Association, 130 West State Street, Trenton, New Jersey 08608

petitioned the Department of Transportation to amend subsection 16:41B-5.1(a) of rules effective March 4, 1985 at 17 N.J.R. 608(c), to consider utility poles as public fixtures, based upon the text as adopted therein.

The Department, in its August 9, 1985, reply to Roger M. Schwartz, Executive Director, New Jersey Utilities Association, stated that "subsection 16:41B-5.1(a) was not amended to consider utility poles as public fixtures" because the Department "has no jurisdiction over these facilities and will not direct the removal of newspaper boxes unless they violate some other criteria, such as installation in a clear zone or other, prohibited area. The utility companies should certainly be able to have unwanted attachments removed from facilities owned by the companies."

Because the Department lacks jurisdiction over utility poles and facilities, the removal of new boxes from such facilities must be the responsibility of the utility, unless some other criteria is violated.

The petition for a rule to amend N.J.A.C. 16:41B-5.1(a) is denied.

(b)

## THE COMMISSIONER

### Office of Regulatory Affairs

### Zone of Rate Freedom: N.J.A.C. 16:53D

### Public Hearing

Take notice that a public hearing will be held on November 8, 1985, at 1:30 P.M. in the Hearing Room, Office of Administrative Law, 158 Washington Street, Newark, New Jersey 07102, concerning N.J.A.C. 16:53D "Zone of Rate Freedom" as proposed May 7, 1984 in The New Jersey Register at 16 N.J.R. 1039(a), became effective upon publication in the July 16, 1984 New Jersey Register at 16 N.J.R. 2009(a), further amended December 3, 1984 New Jersey Register at 16 N.J.R. 3298(a) and became effective upon publication in the February 19, 1985 New Jersey Register at N.J.R. 17 N.J.R. 475(a).

The public hearing will be conducted in a quasi-legislative rather than quasi-judicial manner and is open to interested individuals, representatives of government bodies and companies and associations. This is the annual hearing as prescribed by Law. See N.J.S.A. 48:4-2.20 through 2.25.

Interested persons are invited to participate through written comments or oral presentations. Comments will be restricted to the rules as proposed. Persons wishing to make oral presentations or submit written comments are requested to do so on or before October 30, 1985 by notifying:

Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
CN 600  
Trenton, New Jersey 08625

# REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

## A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

**At the bottom of the index listing for each Administrative Code Title is the date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the June 3, 1985 issue.**

**If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers.** A proposal may be adopted up to one year after its initial publication in the Register. Failure to timely adopt a proposed rule requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(d).

### Terms and abbreviations used in this Index:

**N.J.A.C. Citation.** The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

**Proposal Notice (N.J.R. Citation).** The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

**Document Number.** The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1985 d.300 means the three hundredth rule adopted in 1985.

**Adoption Notice (N.J.R. Citation).** The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

**Transmittal.** A number and date verifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

**N.J.R. Citation Locator.** An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

# N.J.R. CITATION LOCATOR

| If the N.J.R. citation is between: | Then the rule proposal or adoption appears in this issue of the Register | If the N.J.R. citation is between: | Then the rule proposal or adoption appears in this issue of the Register |
|------------------------------------|--|------------------------------------|--|
| 16 N.J.R. 2475 and 2708            | October 1, 1984  | 17 N.J.R. 859 and 1006             | April 15, 1985   |
| 16 N.J.R. 2709 and 2864            | October 15, 1984   | 17 N.J.R. 1007 and 1158            | May 6, 1985  |
| 16 N.J.R. 2865 and 3066            | November 5, 1984   | 17 N.J.R. 1159 and 1358            | May 20, 1985   |
| 16 N.J.R. 3067 and 3240            | November 19, 1984  | 17 N.J.R. 1359 and 1460            | June 3, 1985   |
| 16 N.J.R. 3241 and 3336            | December 3, 1984   | 17 N.J.R. 1461 and 1608            | June 17, 1985  |
| 16 N.J.R. 3337 and 3518            | December 17, 1984  | 17 N.J.R. 1609 and 1700            | July 1, 1985   |
| 17 N.J.R. 1 and 140                | January 7, 1985  | 17 N.J.R. 1701 and 1818            | July 15, 1985  |
| 17 N.J.R. 141 and 236              | January 21, 1985   | 17 N.J.R. 1819 and 1954            | August 5, 1985   |
| 17 N.J.R. 237 and 338              | February 4, 1985   | 17 N.J.R. 1955 and 2070            | August 19, 1985  |
| 17 N.J.R. 339 and 502              | February 19, 1985  | 17 N.J.R. 2071 and 2170            | September 3, 1985  |
| 17 N.J.R. 503 and 634              | March 4, 1985  | 17 N.J.R. 2171 and 2318            | September 16, 1985   |
| 17 N.J.R. 635 and 762              | March 18, 1985   | 17 N.J.R. 2319 and 2486            | October 7, 1985  |
| 17 N.J.R. 763 and 858              | April 1, 1985  | 17 N.J.R. 2485 and 2584            | October 21, 1985   |

| N.J.A.C. CITATION                 |  | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|-----------------------------------|--|-----------------------------------|-----------------|-----------------------------------|
| <b>ADMINISTRATIVE LAW—TITLE 1</b> |  |                                   |                 |                                   |
| 1:1, 1:2                          | Readopt General Hearing and Summary Proceedings rules            | 17 N.J.R. 2(a)                    | R.1985 d.292    | 17 N.J.R. 1403(a)                 |
| 1:1-3.7                           | Appearances by out-of-state attorneys                            | 17 N.J.R. 1820(a)                 | R.1985 d.508    | 17 N.J.R. 2457(b)                 |
| 1:1-11.2, 11.3                    | Discovery and countervailing factors                             | 17 N.J.R. 1008(a)                 | R.1985 d.368    | 17 N.J.R. 1754(a)                 |
| 1:1-13.4, 15.7                    | Correction to Administrative Code                                |                                   |                 | 17 N.J.R. 1795(a)                 |
| 1:2-2.1                           | Civil Service cases: pre-proposal concerning conference hearings | 17 N.J.R. 2072(a)                 |                 |                                   |
| 1:6A-3.1                          | Correction to Administrative Code                                |                                   |                 | 17 N.J.R. 1795(b)                 |
| 1:6A-3.2                          | Adjournment and Department of Education settlement conferences   | 17 N.J.R. 2073(a)                 |                 |                                   |
| 1:7                               | Emergency Water Supply Allocation Plan cases                     | 17 N.J.R. 1674(a)                 | R.1985 d.446    | 17 N.J.R. 2099 (a)                |
| 1:10A                             | Inmate discipline cases  | 17 N.J.R. 1610(a)                 | R.1985 d.489    | 17 N.J.R. 2288(b)                 |
| 1:21                              | Trade secret claims  | 17 N.J.R. 1009(a)                 | R.1985 d.367    | 17 N.J.R. 1754(b)                 |

(TRANSMITTAL 11, dated March 18, 1985)

|                                  |  |                   |              |                   |
|----------------------------------|--|-------------------|--------------|-------------------|
| <b>AGRICULTURE—TITLE 2</b>       |  |                   |              |                   |
| 2:1-2.3, 3.1, 3.2, 3.4, 3.7, 3.8 | Department organization  | 17 N.J.R. 1614(a) | R.1985 d.447 | 17 N.J.R. 2100(a) |
| 2:6-1                            | Control of veterinary biologicals                                | 17 N.J.R. 1617(a) | R.1985 d.448 | 17 N.J.R. 2102(a) |
| 2:16-2                           | Seed certification standards                                     | 17 N.J.R. 636(a)  | R.1985 d.278 | 17 N.J.R. 1403(b) |
| 2:16-4                           | Field corn standards (commercial hybrids)                        | 17 N.J.R. 638(a)  | R.1985 d.277 | 17 N.J.R. 1404(a) |
| 2:16-5                           | Sweetcorn standards (inbred lines)                               | 17 N.J.R. 639(a)  | R.1985 d.276 | 17 N.J.R. 1404(b) |
| 2:16-6                           | Sweetcorn standards (single cross hybrids)                       | 17 N.J.R. 639(b)  | R.1985 d.275 | 17 N.J.R. 1404(c) |
| 2:16-7                           | Small grain standards  | 17 N.J.R. 640(a)  | R.1985 d.274 | 17 N.J.R. 1405(a) |
| 2:16-9                           | Soybean standards  | 17 N.J.R. 641(a)  | R.1985 d.273 | 17 N.J.R. 1405(b) |
| 2:16-10                          | Vegetable standards  | 17 N.J.R. 641(b)  | R.1985 d.272 | 17 N.J.R. 1405(c) |
| 2:16-13                          | Turfgrass sod standards  | 17 N.J.R. 642(a)  | R.1985 d.271 | 17 N.J.R. 1405(d) |
| 2:16-15                          | Vegetatively propagated grass standards                          | 17 N.J.R. 643(a)  | R.1985 d.269 | 17 N.J.R. 1406(a) |
| 2:16-16                          | Asparagus seed standards   | 17 N.J.R. 643(b)  | R.1985 d.270 | 17 N.J.R. 1406(b) |
| 2:16-17                          | Asparagus crown standards  | 17 N.J.R. 644(a)  | R.1985 d.268 | 17 N.J.R. 1406(c) |
| 2:16-19                          | Flatpea certification standards                                  | 17 N.J.R. 644(b)  | R.1985 d.267 | 17 N.J.R. 1407(a) |
| 2:24-1.1, 1.2                    | Disease of bees: repeal Acarine mite quarantine                  | 17 N.J.R. 860(a)  | R.1985 d.304 | 17 N.J.R. 1542(a) |
| 2:24-1.3, 1.4, 1.5               | Bee diseases: Tracheal mite quarantine                           | 17 N.J.R. 985(a)  | R.1985 d.301 | 17 N.J.R. 1542(b) |
| 2:24-1.6                         | Honeybee tracheal mite quarantine                                | 17 N.J.R. 1589(a) | R.1985 d.437 | 17 N.J.R. 2019(a) |
| 2:32-2.7                         | Sire Stakes Program  | 17 N.J.R. 1956(a) | R.1985 d.521 | 17 N.J.R. 2535(a) |
| 2:32-2.36, 3                     | Sire Stakes Program: appeals                                     | 17 N.J.R. 2320(a) |              |                   |
| 2:52-2, 3, 4.1, 7                | Readopt rules concerning milk processors, dealers and subdealers | 17 N.J.R. 1011(a) | R.1985 d.336 | 17 N.J.R. 1645(a) |

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| N.J.A.C. CITATION |   | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|-------------------|---|-----------------------------------|-----------------|-----------------------------------|
| 2:52-2.1, 3.1     | Sale of yogurt  | 17 N.J.R. 1012(a)                 | R.1985 d.335    | 17 N.J.R. 1645(b)                 |
| 2:53-4            | Milk processors, dealers and subdealers                       | 17 N.J.R. 1011(a)                 | R.1985 d.336    | 17 N.J.R. 1645(a)                 |
| 2:53-4.1          | Sale of yogurt  | 17 N.J.R. 1012(a)                 | R.1985 d.335    | 17 N.J.R. 1645(b)                 |
| 2:69-1.11         | Commercial values of fertilizers and soil conditioners        | 17 N.J.R. 764(a)                  | R.1985 d.266    | 17 N.J.R. 1407(b)                 |
| 2:70-1            | Liming materials: readopt fineness classification             | 17 N.J.R. 765(a)                  | R.1985 d.265    | 17 N.J.R. 1407(c)                 |
| 2:71-2.2—2.7      | Jersey Fresh Logo program                                     | 17 N.J.R. 765(b)                  | R.1985 d.282    | 17 N.J.R. 1407(d)                 |
| 2:90-1            | State Soil Conservation Committee: readopt General Provisions | 17 N.J.R. 1160(a)                 | R.1985 d.370    | 17 N.J.R. 1756(a)                 |
| 2:90-1.5, 1.14    | Soil conservation plan certifications; minor subdivisions     | 17 N.J.R. 2172(a)                 |                 |                                   |
| 2:90-1.13         | Soil conservation: extraction activity                        | 17 N.J.R. 1957(a)                 |                 |                                   |
| 2:90-2.24         | Cost share rates for soil and water conservation projects     | 17 N.J.R. 861(a)                  | R.1985 d.303    | 17 N.J.R. 1542(c)                 |
| 2:90-3.6          | Soil and water conservation management problems               | 17 N.J.R. 861(b)                  | R.1985 d.302    | 17 N.J.R. 1543(a)                 |

**(TRANSMITTAL 30, dated April 15, 1985)**

**BANKING—TITLE 3**

|                   |   |                   |              |                   |
|-------------------|---|-------------------|--------------|-------------------|
| 3:1-11.1          | Savings banks and loans to affiliated persons                         | 17 N.J.R. 2073(b) |              |                   |
| 3:6-15            | Savings banks and loans to affiliated persons                         | 17 N.J.R. 2073(b) |              |                   |
| 3:7-3.3, 3.6, 3.7 | Confirmation of loans and deposits                                    | 17 N.J.R. 1702(a) | R.1985 d.485 | 17 N.J.R. 2247(a) |
| 3:17-7.1, 7.3     | Small loan licensees: mortgage bankers and brokers business           | 17 N.J.R. 1703(a) | R.1985 d.486 | 17 N.J.R. 2247(b) |
| 3:27-4.5, 4.6     | Savings and loan associations: asset limitation; service corporations | 17 N.J.R. 1619(a) | R.1985 d.484 | 17 N.J.R. 2248(a) |
| 3:41              | Readoption of Cemetery Board rules                                    | 17 N.J.R. 1704(a) |              |                   |

**(TRANSMITTAL 27, dated April 15, 1985)**

**CIVIL SERVICE—TITLE 4**

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| 4:1-5.1, 8.26, 8.27 | Appeals concerning removal from eligible list for medical reasons | 17 N.J.R. 1957(b) |              |                   |
| 4:1-6.8             | Nondiscriminatory titles  | 17 N.J.R. 1012(b) | R.1985 d.416 | 17 N.J.R. 2019(b) |
| 4:1-12.12           | Restorations to promotional lists                                 | 17 N.J.R. 645(a)  |              |                   |
| 4:1-16.7            | Suspension, fine and demotion for disciplinary purposes           | 17 N.J.R. 1360(a) | R.1985 d.456 | 17 N.J.R. 2103(a) |
| 4:1-21.3            | Prohibition against political activity                            | 17 N.J.R. 1013(a) | R.1985 d.417 | 17 N.J.R. 2019(c) |
| 4:2-6.1, 6.2        | Nondiscriminatory titles  | 17 N.J.R. 1012(b) | R.1985 d.416 | 17 N.J.R. 2019(b) |
| 4:2-7.13            | Ninth step salary maximum   | 17 N.J.R. 1014(a) | R.1985 d.345 | 17 N.J.R. 1645(c) |
| 4:2-12.1, 12.2      | Appeals concerning removal from eligible list for medical reasons | 17 N.J.R. 1957(b) |              |                   |
| 4:3-6.2, 6.3        | Nondiscriminatory titles  | 17 N.J.R. 1012(b) | R.1985 d.416 | 17 N.J.R. 2019(b) |
| 4:3-12.1, 12.2      | Appeals concerning removal from eligible list for medical reasons | 17 N.J.R. 1957(b) |              |                   |
| 4:3-14.1            | Seasonal positions  | 17 N.J.R. 1015(a) | R.1985 d.418 | 17 N.J.R. 2020(a) |

**(TRANSMITTAL 25, dated May 20, 1985)**

**COMMUNITY AFFAIRS—TITLE 5**

|   |   |                   |              |                   |
|---|---|-------------------|--------------|-------------------|
| 5:11-6.1  | Prior filing of Workable Relocation Assistance Plans                  | 17 N.J.R. 2321(a) |              |                   |
| 5:18-1.1, 1.3, 1.4, 1.5, 2.4, 2.5, 2.7, 2.8, 2.12, 3.1, 3.2 | Uniform Fire Code   | 17 N.J.R. 1015(b) |              |                   |
| 5:18-1.1, 1.4, 1.5, 1.6, 2.3, 4                             | Uniform Fire Code, Fire Safety Code                                   | 17 N.J.R. 1161(a) |              |                   |
| 5:18A-2.1—2.4, 2.6, 3.2, 3.3, 4.1, 4.3, 4.4                 | Fire Code Enforcement   | 17 N.J.R. 1015(b) |              |                   |
| 5:18B-3.2   | High Level Alarms   | 17 N.J.R. 1015(b) |              |                   |
| 5:23-1.4, 2.14, 4.18, 4.20                                  | Uniform Construction Code: annual permits                             | 17 N.J.R. 1029(a) | R.1985 d.351 | 17 N.J.R. 1756(b) |
| 5:23-2.15   | Uniform Construction Code: contractor seals                           | 17 N.J.R. 1462(a) | R.1985 d.479 | 17 N.J.R. 2248(b) |
| 5:23-2.15, 2.21   | UCC: engineers and architects   | 17 N.J.R. 1033(a) |              |                   |
| 5:23-2.15, 5.7  | UCC: applying for construction permit; renewal of enforcement license | 17 N.J.R. 1031(a) | R.1985 d.352 | 17 N.J.R. 1758(a) |

| N.J.A.C. CITATION               | PROPOSAL TITLE (N.J.R. CITATION)  | DOCUMENT NUMBER   | ADOPTION NOTICE (N.J.R. CITATION) |
|---------------------------------|---|-------------------|-----------------------------------|
| 5:23-3.11, 4.22, 4.24, 4.25     | Uniform Construction Code: premanufactured construction                     | 17 N.J.R. 1169(a) |                                   |
| 5:23-3.14, 3.21                 | One and two-family dwelling construction subcode                            | 17 N.J.R. 861(c)  | R.1985 d.324 17 N.J.R. 1646(a)    |
| 5:23-4.21, 5.4                  | UCC: private enforcing agency fees; trainees                                | 17 N.J.R. 1032(a) | R.1985 d.353 17 N.J.R. 1758(b)    |
| 5:23-5.4, 5.5                   | UCC inspectors: experience requirements                                     | 17 N.J.R. 1821(a) |                                   |
| 5:23-5.7, 5.11                  | UCC: license suspensions and revocations                                    | 17 N.J.R. 1705(a) | R.1985 d.528 17 N.J.R. 2535(b)    |
| 5:23-8                          | Asbestos Hazard Abatement Subcode   | 17 N.J.R. 1782(a) | R.1985 d.472 17 N.J.R. 2249(a)    |
| 5:24                            | Condominium and cooperative conversion: readopt rules                       | 17 N.J.R. 1706(a) | R.1985 d.529 17 N.J.R. 2536(a)    |
| 5:27                            | Readopt rules on Rooming and Boarding Homes                                 | 17 N.J.R. 341(b)  | R.1985 d.350 17 N.J.R. 1759(a)    |
| 5:27-1.6                        | Rooming and boarding houses: owner and operator training                    | 17 N.J.R. 777(a)  | R.1985 d.300 17 N.J.R. 1543(b)    |
| 5:28                            | Readopt State Housing Code  | 17 N.J.R. 1174(a) |                                   |
| 5:31-2.1—2.5, 4.1, 4.2, 7.1—7.7 | Local authorities: accounting principles, auditing and budgeting            | 17 N.J.R. 1823(a) | R.1985 d.511 17 N.J.R. 2537(a)    |
| 5:31-7.5                        | Local authorities: audit reports  | 17 N.J.R. 504(a)  | R.1985 d.283 17 N.J.R. 1409(b)    |
| 5:37                            | Municipal, County and Authority Employees Deferred Compensation Programs    | 17 N.J.R. 1960(a) |                                   |
| 5:51-1.4, 1.5                   | Local provision of recreational services for handicapped persons            | 17 N.J.R. 1463(a) | R.1985 d.444 17 N.J.R. 2105(a)    |
| 5:80-4                          | Housing and Mortgage Finance  | 17 N.J.R. 1174(b) |                                   |
| 5:80-8                          | Housing and Mortgage Finance Agency: housing project occupancy requirements | 17 N.J.R. 1620(a) |                                   |
| 5:80-17, 18                     | Housing and Mortgage Finance: prevailing wages; debarment from contracting  | 17 N.J.R. 1174(b) |                                   |
| 5:80-20                         | HMFA housing projects: applicant and tenant income certification            | 17 N.J.R. 2321(b) |                                   |

(TRANSMITTAL 30, dated May 20, 1985)

**DEFENSE—TITLE 5A**

(TRANSMITTAL 1, dated May 20, 1985)

**EDUCATION—TITLE 6**

|                |  |                   |              |                   |
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| 6:3-1.10       | Standards for determining seniority  | 17 N.J.R. 1033(b) | R.1985 d.397 | 17 N.J.R. 1874(a) |
| 6:3-1.17, 1.23 | School facility planning services  | 17 N.J.R. 650(a)  | R.1985 d.527 | 17 N.J.R. 2540(a) |
| 6:11-3         | Teacher education: Basic Certification Requirements  | 17 N.J.R. 2181(a) |              |                   |
| 6:11-7         | Standards for State approval of teacher preparation  | 17 N.J.R. 1708(a) |              |                   |
| 6:20-2         | Readopt Local Bookkeeping and Accounting rules   | 17 N.J.R. 1361(a) | R.1985 d.452 | 17 N.J.R. 2105(b) |
| 6:20-5.5       | Asbestos removal and encapsulation reimbursement   | 17 N.J.R. 863(a)  | R.1985 d.340 | 17 N.J.R. 1648(a) |
| 6:21-1         | Readopt Pupil Transportation Standards   | 17 N.J.R. 1365(a) | R.1985 d.451 | 17 N.J.R. 2107(a) |
| 6:21-5         | Standards for school buses   | 17 N.J.R. 1035(a) | R.1985 d.396 | 17 N.J.R. 1875(a) |
| 6:22           | School facility planning services  | 17 N.J.R. 650(a)  |              |                   |
| 6:27-3         | Correction to Administrative Code: Approved Secondary School Summer Sessions                 | _____             | _____        | 17 N.J.R. 2463(a) |
| 6:28-3.5       | Invalidation of "pre-school handicapped" definition and termination of special services rule | _____             | _____        | 17 N.J.R. 2463(b) |
| 6:29-6.4       | Athletics procedures   | 17 N.J.R. 659(a)  | R.1985 d.281 | 17 N.J.R. 1410(a) |
| 6:30-1.4       | Fees for GED test  | 17 N.J.R. 1367(a) | R.1985 d.450 | 17 N.J.R. 2108(a) |

(TRANSMITTAL 31, dated May 20, 1985)

**ENVIRONMENTAL PROTECTION—TITLE 7**

|          |   |                   |              |                   |
|----------|---|-------------------|--------------|-------------------|
| 7:1-4    | Fee schedule for Environmental Cleanup Responsibility Act               | 17 N.J.R. 1622(a) | R.1985 d.487 | 17 N.J.R. 2260(a) |
| 7:1-7    | Hazardous substance discharges: reports and notices                     | 17 N.J.R. 1826(a) |              |                   |
| 7:1C-1   | 90-day construction permits   | 16 N.J.R. 3243(a) | R.1985 d.316 | 17 N.J.R. 1544(a) |
| 7:1E     | Readopt rules on Discharges of Petroleum and Other Hazardous Substances | 17 N.J.R. 865(a)  | R.1985 d.377 | 17 N.J.R. 1759(b) |
| 7:1E-3.2 | Information filing address for Division of Waste Management             | _____             | _____        | 17 N.J.R. 2463(c) |

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|--------------------------|--|--------------------|--------------------------------------|
| 7:1F                     | Industrial Survey Project rules: waiver of Executive Order No. 66                    | 17 N.J.R. 866(a)   |                                      |
| 7:1H                     | Readopt County Environmental Health administrative rules                             | 17 N.J.R. 1463(b)  | R.1985 d.420 17 N.J.R. 2020(b)       |
| 7:2-2.14, 3.4, 3.5       | Use of State Park lands  | 17 N.J.R. 778(a)   | R.1985 d.421 17 N.J.R. 2020(c)       |
| 7:2-12                   | Open lands management  | 17 N.J.R. 866(b)   |                                      |
| 7:4-2                    | Register of Historic Places: continuation of selection criteria                      | _____              | _____ 17 N.J.R. 1795(d)              |
| 7:6-1.37                 | Waiver of maximum tow line length for parasailing exhibitions                        | _____              | _____ 17 N.J.R. 1801(a)              |
| 7:7-2.2                  | Wetlands maps in Ocean County  | 17 N.J.R. 1710(a)  |                                      |
| 7:7E                     | Readopt Coastal Resource and Development Policies                                    | 17 N.J.R. 1465(a)  | R.1985 d.422 17 N.J.R. 2021(a)       |
| 7:7E                     | Revisions to Coastal Resources and Development rules                                 | 17 N.J.R. 1466(a)  |                                      |
| 7:7E                     | Coastal Resource and Development revisions: extension of comment period              | 17 N.J.R. 1797(b)  |                                      |
| 7:7E                     | Coastal Resource and Development Policies: correction to Code and proposed revisions | 17 N.J.R. 1797(c)  |                                      |
| 7:9-4, Index D           | Surface water classifications: Hackensack and Hudson rivers                          | 17 N.J.R. 1625(a)  | R.1985 d.466 17 N.J.R. 2109(a)       |
| 7:9-5.4                  | Correction: Policy concerning disinfection of wastewater                             | 16 N.J.R. 3080(a)  | R.1985 d.249 17 N.J.R. 1759(c)       |
| 7:9-15                   | Restoration of publicly-owned freshwater lakes                                       | 17 N.J.R. 2182(a)  |                                      |
| 7:11-2.3, 2.5, 2.8—2.12  | Delaware and Raritan Canal water supply system                                       | 17 N.J.R. 11(a)    | R.1985 d.402 17 N.J.R. 1879(a)       |
| 7:12-1.3, 1.4            | Shellfish-growing water classifications  | 17 N.J.R. 661(a)   | R.1985 d.290 17 N.J.R. 1412(a)       |
| 7:12-2.7                 | Hard clam relay program  | 17 N.J.R. 2185(a)  |                                      |
| 7:13-7.1                 | Flood hazard area along Long Brook and Manasquan River                               | 17 N.J.R. 2324(a)  |                                      |
| 7:13-7.1(c)17            | Redelineation of Delaware River in Harmony Township, Warren County                   | 17 N.J.R. 151(a)   | R.1985 d.319 17 N.J.R. 1550(a)       |
| 7:13-7.1(c)29            | Floodway delineations within Maurice River Basin                                     | 17 N.J.R. 2186(a)  |                                      |
| 7:13-7.1                 | Paulins Kill floodway delineation: public hearing                                    | 16 N.J.R. 2885(a)  |                                      |
| 7:13-7.1(d)14            | Flood hazard along Lamington River in Morris County                                  | 17 N.J.R. 2324(a)  |                                      |
| 7:13-7.1(d)47            | Redelineation of Pine Brook in Bergen County   | 17 N.J.R. 2074(a)  |                                      |
| 7:13-7.1(d)49            | Floodway delineations in Union County  | 17 N.J.R. 1965(a)  |                                      |
| 7:13-7.1(d)50            | Floodway delineation along North Branch Foulerton's Brook                            | 16 N.J.R. 2398(a)  | R.1985 d.320 17 N.J.R. 1551(a)       |
| 7:13-7.1(d)51            | Floodways along North Branch Raritan (Project U)                                     | 16 N.J.R. 1307(a)  | R.1985 d.329 17 N.J.R. 1648(b)       |
| 7:13-7.1(h)              | Floodway delineations in Hackensack Basin  | 17 N.J.R. 1175(a)  |                                      |
| 7:13-7.1(i)              | Floodway delineations in Central Passaic Basin Projects G and R                      | 17 N.J.R. 1176(a)  |                                      |
| 7:14A-1.8                | Fee schedule for NJPDES permits and applicants                                       | 17 N.J.R. 13(a)    | R.1985 d.315 17 N.J.R. 1551(b)       |
| 7:14A-1.8                | Correction: NJPDES fee schedule  | 17 N.J.R. 13(a)    | R.1985 d.315 17 N.J.R. 1882(a)       |
| 7:19-5.11                | Correction: Acquisition costs  | 16 N.J.R. 3380(a)  | R.1985 d.182 17 N.J.R. 1559(a)       |
| 7:19-6.10                | Water supply management in critical areas  | 17 N.J.R. 1966(a)  |                                      |
| 7:19A-1.4                | Emergency water supply: residential and nonresidential users defined                 | 17 N.J.R. 1967(a)  |                                      |
| 7:19B-1.3                | Emergency water supply: residential and nonresidential users defined                 | 17 N.J.R. 1967(a)  |                                      |
| 7:25-2.20                | Higbee Beach Wildlife Management Area  | Emergency          | R.1985 d.514 17 N.J.R. 2459(a)       |
| 7:25-5                   | 1985-86 Game Code  | 17 N.J.R. 1177(a)  | R.1985 d.419 17 N.J.R. 2021(b)       |
| 7:25-6                   | 1986-87 Fish Code  | 17 N.J.R. 2187(a)  |                                      |
| 7:25-7.10, 7.11          | Taking of oysters and mussels  | 16 N.J.R. 3385(a)  | R.1985 d.401 17 N.J.R. 1883(a)       |
| 7:25-14                  | Readopt rules on Crab Pots   | 17 N.J.R. 1830(a)  |                                      |
| 7:25-15.1                | Hard clam relay program  | 17 N.J.R. 2191(a)  |                                      |
| 7:25-16.1                | Defining freshwater fishing lines  | 17 N.J.R. 2193(a)  |                                      |
| 7:25-18                  | Readopt Marine Fisheries rules   | 17 N.J.R. 1188(a)  | R.1985 d.386 17 N.J.R. 1883(b)       |
| 7:25A-1.9                | Closure of certain Delaware Bay oyster beds  | _____              | _____ 17 N.J.R. 1795(c)              |
| 7:26-1.4, 1.6, 9.1, 12.1 | Tolling agreements and reclamation of hazardous waste                                | 17 N.J.R. 1968(a)  |                                      |
| 7:26-1.4, 9.3            | Above-ground tank storage of hazardous waste   | 17 N.J.R. 1501(a)  |                                      |

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| 7:26-1.7                                 | Waste management: on-site disposal of construction debris           | 17 N.J.R. 1040(a) |              |                   |
| 7:26-1.7                                 | Solid waste disposal: exemption from registration                   | 17 N.J.R. 1368(a) |              |                   |
| 7:26-3                                   | Waste management: readopt Collection and Haulage rules              | 17 N.J.R. 1041(a) |              |                   |
| 7:26-6.5                                 | Solid waste flow: Atlantic County                                   | 17 N.J.R. 517(b)  | R.1985 d.317 | 17 N.J.R. 1560(a) |
| 7:26-6.5                                 | Solid waste flow: Hunterdon County                                  | 17 N.J.R. 517(a)  | R.1985 d.503 | 17 N.J.R. 2388(a) |
| 7:26-7.4, 8.3, 8.15, 9.2, 10.6, 10.      | Restriction of land disposal of hazardous waste                     | 17 N.J.R. 779(a)  |              |                   |
| 7:26-8.15                                | Hazardous waste management: warfarin and zinc phosphide             | 17 N.J.R. 356(a)  | R.1985 d.375 | 17 N.J.R. 1760(a) |
| 7:26-10.5                                | Tank storage containment requirements                               | 17 N.J.R. 152(a)  | R.1985 d.318 | 17 N.J.R. 1560(b) |
| 7:26-14                                  | Resource Recovery grants and loans                                  | 16 N.J.R. 3385(b) |              |                   |
| 7:26-14                                  | Resource Recovery grants and loans: extension of comment period     | 17 N.J.R. 242(a)  |              |                   |
| 7:26-16.4                                | Solid and hazardous waste: transporters and facilities              | 17 N.J.R. 518(a)  |              |                   |
| 7:27-14.3                                | Diesel-powered motor vehicles: idle standard                        | 16 N.J.R. 2887    |              |                   |
| 7:27-15.4                                | Air pollution and gas-fueled motor vehicles                         | 17 N.J.R. 781(a)  | R.1985 d.331 | 17 N.J.R. 1649(a) |
| 7:27-15.6                                | Gas-fueled motor vehicle: idle standard                             | 16 N.J.R. 2889    |              |                   |
| 7:27-16                                  | Air pollution by volatile organic substances                        | 17 N.J.R. 1969(a) |              |                   |
| 7:27B-3                                  | Determination of volatile organic substances from source operations | 17 N.J.R. 2194(a) |              |                   |
| 7:27B-4.6                                | Lead test paper procedure   | 17 N.J.R. 781(a)  |              |                   |
| 7:27B-4.6, 4.7                           | Air pollution and gas-fueled motor vehicles                         | 17 N.J.R. 781(a)  | R.1985 d.331 | 17 N.J.R. 1649(a) |
| 7:28-1.4, 17                             | Industrial and nonmedical radiology                                 | 17 N.J.R. 1626(a) | R.1985 d.502 | 17 N.J.R. 2389(a) |
| 7:28-12                                  | Transportation of radioactive material                              | 17 N.J.R. 1369(a) | R.1985 d.387 | 17 N.J.R. 1884(a) |
| 7:28-19.2, 19.3, 19.4, 19.6, 19.9, 19.10 | Podiatric x-ray technology  | 17 N.J.R. 1632(a) | R.1985 d.501 | 17 N.J.R. 2393(a) |
| 7:30                                     | Pesticide Control Code  | 17 N.J.R. 242(b)  |              |                   |
| 7:36                                     | Green Acres Program   | 16 N.J.R. 2405(b) | R.1985 d.400 | 17 N.J.R. 1885(a) |
| 7:38                                     | Wild and scenic rivers system                                       | 17 N.J.R. 1986(a) | R.1985 d.510 | 17 N.J.R. 2553(a) |
| 7:45                                     | Delaware Raritan Canal State Park: Review Zone rules                | 17 N.J.R. 1711(a) |              |                   |
| 7:50-2.11, 4.12-4.92                     | Pinelands comprehensive management                                  | 17 N.J.R. 1918(a) | R.1985 d.494 | 17 N.J.R. 2394(a) |

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**HEALTH—TITLE 8**

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| 8:7-1                               | Licensure of persons for public health positions                 | 17 N.J.R. 1926(a) | R.1985 d.476 | 17 N.J.R. 2265(a) |
| 8:9-1.11                            | State Sanitary Code: disposal of unclaimed cremains              | 17 N.J.R. 2325(a) |              |                   |
| 8:13-2.1, 2.4, 2.6—2.11, 2.13, 2.14 | Depuration of soft shell clams                                   | 17 N.J.R. 1370(a) |              |                   |
| 8:19                                | Readopt Newborn Hearing Screening rules                          | 17 N.J.R. 869(a)  | R.1985 d.380 | 17 N.J.R. 1892(a) |
| 8:21-7                              | Frozen dessert products  | 17 N.J.R. 1986(b) |              |                   |
| 8:31-26.3, 26.4                     | Health care facilities: employee physicals; child abuse          | 16 N.J.R. 3249(a) | R.1985 d.440 | 17 N.J.R. 2100(a) |
| 8:31-26.5                           | Health care facilities: licensure fees                           | 17 N.J.R. 664(a)  | R.1985 d.372 | 17 N.J.R. 1760(b) |
| 8:31-26.5                           | Health care facilities licensure fee                             | 17 N.J.R. 664(a)  | R.1985 d.414 | 17 N.J.R. 2032(a) |
| 8:31-26.5                           | Family planning facilities: licensure fee                        | 17 N.J.R. 1999(a) |              |                   |
| 8:31B-2, 3, 4                       | Hospital Rate Setting rules: temporary waiver of expiration      | 16 N.J.R. 2733(a) |              |                   |
| 8:31B-3                             | Hospital reimbursement: procedure and methodology                | 17 N.J.R. 2000(a) |              |                   |
| 8:31B-3.19                          | RIM methodology for nursing cost allocation: implementation date | 17 N.J.R. 2464(a) |              |                   |
| 8:31B-3.23                          | Correction: Hospital reimbursement                               | 16 N.J.R. 2733(b) |              |                   |
| 8:31B-3.72                          | Hospital reimbursement: periodic rate adjustments                | 17 N.J.R. 872(a)  | R.1985 d.349 | 17 N.J.R. 1652(a) |
| 8:31B-3.79                          | Hospital reimbursement: post-acute care patients                 | 17 N.J.R. 873(a)  | R.1985 d.359 | 17 N.J.R. 1761(a) |
| 8:31B-4                             | Hospital reimbursement: financial elements and reporting         | 17 N.J.R. 2004(a) |              |                   |
| 8:33                                | Certificate of Need application and review process               | 17 N.J.R. 1190(a) | R.1985 d.498 | 17 N.J.R. 2403(a) |

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| 8:33A-1.1         | New and expanded surgical services: deferral of need applications                      | 16 N.J.R. 2734(a)                 |                 |                                   |
| 8:33B             | Extracorporeal Shock Wave Lithotripsy (ESWL)   | 17 N.J.R. 1728(a)                 | R.1985 d.497    | 17 N.J.R. 2431(a)                 |
| 8:33F-1.4         | Renal disease services: acute hemodialysis standards                                   | 17 N.J.R. 874(a)                  | R.1985 d.360    | 17 N.J.R. 1762(a)                 |
| 8:33G-1           | Computerized tomography services   | 17 N.J.R. 1214(a)                 | R.1985 d.411    | 17 N.J.R. 2033(a)                 |
| 8:33H             | Long-Term Care Facilities and Services: readopt Certificate of Need rules              | 17 N.J.R. 1216(a)                 | R.1985 d.413    | 17 N.J.R. 2034(a)                 |
| 8:34-1.31         | Licensing of nursing home administrators   | 17 N.J.R. 2212(a)                 |                 |                                   |
| 8:43-3.22         | Fire safety in residential health care facilities                                      | 17 N.J.R. 1731(a)                 | R.1985 d.513    | 17 N.J.R. 2553(b)                 |
| 8:43-4            | Residential Health Care Facilities: readopt Administration rules                       | 17 N.J.R. 1231(a)                 | R.1985 d.412    | 17 N.J.R. 2042(a)                 |
| 8:43-4.13         | Residential health care: personal needs allowance                                      | 17 N.J.R. 1731(b)                 | R.1985 d.512    | 17 N.J.R. 2554(a)                 |
| 8:43A             | Licensure of ambulatory care facilities  | 16 N.J.R. 3254(a)                 | R.1985 d.438    | 17 N.J.R. 2110(b)                 |
| 8:43B-1.14        | Hospital facilities: psychiatric patient rights  | 17 N.J.R. 665(a)                  |                 |                                   |
| 8:43B-8.16        | Obstetric and newborn services: use of oxytocic agents                                 | 17 N.J.R. 2213(a)                 |                 |                                   |
| 8:43B-8.33—8.44   | Newborn care services: physical plant standards  | 17 N.J.R. 519(a)                  |                 |                                   |
| 8:43E-1           | Hospital Policy Manual: Certificate of Need rules                                      | 17 N.J.R. 1220(a)                 |                 |                                   |
| 8:44-2.10         | Reportable occupational and environmental diseases and poisons                         | 17 N.J.R. 1831(a)                 |                 |                                   |
| 8:51-1-6          | Local boards: recognized public health activities and minimum standards                | 17 N.J.R. 1633(a)                 | R.1985 d.477    | 17 N.J.R. 2270(a)                 |
| 8:57-1            | Readopt Reportable Disease rules   | 17 N.J.R. 784(a)                  | R.1985 d.363    | 17 N.J.R. 1764(a)                 |
| 8:57-1.13         | Reportable occupational and environmental diseases and poisons                         | 17 N.J.R. 1831(a)                 | R.1985 d.518    | 17 N.J.R. 2554(b)                 |
| 8:57-4.15         | Immunization of school children: mumps vaccine   | 17 N.J.R. 358(a)                  | R.1985 d.264    | 17 N.J.R. 1414(a)                 |
| 8:60              | Asbestos licenses and permits  | 17 N.J.R. 1676(a)                 | R.1985 d.468    | 17 N.J.R. 2275(a)                 |
| 8:60-2, 6         | Asbestos training courses  | 17 N.J.R. 741(a)                  | R.1985 d.262    | 17 N.J.R. 1417(b)                 |
| 8:65-1            | Controlled Dangerous Substances: readopt Registration rules                            | 17 N.J.R. 1508(a)                 | R.1985 d.459    | 17 N.J.R. 2132(a)                 |
| 8:65-5            | Controlled dangerous substances: records and reports of registrants                    | 17 N.J.R. 524(a)                  |                 |                                   |
| 8:65-6            | Controlled dangerous substances: Federally-required order forms                        | 17 N.J.R. 528(a)                  | R.1985 d.457    | 17 N.J.R. 2135(a)                 |
| 8:65-7.3          | Controlled dangerous substances: issuing of prescriptions                              | 17 N.J.R. 876(a)                  | R.1985 d.461    | 17 N.J.R. 2138(a)                 |
| 8:65-10.1         | Add 3-Methylfentanyl to Schedule I   | 17 N.J.R. 1511(a)                 | R.1985 d.458    | 17 N.J.R. 2138(b)                 |
| 8:65-10.1         | Controlled dangerous substances: 3, 4-methylenedioxymethamphetamine                    | 17 N.J.R. 2214(a)                 |                 |                                   |
| 8:65-10.5         | Reschedule Buphenorphine to Schedule V   | 17 N.J.R. 1234(a)                 | R.1985 d.460    | 17 N.J.R. 2138(c)                 |
| 8:65-11.2         | Narcotic treatment programs: registration fee  | 17 N.J.R. 359(a)                  |                 |                                   |
| 8:71              | Generic drug list additions (see 16 N.J.R. 2672(b), 17 N.J.R. 200(b), 957(b), 1296(a)) | 16 N.J.R. 1436(a)                 | R.1985 d.295    | 17 N.J.R. 1561(a)                 |
| 8:71              | Generic drug list additions (see 17 N.J.R. 201(a), 957(c), 1296(b))                    | 16 N.J.R. 2483                    | R.1985 d.297    | 17 N.J.R. 1562(b)                 |
| 8:71              | Additions to generic drug list (see 17 N.J.R. 1295(a), 1562(a), 2043(a))               | 17 N.J.R. 158(a)                  | R.1985 d.516    | 17 N.J.R. 2556(a)                 |
| 8:71              | Generic drug list additions (see 17 N.J.R. 2042(b))                                    | 17 N.J.R. 1043(a)                 | R.1985 d.517    | 17 N.J.R. 2556(b)                 |
| 8:71              | Generic drug list additions  | 17 N.J.R. 1733(a)                 | R.1985 d.519    | 17 N.J.R. 2557(a)                 |

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#### HIGHER EDUCATION—TITLE 9

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| 9:2-1               | Minority Faculty Advancement Loan Program                     | 17 N.J.R. 1512(a) |              |                   |
| 9:2-4, 6, 7, 12, 13 | Readopt Administrative Policies for colleges and universities | 16 N.J.R. 2216(a) | R.1985 d.309 | 17 N.J.R. 1563(a) |
| 9:2-4.1             | Eligibility for Alternate Benefit Program                     | 17 N.J.R. 1635(a) |              |                   |
| 9:2-12.1, 12.2      | Teacher education: degree standards                           | 17 N.J.R. 1515(a) |              |                   |
| 9:2-12.2            | Teacher education: curriculum                                 | 17 N.J.R. 22(b)   |              |                   |
| 9:5-1, 2            | Tuition policies at public institutions                       | 17 N.J.R. 2326(a) |              |                   |
| 9:7-2.4, 2.9        | Student assistance programs: eligibility; award combinations  | 17 N.J.R. 787(a)  | R.1985 d.338 | 17 N.J.R. 1653(a) |
| 9:7-3.1             | Tuition Aid Grants: 1985-86 Award Table                       | Emergency         | R.1985 d.430 | 17 N.J.R. 2050(a) |
| 9:7-3.3, 5.9, 6.8   | Student assistance program revisions                          | 17 N.J.R. 1734(a) |              |                   |
| 9:7-4.1             | Garden State Scholars: eligibility                            | 17 N.J.R. 2007(a) |              |                   |
| 9:7-4.1, 4.7, 4.8   | Distinguished Scholars Program                                | 17 N.J.R. 787(b)  | R.1985 d.339 | 17 N.J.R. 1654(a) |

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| 9:8               | Jobs, Science and Technology Bond Act: policies and procedures    | 17 N.J.R. 1516(a)                 |                 |                                   |
| 9:9-1.2           | Guaranteed Student Loan Program: second borrowing                 | 17 N.J.R. 1518(a)                 |                 |                                   |
| 9:9-1.6           | Student loan applications: prohibited fee                         | 16 N.J.R. 3281(b)                 | R.1985 d.311    | 17 N.J.R. 1564(a)                 |
| 9:11, 12          | Educational Opportunity Fund Program rules                        | 17 N.J.R. 2214(b)                 |                 |                                   |

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#### HUMAN SERVICES—TITLE 10

|                                |  |                   |              |                   |
|--------------------------------|--|-------------------|--------------|-------------------|
| 10:30                          | Organization of Division of Mental Health and Hospitals                    | Organizational    | R.1985 d.515 | 17 N.J.R. 2558(a) |
| 10:37                          | Community Mental Health Services   | 17 N.J.R. 2222(a) |              |                   |
| 10:42                          | Developmental Disabilities: Emergency Mechanical Restraint                 | 17 N.J.R. 1832(a) |              |                   |
| 10:47                          | Private Licensed Facilities for Developmentally Disabled                   | 16 N.J.R. 2902(a) |              |                   |
| 10:48                          | Division of Mental Retardation: appeal procedures                          | 17 N.J.R. 876(b)  |              |                   |
| 10:49-1.4                      | Narcotic and drug abuse treatment centers                                  | 17 N.J.R. 1235(a) |              |                   |
| 10:49-7                        | Reinstatement of Medicaid provider   | 17 N.J.R. 1519(a) | R.1985 d.463 | 17 N.J.R. 2139(a) |
| 10:50                          | Transportation Services: HCFA Common Procedure Coding System               | 17 N.J.R. 1519(b) |              |                   |
| 10:50-1.2, 1.5, 1.6            | Invalid coach services: oxygen equipment: carrier charges                  | 17 N.J.R. 1373(a) | R.1985 d.427 | 17 N.J.R. 2044(a) |
| 10:50-1.5, 1.6                 | Reimbursement for ambulance and invalid coach services                     | 17 N.J.R. 1637(a) | R.1985 d.473 | 17 N.J.R. 2271(a) |
| 10:51-1, 2                     | Pharmacy Manual: pharmaceutical services and billing procedures            | 17 N.J.R. 2223(a) |              |                   |
| 10:51-1.13, 1.14, 3.12, App. A | Pharmaceutical services: "vaccine" reimbursement                           | 17 N.J.R. 1237(a) | R.1985 d.533 | 17 N.J.R. 2559(a) |
| 10:51-1.17, 3.15               | Pharmaceutical services: dispensing fee and capitation rates               | 17 N.J.R. 1044(a) | R.1985 d.369 | 17 N.J.R. 1766(a) |
| 10:51-5.1, 5.16                | PAAD: diabetic testing material  | 17 N.J.R. 1521(a) | R.1985 d.462 | 17 N.J.R. 2139(b) |
| 10:52-1.1, 1.20                | Ambulatory surgical centers  | 16 N.J.R. 3153(a) |              |                   |
| 10:52-1.16                     | Termination of pregnancy in licensed health care facilities                | 17 N.J.R. 1375(a) |              |                   |
| 10:52-1.17                     | Out-of-state inpatient hospital services                                   | 17 N.J.R. 2225(a) |              |                   |
| 10:52-1.21                     | Narcotic and drug abuse treatment centers                                  | 17 N.J.R. 1235(a) |              |                   |
| 10:53-1.1, 1.16                | Ambulatory surgical centers  | 16 N.J.R. 3153(a) |              |                   |
| 10:53-1.14                     | Termination of pregnancy   | 17 N.J.R. 1375(a) |              |                   |
| 10:54                          | Physician Services: Common Procedure Coding System                         | 17 N.J.R. 1519(b) |              |                   |
| 10:54-1.23                     | Termination of pregnancy   | 17 N.J.R. 1375(a) |              |                   |
| 10:54-3                        | Procedure Code Manual: fees for laboratory services                        | 17 N.J.R. 1376(a) | R.1985 d.531 | 17 N.J.R. 2560(a) |
| 10:55                          | Prosthetic-Orthotic Services: Common Procedure Coding System               | 17 N.J.R. 1519(b) |              |                   |
| 10:55-3.1                      | Fee increases for shoe appliances  | 17 N.J.R. 1522(a) | R.1985 d.429 | 17 N.J.R. 2045(a) |
| 10:57                          | Podiatry Services: Common Procedure Coding System                          | 17 N.J.R. 1519(b) |              |                   |
| 10:58                          | Nurse Midwifery Services: Common Procedure Coding System                   | 17 N.J.R. 1519(b) |              |                   |
| 10:59                          | Medical Supplier Manual: Common Procedure Coding System                    | 17 N.J.R. 1519(b) |              |                   |
| 10:59-1.2, 1.4, 1.9, 1.12      | Medical Supplier Manual: recycling of durable medical equipment            | 16 N.J.R. 2048(a) | R.1985 d.376 | 17 N.J.R. 1894(a) |
| 10:59-1.7, 1.13, 1.14, 3.2     | Fee increases for shoe appliances  | 17 N.J.R. 1522(a) | R.1985 d.429 | 17 N.J.R. 2045(a) |
| 10:59-2.1—2.11                 | Medical Supplier Manual: billing procedures                                | 17 N.J.R. 2326(b) |              |                   |
| 10:60                          | Readopt Home Care Services Manual  | 17 N.J.R. 28(a)   | R.1985 d.488 | 17 N.J.R. 2433(a) |
| 10:60-1.1, 1.2, 2.2, 2.3, 3.1  | Personal care assistant services: hours per week and rate of reimbursement | 17 N.J.R. 2327(a) |              |                   |
| 10:60-2.2, 3.1                 | Personal care assistant services: procedure codes                          | 17 N.J.R. 2330(a) |              |                   |
| 10:60-4                        | Community Care Waiver Program for Elderly and Disabled                     | 16 N.J.R. 3161(a) | R.1985 d.263 | 17 N.J.R. 1415(a) |

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| 10:61   | Independent Laboratory Services: Common Procedure Coding System                                    | 17 N.J.R. 1519(b)                 |                 |                                   |
| 10:62   | Vision Care: Common Procedure Coding System  | 17 N.J.R. 1519(b)                 |                 |                                   |
| 10:63-1.5, 1.6, 1.8, 1.13, 2.5, 2.7                 | Long term care facilities: certification and plan of care  | 17 N.J.R. 2075(a)                 |                 |                                   |
| 10:63-1.6   | Changes in level of long-term care   | 16 N.J.R. 2049(a)                 | R.1985 d.384    | 17 N.J.R. 1895(a)                 |
| 10:63-3.2, 3.5, 3.10, 3.19                          | Reimbursement to long-term care facilities   | 17 N.J.R. 2331(a)                 |                 |                                   |
| 10:63-3.17  | Long Term Care Services: adjustments to base period data   | 17 N.J.R. 1736 (a)                |                 |                                   |
| 10:64   | Hearing Aid Services: Common Procedure Coding System   | 17 N.J.R. 1519(b)                 |                 |                                   |
| 10:66   | Independent Clinic Services: Common Procedure Coding System  | 17 N.J.R. 1519(b)                 |                 |                                   |
| 10:66-1.1, 1.2, 1.3, 1.6, 1.7, 1.9                  | Ambulatory surgical centers  | 16 N.J.R. 3153(a)                 |                 |                                   |
| 10:66-1.2, 1.6, 3.3                                 | Narcotic and drug abuse treatment centers  | 17 N.J.R. 1235(a)                 |                 |                                   |
| 10:66-1.5   | Independent Clinic Manual: mental health services  | 17 N.J.R. 1377(a)                 | R.1985 d.428    | 17 N.J.R. 2046(a)                 |
| 10:66-1.6   | Termination of pregnancy   | 17 N.J.R. 1375(a)                 |                 |                                   |
| 10:66-1.6, 3.3                                      | Personal care assistant services: hours per week and rate of reimbursement                         | 17 N.J.R. 2327(a)                 |                 |                                   |
| 10:66-3.3   | Personal care assistant services: procedure codes  | 17 N.J.R. 2330(a)                 |                 |                                   |
| 10:67   | Psychological Services: Common Procedure Coding System   | 17 N.J.R. 1519(b)                 |                 |                                   |
| 10:69A-1.1, 1.2, 2.1, 4.1, 4.4, 5.3, 6.2, 6.4, 6.10 | PAAD: eligibility standards  | 17 N.J.R. 2332(a)                 |                 |                                   |
| 10:81-2.7, 3.18                                     | PAM: continued absence; WIN registration   | 17 N.J.R. 2333(a)                 |                 |                                   |
| 10:81-2.16, 3.18                                    | PAM: photo IDs; ex-WIN children  | 17 N.J.R. 2335(a)                 |                 |                                   |
| 10:81-3.27  | PAM: transmission of data to receiving county  | 17 N.J.R. 878(a)                  | R.1985 d.344    | 17 N.J.R. 1655(a)                 |
| 10:81-3.34  | PAM: temporary absence of children from home   | 17 N.J.R. 163(a)                  | R.1985 d.312    | 17 N.J.R. 1565(a)                 |
| 10:81-10.7  | PAM: eligibility for refugee and entrant programs  | 17 N.J.R. 2227(a)                 |                 |                                   |
| 10:81-11.9  | PAM: reimbursement by counties to State  | 17 N.J.R. 369(a)                  |                 |                                   |
| 10:81-11.9  | Public Hearing: County reimbursement to State for Tax Setoff Program for child support enforcement | 17 N.J.R. 1526(a)                 |                 |                                   |
| 10:81-11.18   | PAM: weekly second family adjustment   | 17 N.J.R. 879(a)                  | R.1985 d.343    | 17 N.J.R. 1655(b)                 |
| 10:81-11.19   | PAM: distribution of arrearage payments for child support  | 17 N.J.R. 1238(a)                 |                 |                                   |
| 10:82-1.2   | AFDC payment levels: comments  | 17 N.J.R. 880(a)                  | R.1985 d.341    | 17 N.J.R. 2272(a)                 |
| 10:82-1.2, 2.13, 3.11, 5.11                         | ASH: AFDC payment standards  | 17 N.J.R. 880(a)                  | R.1985 d.341    | 17 N.J.R. 1656(a)                 |
| 10:82-2.2   | ASH: initial grant computation   | 17 N.J.R. 546(b)                  | R.1985 d.299    | 17 N.J.R. 1566(a)                 |
| 10:82-3.13  | ASH: eligibility of sponsored alien and sponsor's income   | 17 N.J.R. 1523(a)                 | R.1985 d.491    | 17 N.J.R. 2440(a)                 |
| 10:82-4.11, 4.12                                    | ASH: income from apartments, rooms, or housekeeping units  | 17 N.J.R. 1045(a)                 | R.1985 d.385    | 17 N.J.R. 1895(b)                 |
| 10:82-5.3   | ASH: correction to Administrative Code   | _____                             | _____           | 17 N.J.R. 1801(c)                 |
| 10:82-5.3   | ASH: child care  | 17 N.J.R. 1835(a)                 |                 |                                   |
| 10:82-5.10  | ASH: emergency assistance  | 17 N.J.R. 2336(a)                 |                 |                                   |
| 10:82-5.10  | ASH: emergency assistance  | 17 N.J.R. 2337(a)                 |                 |                                   |
| 10:82-5.10  | Correction to Administrative Code: Assistance Standards Handbook                                   | _____                             | _____           | 17 N.J.R. 2464(b)                 |
| 10:85-3.2   | GAM: determination of unemployability  | 17 N.J.R. 547(a)                  |                 |                                   |
| 10:85-3.2   | GAM: nursing home patients from out-of-state   | 17 N.J.R. 2338(a)                 |                 |                                   |
| 10:85-3.2, 10.6                                     | GAM: willingness to work and penalty period  | 16 N.J.R. 2741(a)                 |                 |                                   |
| 10:85-3.3   | GAM: monthly assistance payment for residential health care  | 16 N.J.R. 2742(a)                 |                 |                                   |
| 10:85-3.4   | GAM: suits and claims  | 17 N.J.R. 548(a)                  | R.1985 d.298    | 17 N.J.R. 1566(b)                 |
| 10:85-3.4   | GAM: disposal of resources   | 17 N.J.R. 2339(a)                 |                 |                                   |
| 10:85-4.1   | General Assistance payment levels: comments  | 17 N.J.R. 882(a)                  | R.1985 d.342    | 17 N.J.R. 2272(a)                 |
| 10:85-4.1, 9.4                                      | General Assistance payment levels  | 17 N.J.R. 882(a)                  | R.1985 d.342    | 17 N.J.R. 1658(a)                 |
| 10:85-4.6   | GAM: correction to Administrative Code   | _____                             | _____           | 17 N.J.R. 1802(a)                 |
| 10:85-5.3   | GAM: outpatient mental health care   | 17 N.J.R. 1836(a)                 |                 |                                   |
| 10:85-5.3   | GAM: correction to Administrative Code   | _____                             | _____           | 17 N.J.R. 2051(b)                 |

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| 10:85-6.4   | GAM: final reporting requirements  | 17 N.J.R. 1837(a) |                                   |
| 10:85-10.8  | GAM: work registration violations and Food Stamp recipients                        | 17 N.J.R. 1838(a) |                                   |
| 10:86   | Repeal obsolete AFDC Work Incentive Program rules                                  | 17 N.J.R. 1838(b) |                                   |
| 10:87-1.14  | Food Stamp Program: disclosure of information                                      | 17 N.J.R. 1377(b) | R.1985 d.475                      |
| 10:87-2.21, 2.24, 2.28, 2.31, 2.35, 9.7, 11.29                        | Food Stamp Program revisions   | 17 N.J.R. 883(a)  | R.1985 d.346                      |
| 10:87-5.7   | Food Stamp Program: treatment of moneys used to repay overpayments                 | 17 N.J.R. 986(a)  | R.1985 d.313                      |
| 10:87-12.1  | Food Stamp Program: income deductions, maximum coupon allotments                   | Emergency         | R.1985 d.526                      |
| 10:87-12.3, 12.4, 12.7  | Food Stamp Program: maximum allowable income                                       | 17 N.J.R. 1793(a) | R.1985 d.480                      |
| 10:89   | Home Energy Assistance Handbook  | 17 N.J.R. 1737(a) | R.1985 d.492                      |
| 10:89-2.3   | Correction to Administrative Code: Home Energy Assistance Handbook                 | _____             | _____                             |
| 10:90-2.2, 2.3, 2.4, 2.6, 3.3, 4.1-4.10, 5.1, 5.2, 5.6, 6.1, 6.2, 6.3 | Monthly Reporting Policy Handbook  | 17 N.J.R. 1839(a) |                                   |
| 10:94-3.16  | Medicaid district office   | 17 N.J.R. 38(a)   | R.1985 d.291                      |
| 10:94-4.5, 4.6, 4.7   | Medicaid Only: resource eligibility and limits                                     | 17 N.J.R. 1525(a) | R.1985 d.474                      |
| 10:94-7, 8, 9   | Medicaid Only program for aged, blind and disabled                                 | 17 N.J.R. 2340(a) |                                   |
| 10:122-2.3, 2.6, 3.2, 3.3, 4.1, 4.3, 4.6, 6.8, 6.9                    | Child care centers   | 17 N.J.R. 548(b)  | R.1985 d.314                      |
| 10:123-3  | Residential health care and boarding homes: readopt Personal Needs Allowance rules | 17 N.J.R. 1526(b) | R.1985 d.426                      |
| 10:129-2  | Confidentiality of child abuse records   | 17 N.J.R. 885(a)  | R.1985 d.373                      |

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**CORRECTIONS—TITLE 10A**

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| 10A:31-3.7, 3.12  | Adult county facilities: new inmate processing            | 17 N.J.R. 2229(a) |  |
| 10A:31-3.12, 3.15 | Adult county facilities: medical screening of new inmates | 17 N.J.R. 2343(a) |  |

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**INSURANCE—TITLE 11**

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| 11:1-2.5-2.8 | Property-liability: rate counsel participation  | 16 N.J.R. 2918(a) |              |
| 11:1-5       | Administrative Orders and Declarations: correction of sunset date                                   | 16 N.J.R. 2677(a) | R.1984 d.426 |
| 11:1-5.2     | Fire and casualty coverage: cancellation notice requirement   | _____             | _____        |
| 11:1-16      | Request for rate decrease   | 16 N.J.R. 3169(a) |              |
| 11:1-18      | Approval of business names  | 17 N.J.R. 41(a)   |              |
| 11:1-19      | Uniform registration of branch offices  | 17 N.J.R. 42(a)   |              |
| 11:1-20      | Property and casualty/liability coverage: cancellations, nonrenewals and mid-term premium increases | Emergency         | R.1985 d.507 |
| 11:2-19      | Approval of insurance schools and company training programs   | 16 N.J.R. 2920(b) |              |
| 11:2-20      | License renewal: continuing education requirement   | 16 N.J.R. 2922(a) |              |
| 11:2-21      | Property and casualty coverage: underwriting guidelines   | 16 N.J.R. 2924(a) |              |
| 11:2-23      | Advertisement of life insurance and annuities   | 16 N.J.R. 2926(a) |              |
| 11:3-7       | Automobile Reparation Reform Act rules: 90-day waiver of expiration                                 | 16 N.J.R. 2414(a) |              |
| 11:3-7       | Automobile Reparation Reform Act rules  | 16 N.J.R. 3417(a) |              |
| 11:3-8       | Nonrenewal of auto insurance policies   | 16 N.J.R. 2930(a) |              |
| 11:3-10      | Auto physical damage claims   | 16 N.J.R. 3170(a) |              |
| 11:3-16      | Private passenger automobile rate filings   | 16 N.J.R. 2934(a) |              |

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| 11:3-17           | Automobile rate filings                                 | 16 N.J.R. 2936(a)                 |                 |                                   |
| 11:3-18           | Filing review procedures                                | 16 N.J.R. 2937(a)                 |                 |                                   |
| 11:3-20           | Reporting excess profits                                | 17 N.J.R. 370(a)                  |                 |                                   |
| 11:3-21           | Reduced PIP premium charges                             | 16 N.J.R. 3286(a)                 |                 |                                   |
| 11:4-2            | Replacement of life insurance and annuities             | 17 N.J.R. 887(a)                  |                 |                                   |
| 11:4-2            | Replacement of life insurance and annuities             | 17 N.J.R. 2344(a)                 |                 |                                   |
| 11:4-9            | Annuity and deposit fund disclosure                     | 16 N.J.R. 2939(a)                 |                 |                                   |
| 11:4-21           | Readopt Limited Death Benefit Forms                     | 17 N.J.R. 891(a)                  | R.1985 d.325    | 17 N.J.R. 1660(a)                 |
| 11:4-24           | Smoker and nonsmoker mortality tables                   | 17 N.J.R. 2348(a)                 |                 |                                   |
| 11:4-25           | Social security disability offset                       | 16 N.J.R. 3287(a)                 |                 |                                   |
| 11:4-26           | Annuity mortality tables                                | 17 N.J.R. 2349(a)                 |                 |                                   |
| 11:5-1.3          | Licensing of real estate brokers and salespeople        | 17 N.J.R. 2350(a)                 |                 |                                   |
| 11:5-1.15         | Real estate advertising                                 | 17 N.J.R. 2351(a)                 |                 |                                   |
| 11:5-1.15, 1.25   | Advertising of real estate; sale of interstate property | 17 N.J.R. 666(a)                  |                 |                                   |
| 11:5-1.20         | Payment of fees prescribed by Real Estate License Act   | 17 N.J.R. 2353(a)                 |                 |                                   |
| 11:5-1.28         | Approved real estate schools: requirements              | 17 N.J.R. 376(a)                  |                 |                                   |
| 11:5-1.29         | Real estate license applicants: record checks           | 17 N.J.R. 2230(a)                 |                 |                                   |
| 11:10-1           | Dental plan organizations                               | 16 N.J.R. 2230(a)                 | R.1985 d.374    | 17 N.J.R. 1768(a)                 |
| 11:16             | Provider verification of services                       | 17 N.J.R. 47(a)                   |                 |                                   |
| 11:17-1           | Surplus lines insurance guaranty fund surcharge         | 17 N.J.R. 1045(b)                 |                 |                                   |

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**LABOR—TITLE 12**

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| 12:15-1.1, 1.2 | Unemployment and Temporary Disability Benefits programs: purpose and scope           | 17 N.J.R. 1378(a) | R.1985 d.423 | 17 N.J.R. 2046(c) |
| 12:15-1.3      | Maximum weekly benefit rates for Unemployment Compensation and State Plan Disability | 17 N.J.R. 2079(a) |              |                   |
| 12:15-1.4      | Taxable wage base subject to Unemployment Compensation contributions                 | 17 N.J.R. 2079(b) |              |                   |
| 12:15-1.5      | Unemployment Compensation contribution rate for government units                     | 17 N.J.R. 2079(c) |              |                   |
| 12:15-1.6      | Base week for unemployment compensation and temporary disability                     | 17 N.J.R. 2007(b) |              |                   |
| 12:15-1.6      | Base week for Unemployment Compensation and State Plan Disability claims             | 17 N.J.R. 2080(a) | R.1985 d.525 | 17 N.J.R. 2461(a) |
| 12:15-1.7      | Alternate earnings test for benefits eligibility                                     | 17 N.J.R. 2080(b) |              |                   |
| 12:35          | Workfare rules   | 17 N.J.R. 1048(a) | R.1985 d.404 | 17 N.J.R. 1896(a) |
| 12:56          | Readopt Wage and Hour rules  | 17 N.J.R. 2008(a) | R.1985 d.524 | 17 N.J.R. 2461(b) |
| 12:57          | Readopt Wage Orders for Minors   | 17 N.J.R. 2009(a) | R.1985 d.523 | 16 N.J.R. 2461(c) |
| 12:58          | Readopt Child Labor rules  | 17 N.J.R. 2009(b) | R.1985 d.522 | 17 N.J.R. 2461(d) |
| 12:70          | Field sanitation for seasonal farm workers   | 17 N.J.R. 1860(a) |              |                   |
| 12:120         | Asbestos licenses and permits  | 17 N.J.R. 1676(a) | R.1985 d.468 | 17 N.J.R. 2275(a) |
| 12:120-2, 6    | Asbestos training courses  | 17 N.J.R. 741(a)  | R.1985 d.262 | 17 N.J.R. 1417(b) |
| 12:200         | Liquefield Petroleum Gas rules   | 17 N.J.R. 1379(a) | R.1985 d.403 | 17 N.J.R. 1899(a) |
| 12:235         | Practice and procedure before Division of Workers' Compensation                      | 17 N.J.R. 2081(a) |              |                   |
| 12:235-1.5     | Maximum weekly benefit rate for Workers' Compensation                                | 17 N.J.R. 2090(a) |              |                   |

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**COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A**

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| 12A | Departmental rules; small business set-aside contracts | 16 N.J.R. 1955(a) | R.1985 d.421 | 17 N.J.R. 2683(a) |
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**LAW AND PUBLIC SAFETY—TITLE 13**

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| 13:1-5.1, 6.1, 8.1 | Police officer training and certification                               | 17 N.J.R. 1239(a) | R.1985 d.405 | 17 N.J.R. 1899(b) |
| 13:2-4             | ABC: readopt rules on Issuance or Transfer of Municipal Retail Licenses | 17 N.J.R. 1052(a) | R.1985 d.332 | 17 N.J.R. 1661(a) |
| 13:2-20            | ABC: readopt rules on Transportation by Licensees; Transit Insignia     | 17 N.J.R. 1054(a) | R.1985 d.333 | 17 N.J.R. 1662(a) |
| 13:23.16, -24, -35 | ABC preproposal: industry marketing and sales practices                 | 17 N.J.R. 3292(a) |              |                   |

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| 13:2-33   | ABC: readopt Brand Registration rules                              | 17 N.J.R. 794(a)  | R.1985 d.279 17 N.J.R. 1423(a)    |
| 13:2-40   | ABC: readopt rules on Issuances of IDs by County Clerks            | 17 N.J.R. 1380(a) | R.1985 d.395 17 N.J.R. 1900(a)    |
| 13:3-3.5, 3.6, 7.9  | Amusement games control  | 17 N.J.R. 1058(a) | R.1985 d.334 17 N.J.R. 1664(a)    |
| 13:13   | Discrimination against handicapped persons                         | 17 N.J.R. 671(a)  | R.1985 d.305 17 N.J.R. 1574(a)    |
| 13:13-1.3, 2.2, 2.3                                       | Correction: Discrimination against handicapped persons             | 17 N.J.R. 671(a)  | R.1985 d.305 17 N.J.R. 1773(a)    |
| 13:19-10.1  | Motor vehicle driver violations: point assessment                  | 17 N.J.R. 2231(a) |                                   |
| 13:19-13.1, 13.2, 13.3                                    | Motor vehicle insurance surcharges                                 | 17 N.J.R. 893(a)  | R.1985 d.482 17 N.J.R. 2281(a)    |
| 13:20-28  | Readopt rules on Inspection of New Motor Vehicles                  | 17 N.J.R. 1059(a) | R.1985 d.379 17 N.J.R. 1901(a)    |
| 13:20-32.16   | Motor vehicle reinspection centers                                 | 17 N.J.R. 676(a)  |                                   |
| 13:20-33.6  | Glazing inspection standards for motor vehicles                    | 17 N.J.R. 894(a)  |                                   |
| 13:21-1.3, 1.4, 1.5                                       | Driver licenses and social security numbers                        | 16 N.J.R. 2746(a) | R.1985 d.307 17 N.J.R. 1579(a)    |
| 13:21-2   | Motor Vehicle Licensing Service: Statutory Language Interpretation | 17 N.J.R. 2090(b) |                                   |
| 13:21-11.13   | Temporary initial registration of motor vehicles                   | 17 N.J.R. 1863(a) | R.1985 d.520 17 N.J.R. 2562(a)    |
| 13:21-15.6  | Auto dealers: acceptance of altered title documents                | 17 N.J.R. 169(a)  |                                   |
| 13:21-20  | Motor home title certificates                                      | 17 N.J.R. 2353(b) |                                   |
| 13:27-8.11  | Certified landscape architects: title block contents               | 17 N.J.R. 1864(a) |                                   |
| 13:28-4.1   | Board of Beauty Culture Control fee schedule                       | 17 N.J.R. 1638(a) | R.1985 d.464 17 N.J.R. 2139(c)    |
| 13:29-1.1—1.6, 1.8—1.12                                   | Board of Accountancy general rules                                 | 17 N.J.R. 557(a)  | R.1985 d.287 17 N.J.R. 1424(a)    |
| 13:29-1.4   | Change of address by licensed accountants                          | 17 N.J.R. 1639(a) |                                   |
| 13:29-1.11  | Fee for CPA certificate  | 17 N.J.R. 2092(a) |                                   |
| 13:29-2.1   | Applicants for registered municipal accountant's test              | 17 N.J.R. 2092(b) |                                   |
| 13:29-2.1, 2.2, 2.3                                       | Registered municipal accountants                                   | 17 N.J.R. 559(a)  | R.1985 d.286 17 N.J.R. 1426(a)    |
| 13:30-8.1   | Board of Dentistry: fee schedule                                   | 17 N.J.R. 378(a)  |                                   |
| 13:30-8.3   | Board of Dentistry licensee requirements                           | 17 N.J.R. 1864(b) |                                   |
| 13:30-8.4, 8.6  | Correction: Specialties in dentistry                               | 17 N.J.R. 378(a)  | R.1985 d.253 17 N.J.R. 1665(a)    |
| 13:34-1.1   | Marriage counseling: annual license fees and charges               | 17 N.J.R. 1527(a) |                                   |
| 13:35-1A.4  | Clinical clerkships for foreign medical graduates                  | 17 N.J.R. 2010(a) |                                   |
| 13:35-2.4   | Approval of colleges of chiropractic                               | 17 N.J.R. 2231(b) |                                   |
| 13:35-2.15  | Physician-nurse anesthetist standards                              | 17 N.J.R. 796(a)  |                                   |
| 13:35-4.2   | Termination of pregnancy   | 17 N.J.R. 1865(a) | R.1985 d.530 17 N.J.R. 2562(b)    |
| 13:35-6.4   | Pre-proposal: professional conduct of Medical Board licensees      | 17 N.J.R. 894(b)  |                                   |
| 13:35-6.6   | Directly dispensed medication by physicians and podiatrists        | 17 N.J.R. 1866(a) | R.1985 d.505 17 N.J.R. 2442(a)    |
| 13:36-2.10, 2.12, 4.4, 4.13, 5.1, 5.6, 5.9, 6.8, 7.1, 7.2 | Mortuary science rules   | 17 N.J.R. 797(a)  | R.1985 d.293 17 N.J.R. 1580(a)    |
| 13:37-1   | Programs in nursing education                                      | 17 N.J.R. 51(a)   | R.1985 d.285 17 N.J.R. 1426(b)    |
| 13:37-1.2, 1.21, 1.23-1.25                                | Programs in nursing education                                      | 17 N.J.R. 1528(a) | R.1985 d.483 17 N.J.R. 2282(a)    |
| 13:37-1.4   | Nursing licensees: reporting unlawful conduct                      | 17 N.J.R. 2232(a) |                                   |
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| 13:37-6.2   | Delegation of nursing tasks by RPNs                                | 17 N.J.R. 2354(a) |                                   |
| 13:38-3.2   | Board of Optometrists: reexamination                               | 17 N.J.R. 677(a)  |                                   |
| 13:38-3.2   | Reexamination for optometry licensure                              | 17 N.J.R. 1639(b) | R.1985 d.504 17 N.J.R. 2443(a)    |
| 13:39A-1  | Board of Physical Therapy: organization and administration         | 17 N.J.R. 2355(a) |                                   |
| 13:39A-2  | Authorized practice by physical therapists                         | 17 N.J.R. 2356(a) |                                   |
| 13:39A-3  | Unlawful practices by physical therapists                          | 17 N.J.R. 2358(a) |                                   |
| 13:39A-3.2  | Pre-proposal: fee splitting and kickbacks by physical therapists   | 17 N.J.R. 2360(a) |                                   |
| 13:39A-4  | Unlicensed practice of physical therapy                            | 17 N.J.R. 2361(a) |                                   |
| 13:39A-5  | Physical therapy applicants: required credentials                  | 17 N.J.R. 2362(a) |                                   |
| 13:40-3.2, 4.1, 5.1                                       | Professional engineers and land surveyors: Board rules             | 17 N.J.R. 799(a)  | R.1985 d.465 17 N.J.R. 2140(a)    |

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| N.J.A.C. CITATION                            |  | PROPOSAL NOTICE (N.J.R. CITATION) | DOCUMENT NUMBER | ADOPTION NOTICE (N.J.R. CITATION) |
|--|--|-----------------------------------|-----------------|-----------------------------------|
| 13:41-1                                      | Board of Professional Planners: readopt Seal rules                           | 17 N.J.R. 1060(a)                 | R.1985 d.424    | 17 N.J.R. 2047(a)                 |
| 13:41-3.2                                    | Board of Professional Planners: fee schedule                                 | 17 N.J.R. 1061(a)                 | R.1985 d.443    | 17 N.J.R. 2141(a)                 |
| 13:41-4                                      | Board of Professional Planners: readopt preparation of site plan rules       | 17 N.J.R. 1240(a)                 |                 |                                   |
| 13:42-1.5                                    | Psychological Board licensees: notification of current address               | 17 N.J.R. 896(a)                  |                 |                                   |
| 13:43-3.4                                    | Certified Shorthand Reporting exam: conditional credit                       | 17 N.J.R. 801(a)                  | R.1985 d.288    | 17 N.J.R. 1431(a)                 |
| 13:43-3.5                                    | Shorthand reporting licensees: change of address notification requirement    | 17 N.J.R. 801(b)                  | R.1985 d.289    | 17 N.J.R. 1431(b)                 |
| 13:44-1.2, 1.3, 1.4, 2.4, 2.9, 2.14, 2.15, 6 | Veterinarian licensure   | 17 N.J.R. 1739(a)                 |                 |                                   |
| 13:44-4.1                                    | Veterinary medicine: training certificate fee                                | 17 N.J.R. 383(a)                  | R.1985 d.364    | 17 N.J.R. 1773(b)                 |
| 13:44C-1.1                                   | Audiology and Speech Language Pathology Advisory Committee: fees and charges | 17 N.J.R. 1062(a)                 |                 |                                   |
| 13:44D                                       | Public moving and warehousing  | 17 N.J.R. 1382(a)                 |                 |                                   |
| 13:45A-14                                    | Unit pricing in retail establishments  | 17 N.J.R. 2232(b)                 |                 |                                   |
| 13:45A-22                                    | Kosher meat and poultry dealers: inspections and recordkeeping               | 17 N.J.R. 1241(a)                 | R.1985 d.407    | 17 N.J.R. 1901(b)                 |
| 13:45A-23                                    | Deceptive watercraft repair practices  | 17 N.J.R. 680(a)                  | R.1985 d.306    | 17 N.J.R. 1581(a)                 |
| 13:46  | Boxing Rules   | 16 N.J.R. 2962(a)                 | R.1985 d.284    | 17 N.J.R. 1432(a)                 |
| 13:47B-1.20                                  | Weights and measures: National Bureau of Standards Handbook 44               | 17 N.J.R. 2233(a)                 |                 |                                   |
| 13:47B-1.24                                  | Weights and measures: central registry for security sealing devices          | 17 N.J.R. 2234(a)                 |                 |                                   |
| 13:47C-3.6                                   | Standard for treated lumber  | 17 N.J.R. 2234(b)                 |                 |                                   |
| 13:48  | Charitable fund raising  | 17 N.J.R. 1244(a)                 |                 |                                   |
| 13:51-3.5, 3.6                               | Chemical breath testing: approved instruments                                | 17 N.J.R. 1531(a)                 | R.1985 d.441    | 17 N.J.R. 2141(b)                 |
| 13:59  | Background checks for licensing and employment purposes: user fees           | 17 N.J.R. 1743(a)                 | R.1985 d.481    | 17 N.J.R. 2282(b)                 |
| 13:70-4.1, 4.17, 4.19, 4.20, 4.21            | Thoroughbred racing: fingerprint checks and licensing                        | 17 N.J.R. 2362(a)                 |                 |                                   |
| 13:70-4.15                                   | Thoroughbred racing: farms and training centers                              | 17 N.J.R. 1393(a)                 |                 |                                   |
| 13:70-14A.11                                 | Thoroughbred racing: urine testing of track personnel                        | 17 N.J.R. 1640(a)                 |                 |                                   |
| 13:70-14A.11                                 | Thoroughbred racing: urine testing and confidentiality of information        | 17 N.J.R. 2363(a)                 |                 |                                   |
| 13:71-7.1                                    | Harness racing: fingerprint checks and licensing                             | 17 N.J.R. 2364(a)                 |                 |                                   |
| 13:71-7.26                                   | Harness racing: farms and training centers                                   | 17 N.J.R. 1393(b)                 |                 |                                   |
| 13:71-18.2                                   | Harness racing: urine testing of track personnel                             | 17 N.J.R. 1641(a)                 |                 |                                   |
| 13:71-18.2                                   | Harness racing: urine testing and confidentiality of information             | 17 N.J.R. 2364(b)                 |                 |                                   |
| 13:75-1.5                                    | Violent crimes compensation: filing of claims                                | 17 N.J.R. 2010(b)                 |                 |                                   |
| 13:76-1.2, 1.3, 3.2, 4.1                     | Arson investigators  | 17 N.J.R. 2011(a)                 |                 |                                   |

(TRANSMITTAL 31, dated May 20, 1985)

**PUBLIC UTILITIES—TITLE 14**

|                       |   |                   |              |                   |
|-----------------------|---|-------------------|--------------|-------------------|
| 14:1-1, 6             | BPU: general provisions; petitions  | 17 N.J.R. 2235(a) |              |                   |
| 14:1-5.2, 5.3         | Filings with Board of Public Utilities  | 17 N.J.R. 802(a)  | R.1985 d.439 | 17 N.J.R. 2142(a) |
| 14:3-4.7              | Adjustment of utility bills   | 17 N.J.R. 2236(a) |              |                   |
| 14:3-10.9             | Petitions by solid waste collectors   | 16 N.J.R. 3292(b) |              |                   |
| 14:5-3                | Electric meters   | 17 N.J.R. 2237(a) |              |                   |
| 14:9-6.11             | Correction: Acquisition costs   | 16 N.J.R. 3380(a) | R.1985 d.182 | 17 N.J.R. 1559(a) |
| 14:10-5               | Inter LATA telecommunications carriers  | 17 N.J.R. 2012    |              |                   |
| 14:17-6.8, 6.14, 6.17 | CATV: system and stock transfers; rate increase filing procedures; public hearing requirement | 17 N.J.R. 1062(b) | R.1985 d.449 | 17 N.J.R. 2142(b) |
| 14:18-2.9             | CATV pole attachment rate methodology   | 17 N.J.R. 1589(b) | R.1985 d.425 | 17 N.J.R. 2047(b) |
| 14:18-3.10            | CATV installation: compensation for taking  | 17 N.J.R. 563(a)  | R.1985 d.337 | 17 N.J.R. 1666(a) |
| 14:18-11              | Pre-proposal: Renewal of CATV municipal consents and certificates of approval                 | 17 N.J.R. 1394(a) |              |                   |

(TRANSMITTAL 22, dated May 20, 1985)

**ENERGY—TITLE 14A**

|           |  |                   |              |                   |
|-----------|--|-------------------|--------------|-------------------|
| 14A:3-4.4 | Energy Subcode: thermal efficiency standards | 16 N.J.R. 2748(a) | R.1985 d.478 | 17 N.J.R. 2283(a) |
|-----------|--|-------------------|--------------|-------------------|

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| 14A:3-11                         | Used oil recycling                                  | 17 N.J.R. 1866(b)                 | R.1985 d.506    | 17 N.J.R. 2443(a)                 |
| 14A:7                            | Submission and handling of confidential information | 17 N.J.R. 1745(a)                 | R.1985 d.470    | 17 N.J.R. 2284(a)                 |
| 14A:13-1.2, 1.8-1.11, 1.13, 1.14 | Energy conservation in State buildings              | 17 N.J.R. 1747(a)                 | R.1985 d.471    | 17 N.J.R. 2286(a)                 |
| 14A:20-1                         | Energy conservation planning and evaluation         | 16 N.J.R. 3293(a)                 |                 |                                   |
| 14A:21                           | Home Energy Savings Program                         | 17 N.J.R. 2365(a)                 |                 |                                   |

(TRANSMITTAL 14, dated October 15, 1984)

**STATE—TITLE 15**

|                    |   |                   |              |                   |
|--------------------|---|-------------------|--------------|-------------------|
| 15:2-1.1, 1.3, 1.4 | Commercial recording: expedited service                 | 17 N.J.R. 897(a)  | R.1985 d.327 | 17 N.J.R. 1670(a) |
| 15:2-1.5           | Commercial recording: fee payment for expedited service | 17 N.J.R. 898(a)  | R.1985 d.326 | 17 N.J.R. 1671(a) |
| 15:10              | Election rules  | 17 N.J.R. 2381(a) |              |                   |

(TRANSMITTAL 14, dated January 3, 1984)

**PUBLIC ADVOCATE—TITLE 15A**

(TRANSMITTAL 1, dated March 20, 1978)

**TRANSPORTATION—TITLE 16**

|  |  |                   |              |                   |
|--|--|-------------------|--------------|-------------------|
| 16:1   | Records management   | 17 N.J.R. 564(a)  | R.1985 d.409 | 17 N.J.R. 1903(a) |
| 16:6   | Relocation assistance  | 17 N.J.R. 565(a)  | R.1985 d.435 | 17 N.J.R. 2143(a) |
| 16:21  | State aid to counties and municipalities: readopt rules  | 17 N.J.R. 566(a)  | R.1985 d.434 | 17 N.J.R. 2143(b) |
| 16:22  | Urban revitalization, special demonstration and emergency project rules  | 17 N.J.R. 2385(a) |              |                   |
| 16:28A-1.4, 1.31, 1.33                                     | Bus stops on Route 4 in Hackensack and Routes 45 and 47 in Deptford  | 17 N.J.R. 1396(a) | R.1985 d.393 | 17 N.J.R. 1903(b) |
| 16:28A-1.7   | Parking on U.S. 9 in Berkeley Township   | 17 N.J.R. 1063(a) | R.1985 d.355 | 17 N.J.R. 1774(b) |
| 16:28A-1.7, 1.19, 1.21, 1.31, 1.32                         | Parking on Routes U.S. 9, 28, U.S. 30, 45, U.S. 46   | 17 N.J.R. 898(b)  | R.1985 d.328 | 17 N.J.R. 1671(b) |
| 16:28A-1.7, 1.24   | Bus stops on U.S. 9 and 34 in Old Bridge   | 17 N.J.R. 1064(a) | R.1985 d.354 | 17 N.J.R. 1774(a) |
| 16:28A-1.7, 1.38, 1.51, 1.71                               | Parking on U.S. 9 in Marlboro, Routes 71 in Asbury Park, 168 in Camden, and 67 in Fort Lee   | 17 N.J.R. 2013(a) |              |                   |
| 16:28A-1.7, 1.45   | Parking on U.S. 9 in Ocean County and Route 94 in Sussex County  | 17 N.J.R. 1250(a) | R.1985 d.390 | 17 N.J.R. 1904(a) |
| 16:28-1.9, 1.19, 1.21, 1.23, 1.33, 1.38, 1.41, 1.57, 1.104 | Parking on Routes 17, 28, U.S. 30, 33, 47, 71, 77, U.S. 206 and U.S. 40-322  | 17 N.J.R. 802(b)  | R.1985 d.294 | 17 N.J.R. 1583(a) |
| 16:28A-1.13, 1.27, 1.30                                    | Bus stops on U.S. 22 in Kenilworth, Routes 38 in Cherry Hill and 44 in Paulsboro   | 17 N.J.R. 1397(a) | R.1985 d.394 | 17 N.J.R. 1905(a) |
| 16:28A-1.18  | Parking on Route 27 in Metuchen  | 17 N.J.R. 1642(a) | R.1985 d.467 | 17 N.J.R. 2288(a) |
| 16:28A-1.18  | Parking on Route 27 in Union County  | 17 N.J.R. 1251(a) | R.1985 d.391 | 17 N.J.R. 1906(a) |
| 16:28A-1.18, 1.21, 1.37, 1.40, 1.55, 1.56, 1.57, 1.69      | Parking on Routes 27 in Middlesex County, U.S. 30 in Hammonton, 70 in Cherry Hill, 73 in Mt. Laurel, U.S. 202, 202-206 and 206 in Bedminster, and 124 in Springfield | 17 N.J.R. 2014(a) |              |                   |
| 16:28A-1.20, 1.25, 1.29, 1.64, 1.65                        | Parking and bus stops on Routes 29, 35, 42, 41 and 15  | 17 N.J.R. 1398(a) | R.1985 d.392 | 17 N.J.R. 1906(b) |
| 16:28A-1.21, 1.26, 1.31, 1.38, 1.61, 1.71                  | Parking and bus stops on U.S. 9W, U.S. 30, Routes 36, 45, 67 and 71  | 17 N.J.R. 1064(b) | R.1985 d.356 | 17 N.J.R. 1774(c) |
| 16:28A-1.31, 1.46  | Parking on Route 45 in Mantua, U.S. 130 in Penns Grove and Carneys Point   | 17 N.J.R. 2016(a) |              |                   |
| 16:28A-1.35  | Route 52 in Cape May County  | 17 N.J.R. 898(b)  | R.1985 d.365 | 17 N.J.R. 1776(a) |
| 16:28A-1.36  | Parking on Route 57 in Warren County   | 17 N.J.R. 1251(a) | Withdrawn    | 17 N.J.R. 2053(a) |
| 16:30-6.4  | Weight limit on Route 45 in Gloucester County  | 17 N.J.R. 1337(a) | R.1985 d.389 | 17 N.J.R. 1907(a) |
| 16:30-12   | Truck weigh stations on Interstate Highway System I-78, I-80, I-287 and I-295  | 17 N.J.R. 987(a)  | R.1985 d.357 | 17 N.J.R. 1778(a) |
| 16:31-1.1  | No left turn on US 206 in Hillsborough   | 17 N.J.R. 1250(a) | R.1985 d.390 | 17 N.J.R. 1904(a) |
| 16:32-2.3  | Temporary exemptions from Federal bridge formula   | 17 N.J.R. 1868(a) |              |                   |
| 16:33  | Construction control   | 17 N.J.R. 567(a)  | R.1985 d.433 | 17 N.J.R. 2143(c) |

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| 16:43               | Junkyards adjacent to public highways: readopt rules                       | 17 N.J.R. 567(b)                  | R.1985 d.432    | 17 N.J.R. 2144(a)                 |
| 16:44-5.1           | Receipt of bids: requirements  | 16 N.J.R. 3191(a)                 |                 |                                   |
| 16:53-9.1           | Autobuses: public liability insurance                                      | Emergency                         | R.1985 d.445    | 17 N.J.R. 2149(a)                 |
| 16:56-4.1           | Airport safety improvement aid   | 17 N.J.R. 1067(a)                 | R.1985 d.366    | 17 N.J.R. 1779(a)                 |
| 16:56-7.1           | Airport safety improvement aid   | 17 N.J.R. 2017(a)                 |                 |                                   |
| 16:62-5.1, 8, 9, 10 | Air safety and hazardous zoning  | 17 N.J.R. 1869(a)                 |                 |                                   |
| 16:78               | Senior Citizen and Disabled Resident Transportation Assistance Act Program | 17 N.J.R. 1532(a)                 | R.1985 d.490    | 17 N.J.R. 2445(a)                 |

**(TRANSMITTAL 30, dated May 20, 1985)**

**TREASURY-GENERAL—TITLE 17**

|                             |   |                   |              |                   |
|-----------------------------|---|-------------------|--------------|-------------------|
| 17:1-1.8                    | State pension checks and signature cards                                  | 17 N.J.R. 1068(a) | R.1985 d.348 | 17 N.J.R. 1673(a) |
| 17:1-1.10                   | Minimum adjustments to pension accounts                                   | 17 N.J.R. 1642(b) | R.1985 d.442 | 17 N.J.R. 2144(b) |
| 17:1-2.3                    | Alternate Benefit Program: salary reduction and deduction                 | 17 N.J.R. 2350(b) |              |                   |
| 17:1-4.11                   | PERS: purchase of service credit by certain nurses                        | 17 N.J.R. 900(a)  | R.1985 d.321 | 17 N.J.R. 1586(a) |
| 17:2-1.4                    | PERS: election of member-trustee  | 17 N.J.R. 2238(a) |              |                   |
| 17:3-2.1                    | Teachers' Pension and Annuity Fund: eligibility for enrollment            | 17 N.J.R. 2238(b) |              |                   |
| 17:3-2.3                    | Teachers' pension and annuity: full-time employment                       | 17 N.J.R. 60(a)   |              |                   |
| 17:3-3.2                    | Teachers' Pension and Annuity: contributory insurance benefits            | 17 N.J.R. 1252(a) | R.1985 d.431 | 17 N.J.R. 2144(c) |
| 17:3-6.21                   | Teachers' Pension and Annuity: special veterans' retirement               | 17 N.J.R. 2239(a) |              |                   |
| 17:4                        | Readopt Police and Firemen's Retirement System rules                      | 17 N.J.R. 805(a)  | R.1985 d.330 | 17 N.J.R. 1673(b) |
| 17:5                        | State Police Retirement System rules                                      | 17 N.J.R. 2018(a) |              |                   |
| 17:5-5.5                    | State Police Retirement: outstanding loans                                | 16 N.J.R. 2997(a) |              |                   |
| 17:8                        | Supplemental Annuity Collective Trust: readopt rules                      | 17 N.J.R. 682(a)  | R.1985 d.378 | 17 N.J.R. 1907(b) |
| 17:9-1.5                    | State Health Benefits Program: voluntary termination by employer          | 17 N.J.R. 1399(a) |              |                   |
| 17:9-6.1, 6.3               | State Health Benefits Program: retired employees coverage                 | 17 N.J.R. 2386(a) |              |                   |
| 17:16-6.1                   | Permissible purchases for funds under control of Director of Investment   | 17 N.J.R. 2093(a) |              |                   |
| 17:16-7.1, 7.2, 7.3, 7.4, 8 | Debt issue ceiling on long-term corporate issues                          | 17 N.J.R. 2093(b) |              |                   |
| 17:16-17.3                  | State Investment Council: common and preferred stock limitations          | 17 N.J.R. 2239(b) |              |                   |
| 17:16-27                    | Investment Council: certificates of deposit                               | 17 N.J.R. 60(b)   | R.1985 d.201 | 17 N.J.R. 1907(c) |
| 17:16-31.3-31.11            | Cash Management Fund: method of accounting                                | 17 N.J.R. 2095(a) |              |                   |
| 17:16-32, 38                | Common Pension Funds A and C  | 17 N.J.R. 2386(b) |              |                   |
| 17:16-39.1, 39.3            | Capital requirements for bankers acceptance eligibility                   | 17 N.J.R. 2095(b) |              |                   |
| 17:19-2.10                  | Classification of bidders: settlement conferences                         | 16 N.J.R. 2751(a) | R.1985 d.436 | 17 N.J.R. 2048(a) |
| 17:20-5                     | Revocation or suspension of Lottery agent's license                       | 17 N.J.R. 272(b)  | R.1985 d.308 | 17 N.J.R. 1586(b) |
| 17:28                       | Charitable fund raising and public employees: payroll deduction campaigns | 17 N.J.R. 1931(a) | R.1985 d.496 | 17 N.J.R. 2449(a) |
| 17:29                       | Charitable fund raising and local government                              | Emergency         | R.1985 d.469 | 17 N.J.R. 2294(a) |

**(TRANSMITTAL 29, dated April 15, 1985)**

**TREASURY-TAXATION—TITLE 18**

|                            |   |                   |              |                   |
|----------------------------|---|-------------------|--------------|-------------------|
| 18:7-1.15, 4.5, 4.11, 11.7 | Corporation Business Tax: investment company, subsidiary, indebtedness, timely filing | 17 N.J.R. 1537(a) |              |                   |
| 18:7-1.17, 11.15           | Consolidated casino business tax returns  | 17 N.J.R. 901(a)  | R.1985 d.453 | 17 N.J.R. 2145(a) |
| 18:7-5.1, 5.2, 5.4         | Corporation Business Tax: entire net income base                                      | 17 N.J.R. 1538(a) |              |                   |
| 18:7-5.12-5.16             | Corporation Business Tax: net operating loss carryover                                | 17 N.J.R. 2096(a) |              |                   |
| 18:7-14.12, 14.17—14.20    | Corporation Business Tax: prior issuance of tax clearance certificate                 | 17 N.J.R. 1252(b) | R.1985 d.383 | 17 N.J.R. 1909(a) |
| 18:12A-1.2                 | County tax boards: member education   | 17 N.J.R. 683(a)  | R.1985 d.261 | 17 N.J.R. 1439(a) |
| 18:15-2.1—2.6              | Farmland assessments  | 17 N.J.R. 903(a)  | R.1985 d.310 | 17 N.J.R. 1587(a) |

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| 18:17-4.1         | Local property tax: assessor duties                                   | 17 N.J.R. 1870(a)                 |                 |                                   |
| 18:23A            | Tax maps  | 17 N.J.R. 1068(b)                 | R.1985 d.381    | 17 N.J.R. 1910(a)                 |
| 18:24-2.3         | Sales and use tax: ADP record retention                               | 17 N.J.R. 2240(a)                 |                 |                                   |
| 18:24-12          | Sale of food and drink  | 17 N.J.R. 178(a)                  | R.1985 d.280    | 17 N.J.R. 1440(a)                 |
| 18:24-24.2        | Sales tax and gas station equipment                                   | 17 N.J.R. 2387(a)                 |                 |                                   |
| 18:25             | Luxury Tax rules  | 17 N.J.R. 2241(a)                 |                 |                                   |
| 18:26-11.1        | Transfer Inheritance Tax: spousal waiver                              | 17 N.J.R. 2241(b)                 |                 |                                   |
| 18:35-1.18        | Extension of time to file Gross Income Tax Return                     | 17 N.J.R. 1643(a)                 | R.1985 d.454    | 17 N.J.R. 2146(a)                 |
| 18:37             | Spill Compensation and Control Tax rules                              | 17 N.J.R. 1074(a)                 | R.1985 d.382    | 17 N.J.R. 1915(a)                 |
| 18:37-2.2         | Transfer of hazardous substances other than petroleum or its products | 17 N.J.R. 1540(a)                 | R.1985 d.455    | 17 N.J.R. 2147(a)                 |

(TRANSMITTAL 28, dated April 15, 1985)

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

|   |  |                   |              |                   |
|---|--|-------------------|--------------|-------------------|
| 19:4-4.33, 4.35, 4.36, 4.37, 4.39, 4.40, 4.42, 6.28 | Hackensack Meadowlands waterfront recreation zone      | 16 N.J.R. 3423(b) | R.1985 d.408 | 17 N.J.R. 1916(a) |
| 19:4-4.142  | Meadowlands: granting zoning variances                 | 17 N.J.R. 1871(a) |              |                   |
| 19:4-6.28   | Change in zoning designation                           | 17 N.J.R. 385(b)  |              |                   |
| 19:4-6.28   | Meadowlands: official zoning map change                | 17 N.J.R. 1872(a) |              |                   |
| 19:25-2.6   | Facsimile signatures                                   | 17 N.J.R. 1399(b) | R.1985 d.238 | 17 N.J.R. 1917(b) |
| 19:30-4.4   | Targeting of EDA assistance                            | 17 N.J.R. 1872(b) | R.1985 d.499 | 17 N.J.R. 2454(a) |
| 19:30-7   | Economic Development Authority: private activity bonds | 17 N.J.R. 1750(a) | R.1985 d.500 | 17 N.J.R. 2454(b) |

(TRANSMITTAL 26, dated May 20, 1985)

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

|                            |   |                   |              |                   |
|----------------------------|---|-------------------|--------------|-------------------|
| 19:41-2.8                  | Fire safety unit  | 16 N.J.R. 3195(a) |              |                   |
| 19:41-9.1, 9.4, 9.19, 9.20 | Crediting of Casino Control Fund surplus: fees for services to other agencies | 17 N.J.R. 2242(a) |              |                   |
| 19:43.45                   | Pre-proposal: Rules governing casino industry bus operations                  | 17 N.J.R. 1401(a) |              |                   |
| 19:45-1.1, 1.25            | Acceptance by casinos of checks issued by other casinos                       | 17 N.J.R. 2245(a) |              |                   |
| 19:45-1.25                 | Patron credit and identity verification: revised operative date               | _____             | _____        | 17 N.J.R. 1917(b) |
| 19:45-1.27                 | Correction: Granting of patron credit   | 17 N.J.R. 181(a)  | R.1985 d.229 | 17 N.J.R. 1673(c) |
| 19:45-1.27                 | Patron credit   | 17 N.J.R. 1254(a) | R.1985 d.493 | 17 N.J.R. 2456(a) |
| 19:45-1.33                 | Counting and recording contents of drop boxes                                 | 17 N.J.R. 1752(a) | R.1985 d.495 | 17 N.J.R. 2457(a) |
| 19:45-1.37                 | Issuance and use of tokens for slot machines                                  | 17 N.J.R. 184(a)  |              |                   |
| 19:46-1.26, 1.27, 1.33     | Issuance and use of tokens for slot machines                                  | 17 N.J.R. 184(a)  |              |                   |
| 19:52-1.4                  | Correction: Prohibited entertainment activities                               | _____             | _____        | 17 N.J.R. 1684(a) |

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