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THE NEW JERSEY REGISTER

Vol. 2—No. 3

NEW JERSEY, THURSDAY, MARCH 5, 1970

2 N. J. R. 21



THE NEW JERSEY REGISTER

A Publication of the State of New Jersey

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Paul J. Sherwin, Secretary of State
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The New Jersey Register is published the Thursday after the first Monday of each month by the Division of Administrative Procedure of the Department of State, 10 North Stockton Street, Trenton, New Jersey 08608. Telephone: (609) 292-6060.

The New Jersey Register is printed and distributed through the facilities of the New Jersey Law Journal, designated pursuant to the Administrative Procedure Act, Chapter 410, Laws of 1968 (N.J.S.A. 52:14B-1 et seq.), as the official organ for publication.

The New Jersey Register is printed and distributed by the New Jersey Law Journal without compensation, as a service to the State of New Jersey and the legal profession. The New Jersey Register is the official publication containing notices of proposed rules and rules filed by the administrative agencies of the State pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-5.

Subscriptions to the New Jersey Register are available from the Division of Administrative Procedure. One year, \$6. Single issue, 50 cents.

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THURSDAY, MARCH 5, 1970

NOTICE OF RULE MAKING ACTIVITIES OF STATE AGENCIES

The following digests, notices, and texts of rules, regulations and codes filed by Administrative Agencies during the preceding month have been prepared by the Office of the Director of the Division of Administrative Procedure, Department of State, pursuant to Section 4 (a) (1) and Section 7 (b) of Chapter 410 of the Laws of 1968.

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Budget Message - February 16, 1970

Following are selected highlights and excerpts from Governor William T. Cahill's first Budget Message to the Legislature February 16, 1970:

This . . . budget totals \$1,590,118,803 . . .

The Budget projects . . . [a] . . . surplus of \$75 million. . . about 4 1/2% of the resources expected to be available next year. It compares with the . . . surplus of fiscal . . . 1969 of \$127 million, and the . . . surplus of the current fiscal year, which we estimate will be \$125 million.

GENERAL STATE OPERATIONS

My recommendations for general State operations include significant increases in next year's counterparts of present programs for State Police, motor vehicles, work incentive, rehabilitation, higher education, institutions and agencies and State employee salaries and benefits. The aggregate increase for general State operations is \$98.5 million.

Likewise there is an increase in State aid to local districts of \$123.4 million, representing next year's counterparts of this year's programs for Medicaid, aid to dependent children, mental health, aid to local school districts, county colleges, local libraries, the teachers' pension fund, crippled children, property and railroad tax replacements and assistance for community affairs programs.

I have increased recommendations for capital construction by \$9.9 million, including the correction of conditions at the Martland Hospital in Newark, medical college construction, construction of State Police and motor vehicle facilities, improvement of State park and recreation facilities, miscellaneous construction and advanced planning at our State colleges, and highway construction.

LAW AND PUBLIC SAFETY

. . . This Budget recommends \$51.3 million in operating funds for the Department, . . . an increase of \$4.7 million . . .

. . . there is a significant increase of \$400,000 for . . . the Statewide Law Enforcement Information Network System (SEINE), . . .

. . . I am recommending eight added positions in the Division on Civil Rights, . . .

For the Division of State Police I am recommending . . . \$21.3 million, . . . an increase of \$1.7 million . . .

Improved Communications

Increases totalling \$338,173 are being recommended for a major program of expanding the capability of the State Police communications system . . .

For the Division of Motor Vehicles this Budget recommends operating funds of \$21.9 million, an increase of \$2.2 million over the current year. This will give added support . . . for traffic safety in the following areas:

—an increase of \$792,000 for normal salary increments and for 59 added positions . . .

—an increase of \$311,868 for full year implementation of the Liability Insurance Certificate Program . . .

—an increase of \$1,039,100 for the added cost of reflectorized license plates on a full-year basis, . . .

INSTITUTIONS AND AGENCIES

I am recommending an appropriation of \$165.2 million for this Department which represents increases of \$3.9 million for the Division of Mental Retardation, \$1.8 million for the Division of Mental Health and Hospitals, \$2.3 million for the Division of Correction and Parole, \$2.9 million for the Division of Public Welfare, and \$6.5 million for the Division of Medical Assistance and Health Services. The Office of the Public Defender, which is assigned to the Department for administrative purposes, is recommended for a \$1.9 million increase.

Day Care Center Growth

. . . An increase of \$904,000 is recommended to provide for training the additional 211 children and to provide equipment for the eight new centers. . .

An increase of \$51,000 in the cost of family care for retarded children results from making provision for 25 additional children and authorizing a rate of \$1,620 per year per child for the entire family care population. The Purchase of Residential Care program for retarded children increases by \$285,000 to \$2,160,000. . .

Correction and Parole

. . . I recommend an appropriation of \$8.5 million, an increase of \$1 million over the current year, for all costs at the prison locations at Trenton, Rahway and Leesburg including custodial staff to reactivate a section at the Trenton State Prison and all other increased operational needs.

Child Care

The Budget provides for an increase in the average number of children under supervision of the Bureau of Children's Services from an estimated 20,400 children in fiscal year 1969-70 to an estimated 21,430 in fiscal year 1970-71 at an additional expense of \$300,468 for 84 new positions.

WIN Program

The recommendation of \$1,901,250 represents the State's 25% share of the cost of providing this service . . . The Federal government pays 75%.

Legal Representation for Indigents

. . . the budget recommendation provides for 354 budgeted positions in fiscal year 1971 versus 182 in fiscal year 1970 and for legal and investigative services in the amount of \$1,519,343. In all, next year's recommendations are for \$5,017,394, an increase of about \$1.4 million over funds expected to be available this year.

Public Assistance

Total recommendations for public assistance next year are \$144,733,000 as compared with \$127,489,000 for fiscal year 1969-70, an increase of \$17,244,000.

Aid to Community Mental Health Services

The increase of \$1,650,000, in the Community Mental Health Services—State Aid account results from Chapter 74, P.L. 1969 . . .

Medicaid Program

. . . The estimated case load for fiscal 1970-71 is 454,800 persons or one out of every 16 residents. The total cost of payments to providers of service to that case load is estimated at \$159,320,000, of which \$75,995,000 is Federal funds and \$83,325,000 is State funds.

The estimated cost to administer Medicaid is \$11,215,196 of which \$6,255,000 is Federal matching funds. More than two-thirds of this money is payable to third-party fiscal agents, Prudential and Blue Cross.

HEALTH

Narcotic and Drug Abuse

IN THIS ISSUE

EXECUTIVE — Governor Cahill's First Budget Message	2 N.J.R. 21
EXECUTIVE — Proclamation Declaring State of Emergency	2 N.J.R. 22(a)
EXECUTIVE — Order to Health Commissioner	2 N.J.R. 22(b)
COMMUNITY AFFAIRS — Recruitment and Training Program	2 N.J.R. 23(a)
CONSERVATION AND ECONOMIC DEVELOPMENT—Pollution by Boats	2 N.J.R. 23(b)
EDUCATION — Kindergarten Class Enrollment	2 N.J.R. 23(c)
HEALTH — Commissioner's Order	2 N.J.R. 24(a)
HEALTH — Commissioner's Order	2 N.J.R. 24(b)
HEALTH — Commissioner's Order	2 N.J.R. 24(c)
HEALTH — Commissioner's Order	2 N.J.R. 24(d)
INSTITUTIONS AND AGENCIES — Categorical Assistance Budget Manual	2 N.J.R. 24(e)
INSTITUTIONS AND AGENCIES — Food Stamp Program Manual	2 N.J.R. 24(f)
INSTITUTIONS AND AGENCIES — Medical Assistance for the Aged Manual	2 N.J.R. 24(g)
STATE — Athletic Commission Rules	2 N.J.R. 27(a)
TREASURY — Agricultural Commodity Distribution	2 N.J.R. 28(a)
TREASURY — Emergency Transportation Tax Liability	2 N.J.R. 28(b)
TREASURY — Emergency Transportation Tax Rule	2 N.J.R. 28(c)

. . . The recommendation of \$475,000 for the Narcotic and Drug Abuse program . . . represents largely a continuation of some of the programs formerly budgeted under the Department of Institutions and Agencies.

Also, there is recommended under Health—State Aid, a sum of \$600,000 to finance county drug addiction treatment centers throughout the State. . .

Improvement of Delivery of Health Services

. . . my recommendation includes an additional \$1.2 million in the Health—State Aid account for greater support of local health services. Also, my recommendation provides for \$300,000 for urban health centers . . .

Crippled Children

I have included an increase of \$628,000 for the Crippled Children's program to meet hospital and convalescent care costs . . .

TRANSPORTATION

For the operation, construction and State aid responsibilities of the State in all fields of transportation services, I am recommending \$127 million, an increase of \$6 million. . . \$10.3 million is allocated to continue the subsidy necessary to assure minimum service under contracts between the railroads and the Commuter Operating Agency. . .

An amount of \$31.4 million is recommended for grants to local governments under the various State aid programs of this Department . . .

. . . this Budget recommends an amount of \$17.8 million to be used along with balances from present appropriations to match completely the Federal aid available to New Jersey for the 1971 fiscal year. . .

An increase of \$1 million, to a total of \$3 million is recommended for major resurfacing, reconstruction, and repair of existing State highways. . .

CONSERVATION AND ECONOMIC DEVELOPMENT

. . . \$28.7 million are recommended to carry on . . . the programs of the Department . . . This sum includes \$931,000 for . . . the Division of Water Policy and Supply. . .

. . . An amount of \$4 million is recommended for capital construction projects at our State parks. . .

This Budget recommends an amount of \$523,000 for the enforcement of health regulations relating to . . . shellfish . . .

Funds of \$1.3 million are included for the operation of the Bureau of Forestry. . .

The recommendations of this Budget highlighted a serious deficit in the funding of this Department's Boat Regulation Commission and marine patrol. Against projected requirements of \$840,000, I can only recommend an amount of \$400,000. . .

An amount of \$837,000 is recommended for operation of the Division of Economic Development including \$500,000 for promotion expenses of the State and a small sum to enable the Division to assume its responsibility as the State's primary demographic agency.

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ATAI

Budget Message—continued

PUBLIC UTILITIES

The \$1.5 million recommended as a direct appropriation to this Department will be financed through assessments on the utility companies which it regulates . . .

Public Broadcasting Authority

I am proposing the appropriation of \$2.8 million as evidence of my interest in New Jersey's entry into the field of television broadcasting.

DEFENSE

An appropriation of \$4.1 million is recommended for . . . this Department. This sum includes \$583,000 for . . . the Division of Civil Defense . . .

CIVIL SERVICE

. . . this Budget recommends \$3.4 million, an increase of \$300,000 over the current year.

The recommendation includes \$77,293 for 17 new positions . . . for system improvements in central office procedures, for speedier services to the 283 local jurisdictions now under civil service and for a modest expansion of State employee training. . . .

LABOR AND INDUSTRY

Manpower

. . . I am recommending, therefore, funds in the amount of \$800,000 to continue the existing Work Incentive Training program at its present scale of 3,000 training opportunities through the next fiscal year. This sum will match about \$3.2 million in Federal funds.

OTHER FUNCTIONS

As for the regulatory functions in the Department of Labor and Industry, . . . the Department of State, the Department of Agriculture and the Department of Banking and Insurance, the total . . . recommended . . . is for \$16.4 million which . . . includes . . . \$150,000 to establish the Department of Banking.

THE GOVERNOR'S EMERGENCY FUND

My recommendations . . . include the usual sums for unforeseeable conditions, . . . compensation awards for State employees . . . and \$350,000 to meet the cost of any . . . rise in the price of . . . supplies . . . for . . . our institutions . . .

TREASURY

. . . this Budget recommends a total of \$25.1 million, or an increase of \$1.8 million over the current year.

Recommendations include \$120,551 for 15 new positions for . . . State purchasing and investment programs, \$70,000 for 12 added staff . . . [for] . . . accounting and budgeting procedures, and \$50,000 for the continuing study of State employment conditions pursuant to Chapter 304, P.L. 1968.

EDUCATION

This Budget recommends . . . \$649.8 million . . . Aid to local school districts represents . . . \$319.4 million. Included . . . is \$216.9 million . . . for local school districts. Funds . . . for education of the handicapped increase . . . to \$29.1 million.

There is included . . . \$2.6 million for adult education . . . For vocational education, . . . \$4 million which will be matched by Federal and local sources.

For transportation of children . . . the State's 75% share will increase . . . to \$28.3 million.

State contributions to pensions and fringe benefits of teachers . . . will increase . . . to \$129.3 million.

School building aid debt service amounts to \$3.1 million.

The State aid . . . [for the] . . . school lunch program will amount to \$3.4 million. . . .

HIGHER EDUCATION

The . . . budget includes . . . \$198.1 million for . . . higher education, an increase of \$43.6 million . . . This includes \$131.7 million for . . . Rutgers . . . ; the six State Colleges . . . ; the New Jersey College of Medicine and Dentistry; the Newark College of Engineering; and the State School of Conservation, and for . . . two new State colleges.

"Open Door" Policy

. . . I have recommended \$22.6 million for financial aid to . . . an estimated 27,200 students. Included . . . is \$9.8 million, which will aid approximately 7,100 . . . who will thus be enabled to attend college under the "Open Door" policy. . . .

Higher Education Capital Construction

In addition to . . . \$8 million for the redemption of bonds for higher education construction, I am recommending . . . \$4 million . . . to permit . . . renovations of the Martland Hospital . . . to supplement teaching hospital facilities to be provided at the New Jersey College of Medicine and Dentistry. . . . Medical Education . . .

. . . I have recommended additional capital appropriations totaling \$6.4 million for . . . development of [the New Jersey College of Medicine and Dentistry and Rutgers Medical School] . . .

The combined total recommended for the operation of both institutions . . . is \$13.4 million.

COMMUNITY AFFAIRS

The . . . recommendation for this Department . . . is \$29.2 million—\$3.3 million for direct operating costs, and \$25.9 million for State aid programs.

. . . \$12 million [is] for supplementary municipal aid. . . . \$7.2 million [is] for housing and urban renewal programs, exclusive of the \$2.7 million . . . for . . . the Model Cities programs. Taken together, the \$9.9 million . . . is expected to produce about \$25.5 million in Federal grants . . .

Of the \$7.2 million for housing and urban renewal . . . \$6.1 million is . . . [for] . . . the development of new housing units and upgrading . . . existing housing units for low-income and middle-income residents . . .

. . . Along with local funds, the \$3 million recommended for assistance to local agencies for community action, legal services, economic development, and government personnel training programs will attract at least \$26.1 million in Federal funds to New Jersey.

. . . I have recommended \$1 million for aid to local agencies in establishing and operating day care centers . . .

The Neighborhood Education Center Act of 1968 . . . authorized . . . eight such centers . . . By July, 1970 five centers will be in operation with a capacity for 200 students, and I have recommended \$600,000 for their continued operation . . .

Another \$1.6 million . . . will provide for direct advice and assistance programs to local and county governments . . .

EMPLOYEES SALARIES AND BENEFITS

. . . although I have provided \$30 million in this Budget for salary adjustments or other benefits, it must not be interpreted as being a commitment across-the-board to all State employees. I can assure the State employees, however, that there will be careful analysis, compassionate considerations and just determinations. . . .

THE JUDICIARY

I am proposing . . . \$8.3 million, an increase of \$300,000 for operations of The Judiciary, including funds for 26 new positions. . . .

(a)

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Proclamation Declaring State of Emergency

PROCLAMATION

WHEREAS, the Governor of the State of New Jersey is charged with the responsibility of protecting the health, safety and welfare of the citizens of this State; and

WHEREAS, in order to insure such protection it is necessary to provide for the uninterrupted treatment and disposal of sewage; and

WHEREAS, six of the sewage treatment facilities in New Jersey, namely, Middlesex County Sewerage Authority; Passaic Valley Sewerage Commissioners; Bergen County Sewer Authority; Joint Meeting, comprising twelve municipalities in Essex and Union Counties known as Elizabeth Joint Meeting; Linden-Roselle Sewerage Authority; and Rahway Valley Sewerage Authority, process one-half of the sewage of this State; and

WHEREAS, the aforementioned facilities are engaged in the treatment of sewage and the disposal thereof by means of having solid waste, commonly called sludge, transported in barges which are pulled to sea by tugs, at which point the sludge is dumped into the ocean; and

WHEREAS, the amount of sludge disposed of into the sea through the use of barges and accompanying tugs is 5,300 tons per day; and

WHEREAS, the tugs which are used in the aforesaid operations are privately owned; and

WHEREAS, the personnel who operate the tug boats necessary in the removal and disposal of sludge are members of Local 333, United Marine Division, National Maritime Union, which Union and its members are presently engaged in a state of strike and have been for seven days, as a result of which the tug boat operations have been discontinued preventing the removal of the sludge by barges into the ocean; and

WHEREAS, because of sludge accumulation, the treatment plants will not be able to function, causing approximately 500 million gallons per day of raw sewage to flow into the waters of the Raritan Bay, Upper New York Harbor, Arthur Kill, Newark Bay and Hackensack River; and

WHEREAS, the control of this situation is beyond the capabilities of local authorities; and

WHEREAS, the continuing disposal of raw sewage into the various waterways, with its staggering pollution effects, will imminently cause danger, and great and irreparable harm to the health and safety of the citizens of this State, its natural marine life resources, and its shore areas; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251, and any amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, in order to prevent further danger to the health, safety and welfare of the citizens of the State of New Jersey, its natural marine life, and shore areas, do hereby declare and proclaim that a state of emergency exists in this State.

FURTHER, I do hereby invoke such emergency powers as are conferred upon me by the Laws of 1942, Chapter 251, and all amendments and supplements thereto, as shall be announced by order, rule or regulation promulgated under said act until such time as it is declared by me that a state of emergency no longer exists in this State.

GIVEN, under my hand and the Great Seal of the State of New Jersey, this seventh day of February in the year of our Lord one thousand nine hundred and seventy and in the Independence of the United States the one hundred and ninety-fourth.

William T. Cahill
GOVERNOR

By the Governor
Jean E. Mulford
Acting Secretary to the Governor

(b)

EXECUTIVE

GOVERNOR WILLIAM T. CAHILL

Order to Commissioner of Health

ORDER

WHEREAS, on February 7, 1970, pursuant to the power and authority vested in me by the Constitution and the laws of the State of New Jersey, particularly, P.L. 1942, c. 251 (Disaster Control During Emergency) and all amendments and supplements thereto, I have declared that a state of emergency exists in the State of New Jersey; and

WHEREAS, the Laws of 1942, Chapter 251 (Disaster Control During Emergency) and all amendments and supplements thereto, authorizes the promulgation of such orders, rules and regulations as are necessary to meet the various problems presented by the emergency;

NOW THEREFORE, I, William T. Cahill, Governor of the State of New Jersey, do hereby ORDER AND DIRECT:

1. The Commissioner of the Department of Health (hereinafter referred to as the Commissioner) to utilize and employ all the available resources of the State Government and of each and every political subdivision of this State, whether of men, properties or instrumentalities and to commandeer and utilize any personal services and any privately owned property (including, but not by way of limitation, barges, tug boats or other vessels) necessary to abate the aforementioned emergency situation in the State of New Jersey and necessary to transport to designated disposal areas and effect disposal at the earliest possible date any and all sewage sludge from the treatment facilities known as Middlesex County Sewerage Authority; Passaic Valley Sewerage Commissioners; Bergen County Sewer Authority; Joint Meeting comprising twelve municipalities in Essex and Union Counties known as Elizabeth Joint Meeting; Linden-Roselle Sewerage Authority and Rahway Valley Sewerage Authority.

2. The Commissioner to take any and all steps necessary with regard to the transportation and disposal of sewerage from the aforementioned treatment facilities to disposal areas.

3. In carrying out the provisions of this Order, the Commissioner shall be deemed to be the agent of the Governor and shall have full authority, unless otherwise ordered by the Governor, to adopt such rules, regulations, orders and directives as he shall deem necessary. The Commissioner may provide for such exemptions or exclusions from any rule, regulation or order adopted if he shall deem that there is not a need or a necessity for uniform application of such rules, regulations, orders or directives.

4. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agent or employee of every political subdivision in this State and of each member or all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate with the Commissioner in all matters concerning this emergency.

Executive Order—continued

5. All State officials and agencies shall cooperate fully with the Commissioner and the Department in the implementation of this Order.

6. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law.

7. This Order shall remain in effect until termination of the state of emergency declared by the Governor in the aforementioned proclamation of February 7, 1970.

GIVEN, under my hand and the Great Seal of the State of New Jersey, this seventh day of February in the year of our Lord one thousand nine hundred and seventy and in the Independence of the United States the one hundred and ninety-fourth.

William T. Cahill
GOVERNOR

By the Governor
Jean E. Mulford
Acting Secretary to the Governor

(a)

COMMUNITY AFFAIRS
OFFICE OF COMMUNITY SERVICES

Proposed Regulations for the Recruitment and Training Program

The Commissioner of Community Affairs, pursuant to authority delegated in N.J.S.A. 52:27D-3, proposes to adopt, Chapter 61 of Title 5 of the New Jersey Administrative Code, Regulations governing the Recruitment and Training Program in the Office of Community Service, as follows:

CHAPTER 61. RECRUITMENT AND TRAINING PROGRAM

SUBCHAPTER 1. Description and General Provisions

5:61-1.1 General Description.
The Recruitment and Training Program in the Office of Community Services shall consist of the New Jersey Community Development Training Program, the Interns in Community Service Program, the Community Employees Talent Bank, and such other programs and activities as the Commissioner or the Director may assign to the Program.

5:61-1.2 Definitions.
As used in this Chapter, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

- a) "Administrator" means the Administrator of the Recruitment and Training Program.
- b) "Commissioner" means the Commissioner of Community Affairs.
- c) "Department" means the New Jersey Department of Community Affairs.
- d) "Director" means the Director of the Office of Community Services.
- e) "Division" means the Office of Community Services in the Department of Community Affairs.
- f) "Local government agency" shall mean any New Jersey municipal or county government, and any New Jersey municipal, county, regional, or other public agency, such as a housing authority, planning board, non-profit or limited dividend housing corporation or association, Community Action Agency, Model Cities agency or citizen participation structure, or some other similar local agency located in this State.
- g) "Local official" means any officer or employee of any local governmental agency, or any individual who has been offered a position by any local governmental agency upon completion of a training program conducted pursuant to this Chapter.
- h) "State official" means any officer or employee of the State of New Jersey, or of any department, agency or authority thereof.

5:61-1.3 Administrator.
Under the supervision of the Director, the Recruitment and Training Program shall be administered by an Administrator, who shall be designated by the Commissioner from among the employees of the Department, and who shall serve as Administrator at the pleasure of the Commissioner.

5:61-1.4 Correspondence.
All correspondence and inquiries regarding the Recruitment and Training Program should be addressed to the Administrator, Recruitment and Training Program, Office of Community Services, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

SUBCHAPTER 2. New Jersey Community Development Training Program

5:61-2.1 General Description.
The New Jersey Community Development Training Program is designed to help provide capable and skilled personnel at the State and local levels, so that they may have the technical knowledge necessary to plan and carry out community development activities in fields such as municipal and county finance and administration, housing, public health, anti-poverty, public safety, and other programs designed to improve the quality of life in our communities. Grants are made available through State-aid, and through the United States Community Development (Title VIII) Training Program.

5:61-2.2 Title VIII Program.
The United States Community Development Training Program is conducted under Title VIII of the United States Housing Act of 1964, P.L. 88-560, 20 USC 801, which enables states to provide educational and training opportunities for persons in or about to enter the public service in community development fields. The Department has been designated by the Governor as the State Title VIII Agency for New Jersey. Pursuant to this designation, the Department makes grants and conducts training programs subject to the restrictions and requirements of the Housing Act of 1964, and pursuant to the regulations and guidelines established by the United States Department of Housing and Urban Development.

5:61-2.3 State-aid Grants: Purposes.
State-aid grants for training programs may be made to any person, association, corporation, agency, or other entity, to match non-State Fund grants for training programs for State and local officials pursuant to this Subchapter.

5:61-2.4 State-aid Grants: Priorities
In considering proposals and applications for State-aid training assistance, the Administrator shall give priority to those proposals which appear best designed to promote the establishment and maintenance of programs for the training of local government officials and personnel, and to proposals which appear best designed to assist local government in the solution of its problems, to strengthen local self-government.

5:61-2.5 Training for Local Officials.
State-aid grants for training programs for local officials may be made to provide training in any field or subject directly or indirectly related to any of the duties of the local officials being trained.

5:61-2.6 Training for State Officials.
State-aid grants for training programs for State officials may be made to provide training in a field or subject which is directly related to those functions of the officials which are primarily designed to provide direct assistance to local communities.

5:61-2.7 Local Share Required.
Except for programs included as part of an approved application for a United States Community Development (Title VIII) Training Program grant, each State-aid training program grant must be matched by not less than a like sum from non-State Fund sources. Subject to the approval of the Director, this sum may be made available in cash or in services.

5:61-2.8 Stipends and Salaries not Included.
State-aid training funds may not be used to pay stipends or salaries for trainees. Trainees receiving on-the-job training shall be paid by the employing agency, with State-aid training funds paying only the cost of training itself. Subject to the prior approval of the Director, stipends or salaries paid to on-the-job trainees may be credited toward the local share, if any, required pursuant to Section 2.6.

5:61-2.9 Training by the Department.
Subject to the approval of the Commissioner, the Administrator may arrange to have any Title VIII or State-aid training program conducted directly by the Division, or by any other division, agency, bureau, or office in the Department.

SUBCHAPTER 3. Community Employees Talent Bank

5:61-3.1 General Description.
The Community Employees Talent Bank is designed to assist local governmental agencies in recruiting personnel trained in various administrative, professional, and technical skills. The Administrator maintains a Talent Bank File of resumes from sources throughout the State and nation. These resumes contain the names and qualifications of individuals who have expressed an interest in local government positions in New Jersey. Copies of these resumes are made available upon request to any local governmental agency in the State.

5:61-3.2 Submission of Resumes.
Any individual interested in professional employment with any local governmental agency in New Jersey may submit a resume to the Administrator to be included in the Talent Bank File. In addition to such information as the individual may deem relevant, the resume shall include the following information:

- a) name, age, and place of residence;
- b) educational qualifications;
- c) employment record;
- d) military service, if any;
- e) nature of position desired; and
- f) restrictions on place of employment, if any.

All resumes submitted for filing shall be filed in the Talent Bank File for not less than one year from the date of submission, unless a shorter period is requested by the individual filing the resume.

5:61-3.3 Submission of Requests.
Any local governmental agency in New Jersey may submit a request to the Administrator for copies of resumes from the Talent Bank File. Such requests shall describe, in as much detail as the Administrator may deem necessary, the nature and duties of the position sought to be filled. The Administrator shall review the resumes in the Talent Bank File, and he shall send the requesting municipality or county copies of those resumes which he believes to be appropriate for the position described.

5:61-3.4 Resumes Open to Inspection.
All resumes filed in the Talent Bank shall be open to inspection by a representative of any local governmental agency during ordinary business hours at the principal offices of the Recruitment and Training Program, 363 West State Street, Trenton, New Jersey 08625.

Any interested person may present statements or arguments in writing relevant to the proposed action at the Office of Community Services, Department of Community Affairs, Post Office Box 2768, Trenton, New Jersey 08625 on or before March 31, 1970.

The Commissioner of Community Affairs, upon his motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

Edmund T. Hume, Commissioner
Department of Community Affairs

(b)

CONSERVATION AND ECONOMIC DEVELOPMENT

BOAT REGULATION COMMISSION

Proposed Regulation Concerning Water Pollution by Boats and Vessels

The Boat Regulation Commission, pursuant to authority delegated in N.J.S.A. 12:7-34.49 and 12:7-34.50, proposes to adopt the following amended version of a rule originally proposed in a Notice published November 27, 1969 at 1 N.J.R. 17(e) concerning water pollution by boats and vessels.

REGULATION No. 1-36 POLLUTION

Any person who discharges, or suffers or permits the discharge from a boat, vessel or any contrivance designed or used for navigating in or upon water, of any waste, debris, refuse, chemical or any other matter or material by any method, means or manner into or upon any waterway, artificially constructed lagoon or any of the waters of this State, is a disorderly person, and upon conviction shall be punished by a fine of not more than \$100.00 for the first offense or imprisonment of ten days or both. Any person who violates any provision of this regulation for a second time shall be subject to a fine to exceed \$200.00 or imprisonment for twenty days or both.

a. Any person who operates a vessel, or who is the captain of a vessel, or who is charged with the operation of a vessel in or upon any waterway, artificially constructed lagoon or any of the waters of this State is deemed, for the purposes of this regulation, to have given his consent to the discharge of any waste, debris, refuse, chemical or any other matter or material by any method, means or manner into or upon said waters from said vessel.

b. It shall be the duty of the owner or the operator of any boat, vessel or any contrivance designed or used for navigating in or upon water from which is discharged or suffered or permitted the discharge, or any person who discharges, or suffers or permits the discharge from a vessel, of any waste, debris, refuse, chemical or any other matter or material by any method, means or manner to take immediate measures to recover such litter or material from upon, in or under said waters of this State.

c. Nothing in this regulation shall be construed as applying to the operation or use of a marine toilet installed in any vessel using the tidal waters of this State.

Any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action to:
James K. Rankin, Chief
Bureau of Navigation
Division of Resource Development
Department of Conservation and Economic Development
Room 711, Labor and Industry Building
John Fitch Plaza
Trenton, New Jersey 08625
on or before March 30, 1970.

The Boat Regulation Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

Jack Sullivan, Chairman
Boat Regulation Commission

(c)

EDUCATION

STATE BOARD OF EDUCATION

Kindergarten Class Enrollment

Carl L. Marburger, Secretary to the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, adopted an amendment to N.J.A.C. 8:26-12 "Enrollment (formerly Section 5, page 11, Rules of the Commissioner)" substantially as proposed in the Notice published December 1969, at 1 NJR 28(c).

The amended rule as adopted follows:
8:26-12 Enrollment (formerly Section 5, page 11, Rules of the Commissioner)

The maximum enrollment for any kindergarten shall not exceed twenty-five pupils per teacher, except by permission of the county superintendent of schools granting exceptions the county superintendent shall give full consideration to the need for employment of a teacher or teacher aide.

An order adopting this amended rule was filed and came effective February 17, 1970 as R. 1970 d.18.

Leon S. Wilson
Director of Administrative Proc

HEALTH

COMMISSIONER

Order - February 8, 1970

ORDER

Pursuant to the authority vested in me by Order of the Governor on February 7, 1970, declaring a state of emergency in accordance with P.L. 1942, c. 251, and amendments and supplements thereto, I hereby seize, commandeer and utilize for the use and benefit of the State of New Jersey the following personal services and property and direct the State Police to obtain such personal services and property: Barge "Judson K. Stickle" owned by A & S Transportation Co., and the crew of the said Barge is directed to man the vessel as employees of the State of New Jersey until further notice.

This Order to be served on Captain William Van Dorn, Vice President in charge of operations.

Barge "Raritan" owned by Modern Transportation Co., and the crew of the said Barge is directed to man the vessel as employees of the State of New Jersey until further notice.

This Order to be served on Captain William F. Geiger, President.

James Cowan, Commissioner
Department of Health

(b)

HEALTH

COMMISSIONER

Order - February 13, 1970

TAKE NOTICE, that I hereby revoke the Order of February 8, 1970 issued by me seizing, commandeering and utilizing, for the benefit of the State of New Jersey, the Barge "Judson K. Stickle" owned by A & S Transportation Co. and the crew thereof, which Order was issued pursuant to authority vested in me by Order of the Governor on February 7, 1970, declaring a state of emergency in accordance with P.L. 1942, c. 251 and amendments and supplements thereto.

This Order shall be served upon Captain William Van Doren, Vice President in charge of operations.

James Cowan, Commissioner
Department of Health

(c)

HEALTH

COMMISSIONER

Order - February 13, 1970

TAKE NOTICE, that I hereby revoke the Order of February 8, 1970 issued by me seizing, commandeering and utilizing, for the benefit of the State of New Jersey, the Barge "Raritan" owned by the Modern Transportation Co. and the crew thereof, which Order was issued pursuant to authority vested in me by Order of the Governor on February 7, 1970, declaring a state of emergency in accordance with P.L. 1942, c. 251 and amendments and supplements thereto.

This Order shall be served upon Captain William F. Geiger, President.

James Cowan, Commissioner
Department of Health

(d)

HEALTH

COMMISSIONER

Order - February 13, 1970

TAKE NOTICE, that I hereby revoke the Order of February 11, 1970 issued by me, seizing, commandeering and utilizing, for the benefit of the State of New Jersey, the Barge "Ocean Disposal #1", owned by Weeks Stevedoring Co., Inc. and the crew thereof, which Order was issued pursuant to authority vested in me by Order of the Governor on February 7, 1970, declaring a state of emergency in accordance with P.L. 1942, c. 251 and amendments and supplements thereto.

This Order shall be served upon Hedley M. Weeks, President.

James Cowan, Commissioner
Department of Health

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Categorical Assistance Budget Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:10-3, proposes to amend the Categorical Assistance Budget Manual as follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

NOTE: Delete Section 311. "Medical Care," including subsections 311.1 through 311.3 thereof.

Delete Section 311.7 "Expenses Incident to Patient Care for the Chronically Ill in a Home Other Than a Medical Institution," including subsections 311.71 through 311.73.

Delete Section 311.8 "Payments for Patient Care for the Chronically Ill in Licensed Proprietary Nursing Homes, Eligible Public Medical Institutions and Approved Infirmary Sections of Nonprofit or Charitable Homes" including subsections 311.81 through 311.86 and 311.88 thereof.

311. ALLOWANCES FOR THE CHRONICALLY ILL IN LICENSED PROPRIETARY NURSING HOMES, ELIGIBLE PUBLIC MEDICAL INSTITUTIONS, AND APPROVED INFIRMARY SECTIONS OF NON-PROFIT OR CHARITABLE HOMES

a. When a client is receiving patient care in one of the above institutions, allowances for clothing, personal incidentals, and applicable special circumstance items shall be recognized by the County Welfare Board in such client's budget. Payments for these costs shall be made in the following order:

1. from resources of the client, if any;
2. by actual money payment.

312. [SUPPLEMENTARY MEDICAL] BLUE CROSS AND BLUE SHIELD INSURANCE PREMIUM COSTS

[b] Blue Cross

1. Subject to the provisions of paragraph b.-2. below, if a client is already paying a premium for a Blue Cross and/or Blue Shield policy which provides benefits for himself, or for himself and his dependents, or for his dependents only, a recurring allowance based on actual cost shall be included in the client's budget unless the benefits included within the medical insurance or the expenses of procuring these benefits are otherwise available without cost to the client or are otherwise provided for by agency policy.

2. For any client or dependent of a client who is 65 years of age or older, the amount of the recurring allowance shall not exceed the premium cost of a Blue Cross policy which augments but does not duplicate the benefits provided by Part A of Title XVIII of the Social Security Act (Hospital Insurance Benefits).

318. EXPENSES INCIDENT TO ERRAND OR DOMESTIC SERVICE

318.4 The total cost of all regular recurring allowances, including both basic and special circumstance requirements, should be compared with [allowable basic rate for purchasing patient care in a private medical institution.] the maximum rate for patient care in a skilled nursing home. When the cost exceeds [allowable basic care rate in a private medical institution.] the maximum rate in a skilled nursing home, there must be medical and social reasons for continuing this home living arrangement. Consideration shall be given to the desirability of preserving the family unit and to the feasibility of continuing to permit the client to live in his home.

NOTE: Delete Appendix Section 4 "Increase in Monthly Allowances for Nursing Home Care Related to Minimum Wage Payment."

Any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before March 30, 1970.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(f)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Food Stamp Program Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 30:1-12, proposes to amend the New Jersey Food Stamp Program Manual by revising Exhibit B—Table I—Net Income Basis of Coupon Issuance for Categorical Assistance Households.

The purpose of this proposed revision is to liberalize the program by reducing the amount of money needed to purchase food coupons, and to provide that families of the same size receive the same total coupon allotment, which amount has been determined by the United States Department of Agriculture.

Copies of the proposed revision to Exhibit B—Table I may be obtained by writing to the Division of Public Welfare, 129 East Hanover Street, Trenton, New Jersey 08625.

Any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare at the above address on or before March 30, 1970.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed revisions without further notice.

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(g)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Changes in the Medical Assistance for the Aged Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority delegated in N.J.S.A. 44:10-3, proposes to revise the Medical Assistance for the Aged Manual as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

NOTE: Delete existing sections 0001. "Legal Citation," 0002. "General and Special Federal Requirements," and 0003. "State Determination of Scope of Programs."

[0010.] 0000. Nature of the Program

[0011.] 0001. Purpose and Intent.

[Although both OAA and MAA concern persons 65 years of age and older,] The New Jersey Program of Medical Assistance for the Aged concerns people 65 years of age or older. [It is intended that MAA shall extend assistance to [some] those individuals who normally maintain themselves but who are unable to meet the costs of specified types of medical care and are not eligible to receive medical assistance under the New Jersey Medical Assistance and Health Services Act. [This necessarily implies a higher standard of financial eligibility for MAA, but if such individuals can be protected from depletion of their resources through heavy medical expenses their subsequent need for public assistance can be obviated. On the other hand, there is no prohibition against providing services through MAA to eligible needy aged persons who might otherwise be eligible for assistance through OAA.]

[0012.] 0002. Contrast with [other Public Assistance Programs] Income Maintenance Programs.

In contrast with other public assistance programs, MAA contemplates expenditures for medical care only, and is for income maintenance. [Assistance payments under MAA may include the costs of maintenance items if State policy so determines, but under present Federal legislation such costs are not matchable.] In further contrast with other programs, the process of preparing a client's budget involves only the determination of available income and resources. When a person has been found eligible for MAA, the allowances are specified by the established rates of payment for the authorized services required by such person.

1000. Statutory Authority

1001. Legal Citation

The New Jersey Program of Medical Assistance for the Aged [was established] is authorized by Chapter 222, P.L. 1962, approved January 14, 1963, effective July 1, 1963 as further amended by Chapter 227, P.L. 1969. By its title, this legislation supplements Title 44 of the Revised Statutes.

NOTE: Delete the existing language under Section 1002. "Reference to R.S. Title 44, Chapter 7" and substitute the following:

The MAA statute, as amended, establishes several new sections in Chapter 7 of Title 44, i.e., 44:7-76 et seq. The major significance of these provisions are as follows:

a. Medical Assistance for the Aged shall be administered by the Department of Institutions and Agencies through the Division of Public Welfare and the County Welfare Boards in the same manner as the Categorical Assistance Programs.

b. The specific and more detailed eligibility requirements for programs of categorical assistance are not relevant to MAA.

c. All of the incidents of the agreement to reimburse, and the liens resulting therefrom, have no application to MAA.

d. The State shall provide such funds as may be necessary to meet expenditures for MAA.

1100. ADMINISTRATIVE ORGANIZATION

1101. Department of Institutions and Agencies

The Department of Institutions and Agencies is the administrative unit of State government which has [general cognizance over] responsibility for the administration of MAA. [In the terminology of Federal law and regulations this Department is the "single State agency."] Under the terms of the MAA law, this Department is responsible for the general policies governing administration of MAA, and for effecting the issuance of rules, regulations and administrative orders implementing the statutory provisions.

.1 Division of Public Welfare

The Division of Public Welfare is the administrative unit of the Department of Institutions and Agencies responsible for coordinating the administration of MAA with other public welfare and public assistance programs. In so doing it has supervising authority over the [Bureau of Medical Affairs and Assistance] Bureau of Local Operations. This Division also provides administration liaison with the other departmental divisions.

a. [Bureau of Medical Affairs] Bureau of Local Operations

[The Bureau of Medical Affairs was created by the MAA statute as a unit of the Division of Welfare. It provides a professional medical and para-medical staff which is advisory to the Division in all matters of health care relevant to public welfare and public assistance programs. This Bureau is specifically responsible by law to survey and maintain a roster of facilities for health services;

Institutions and Agencies—continued

develop plans, standards and rates of payments for health services; and provide professional and technical consultation to the Bureau of Assistance and the local public welfare agencies.]

The Bureau of Local Operations, a constituent unit of the Division of Public Welfare, has direct supervision over the administration of MAA, as well as all other public assistance programs. The Bureau is responsible for assuring implementation of the statutory provisions relating to such programs and the policies established by the Department of Institutions and Agencies and the Division of Public Welfare, through issuance of regulatory material approved by an administrative officer of the Division and by providing administrative supervision, consultation and evaluation related to the activities of the county welfare boards.

[b. Bureau of Assistance

The Bureau of Assistance is the unit of the Division of Welfare which has direct supervision over the administration of MAA in addition to all other public assistance programs. The Bureau is responsible for implementing the statutory provisions, and the policies established by the Department of Institutions and Agencies and the Division of Welfare, through issuance of regulatory material and by providing administrative supervision, consultation and evaluation related to the activities of the county welfare boards.]

1102. County Welfare Board**.1 Basic Administrative Responsibilities**

Each county welfare board, within its own geographical area of jurisdiction, is basically responsible for the local administration of the MAA program. [In the terminology of Federal law and regulations the county welfare board is the "single local agency".] This responsibility for administration includes receipt and processing of applications for Medical Assistance for the Aged; investigation and determination as to all factors affecting eligibility, with consequent notice to essential parties of the decision reached; authorization and processing of payments for services on behalf of eligible individuals; reinvestigation and redetermination of continuing eligibility; provision of supportive social services which will enhance cure and rehabilitation; and termination of medical assistance upon cessation of eligibility or need. The county welfare board is also responsible, within the limit of available appropriations, for providing adequate and qualified staff in various classifications necessary for effective administration of the MAA program.

[.2 Conformance to State Law and Regulations

In carrying out its administration of the MAA program each county welfare board is charged with assuring conformance with State law and official regulations and directives issued pursuant thereto. Each county welfare board is responsible for submitting prescribed reports, and for making its files and records available for review by authorized representatives of the State agency.]

NOTE: Delete Part I - Appendix I "Certificate of the Attorney General."

221. Out-patient Hospital or Clinic Services

The statute specifically provides that "there may be included in a grant of medical assistance for any of the (primary medical) services . . . the cost of out-patient hospital or clinic diagnostic and treatment services".

This statutory provision contemplates only those medical services which can be provided without admission of the individual as a bed patient.

The term "clinic services", as used in this Manual, shall be interpreted to include preventive, diagnostic, curative and restorative services furnished to an individual on an out-patient basis by a facility operating as a clinic. Such facility may or may not be an integral part of, associated or affiliated with a licensed general hospital. The facility, if not part of a licensed general hospital (private or public) must be approved as meeting either (1) the standards established by the appropriate accrediting agency, if any, specified in statute, or (2) in the absence of any statutory accreditation agency, the standards established by the Department of Institutions and Agencies and/or the Department of Health.

[A roster of such approved facilities will be maintained by the Bureau of Medical Affairs.

(Standards and rates for out-patient hospital and clinic services will be found in section 2600.)]

222. Sickroom Supplies and Medical Equipment

As used in this Manual, "sickroom supplies" includes only unusual or excessive amounts of medicine chest supplies (See Categorical Assistance Budget Manual) [and Pharmaceutical Services Plan], and specified medical supplies. [See Pharmaceutical Services Plan]. All essential sickroom supplies may be provided if prescribed or ordered, in writing, by a practitioner and authorized by the Agency.

As used in this Manual, "medical equipment" refers to certain mechanical aid items recommended in writing by a fully licensed physician as essential for the medical management of the patient. Such items are non-expendable, do not usually require special fitting to a particular individual, and may be procured either by rental or by purchase. [If the equipment is purchased by the CWB, and is to be held as the property of the CWB, this is an administrative and not an assistance expenditure. Such items may include hospital beds, wheelchairs, walkers, oxygen equipment, commodes, suction pumps, intermittent positive pressure breathing apparatus, etc.]

NOTE: Delete Section 2229. "Other Remedial Care" and "Note" following Section 2229.

2300. PERSONAL INCIDENTAL EXPENSES**.1 Statutory Definition**

The statute provides that when an individual is otherwise eligible for a grant of medical assistance there may be included therein "the cost of a reasonable allowance for personal incidental expenses; provided, however, that such costs cannot be met through other resources available to the individual (or through any other program of public assistance)."

.2 Interpretation

This statutory definition is interpreted to mean personal care items as listed in the Categorical Assistance Budget Manual, Appendix page 5; clothing; life insurance premiums; insurance premiums for Blue Cross and Blue Shield, or commercial policies providing equivalent coverage; and premiums for Supplementary Medical Insurance (Title XVIII, Part B, Social Security Act) when not subject to a vendor payment.

.3 Payment from Resources

The standards of financial eligibility for MAA contemplate that individuals eligible for this program will necessarily have sufficient income to meet normal living expenses. Thus, an allowance for personal incidental expenses as authorized by the statute shall be recognized only as an adjustment of the individual's income when determining his ability to contribute toward the costs of his medical care.

The county welfare board shall make no assistance payment for personal incidental expenses for any individual receiving MAA.

NOTE: Delete Section 2301. "Payment Through Other Resources."

NOTE: Delete 2400 Appendix-I "Agreement with the Hospital Service Plan of New Jersey."

2500. STANDARDS AND RATES FOR NURSING HOME CARE

The standards and rates for nursing home care shall be [as set forth in Categorical Assistance Budget Manual 310.8, excluding 310.86.] established by the Commissioner, Department of Institutions and Agencies.

2600. STANDARDS AND RATES FOR OTHER MEDICAL SERVICES

The standards and rates for other medical services shall be [as follows (references being to the Manual of Administration for other categorical assistance programs):

a. Out-patient Hospital or Clinic Services—as set forth in subsection 2410.12.

b. Physician's Services — as set forth in sub-section 2410.13.

c. Visiting Nurse Services — as set forth in sub-section 2410.10.

d. Physical Restorative Services—as set forth in sub-section 2410.14.

e. As to all other medical services for which no specific provision is made, and pending the establishment of state-wide standards and rates, payment shall be made in accordance with policies, procedures and rates presently established and being maintained by the several county welfare boards with respect to the other categorical assistance programs.] established by the Commissioner, Department of Institutions and Agencies.

NOTE: Delete the existing language under Section 2800. "Burial and Funeral Expenses" and substitute the following:

The MAA statute provides that an eligible person may receive a grant of medical assistance which is limited to payment for certain medical costs and a reasonable allowance for personal incidental expenses if such cost cannot be met through other resources available to the individual.

This means that payment for burial and funeral expenses cannot be made through the MAA program.

3001. Community Responsibility for Individual Need

The community recognizes that the welfare of the individual is essential to the community as a whole. As one of the numerous services which have been created in response to this principle, public assistance is provided so that needy persons can secure a minimum but adequate standard of living. The program of MAA is specifically intended to make necessary and proper health services available to aged persons who are not eligible to receive medical assistance under the New Jersey Medical Assistance and Health Services Act (Chapter 413, P.L. 1968 and who might otherwise forego such services or become financially dependent in the course of obtaining them.

3003. Basic Principles of Administration

[With the exception that certain recipients of MAA may concurrently receive some other form of public assistance, the] basic principles of administration set forth in Section 2004. of the Manual of Administration for other categorical assistance programs are equally applicable to MAA.

3101. Definitions

.5 Application (Terms Used to Classify) (Delete existing sub-section "a." and reletter existing subsections "b." through "f." as "a." through "e." respectively.)

.10 Medical Assistance

Medical assistance [is] consists of [a payment of the money amounts] payments on behalf of individuals authorized as eligible by the CWB [and] but disbursed by the State issued in the form of a check to the provider(s) of an authorized health service. [or, in the case of a personal incidentals allowance, to the recipient or his legal representative.]

3102. Responsibilities in the Application Process**.1 The [State Bureau] Division of Public Welfare**

Pursuant to statutory authority, the Department of Institutions and Agencies, through the Division of Public Welfare, [and Bureau of Assistance,] establishes policy and procedure on the application process consistent with law [and Federal requirements,] and through appropriate Bureaus of such Division, supervises the operation of and compliance with the policy and procedure so established.

.2 The County Welfare Board

The county welfare board has responsibility in the application process to:

a. Interpret the purpose and eligibility requirements of the program and indicate the applicant's rights and responsibilities under its provisions;

b. Receive applications;

c. Make known to the applicant appropriate resources and services both within the agency and the community, and, if necessary, assist him in using them;

d. Assist the applicant in exploring his eligibility for assistance, including consideration of his available income and resources;

e. Determine and report initial eligibility promptly;

f. Assure [the prompt issuance of payments] prompt notification to eligible and ineligible persons [and prompt notification to ineligible persons] regarding their status; and

g. Account to the [Bureau of Assistance] Division of Public Welfare for all applications.

3103. Policy and Procedure on Prompt Disposition**.1 Normal Standards of Reasonable Promptness**

The maximum period of time normally essential to process an application between the date of application and the date of effective disposition is thirty days. [In any situation where it is determined by the CWB on the basis of the information provided by the applicant at intake that there is immediate need for medical vendor payment, assistance shall be authorized immediately if medical eligibility is demonstrated. In order to obtain Federal matching, final validation of such cases must be completed within a period of three months beginning with the month in which payment was started.]

"Date of effective disposition" as used in the preceding paragraph means:

a. In the case of an approved application, the date on which first payment is issued to the applicant, or the date on which written notice of approval is sent to him, whichever is earlier;

b. In the case of a denied application, the date on which written notification, informing the applicant of his lack of eligibility and the reasons therefor, is sent to him;

c. In the case of a withdrawn application, the date which written notification, confirming to the client that the agency has taken cognizance of his voluntary withdrawal, is sent to him;

d. In the case of a dismissed application, the date on which written notification, informing the applicant of the dismissal and the reasons therefor, is sent to him; and, with respect to an applicant who died, whose whereabouts are unknown, or for whom an application was erroneously registered, the date on which the decision to dismiss the application is determined by the director of welfare or by the welfare board, whichever is earlier.

.2 Exceptions from Normal Standards

It is recognized that there will be exceptional cases where the proper processing of an application cannot validly be completed within the period and under the conditions specified above. Where (there is no immediate need for medical payments and where) substantially reliable evidence either of eligibility or ineligibility is still lacking at the end of the designated period, the application shall be continued in pending status in preference to an arbitrary or hasty disposition based on insufficient evidence. In each such case, however, the CWB shall be prepared to demonstrate that the delay resulted from one of the following:

a. Circumstances wholly within the applicant's control; or

b. A determination to afford to an applicant, whose proofs of eligibility have been inconclusive, further opportunity to develop additional evidence of eligibility before final action on this application; or

c. An administrative or other emergency that could not reasonably have been avoided; or

d. Circumstances wholly outside the control of both the applicant and the CWB.

3112. Application Policy and Procedure**.1 Who Has Right to Apply**

There shall be recognition of the individual's right to file an application and have his eligibility formally determined if that is the wish, even though the information immediately available indicates clearly that the individual is not eligible and this has been explained to him.

a. The general principle shall be that any person 65 years of age or older who has been found not eligible to receive medical assistance under the New Jersey Medical Assistance and Health Services Act (Chapter 413, P.L. 1968) and who believes himself to be eligible has the right to apply for assistance for himself.

b. An authorized agent, as defined in 3101.3, has the right to apply for another person.

c. In respect to the residence requirement, persons making an initial application must be residents of New Jersey at the time of application, except that section 3221.3 does provide for certain special situations affecting New Jersey residents who are temporarily absent from the State.

.2 Applications [Directly] for MAA

When [the] a person [seeking] seeks medical assistance [has not previously been receiving categorical assistance,] an application for medical assistance Form PA-1 and an affidavit for public assistance Form PA-1E are made to the welfare board of the county of residence at the time of application.

With regard to persons currently receiving patient care in or planning to enter public or private medical institutions, or nonprofit or charitable homes, who wish to make application for medical assistance, the following policy and procedures shall be observed:

a. Individual Receiving Patient Care in Medical Institution or Nonprofit or Charitable Home

1) CWB to which inquiry is directed

a) The individual who wishes to apply for medical

Institutions and Agencies—continued

assistance or the medical institution or nonprofit or charitable home acting as the referring agency should make inquiry to the CWB of the county in which the institution is located unless b) is applicable.

b) When a hospital knows the client's residence to be in a county other than that in which such hospital is located, the inquiry may be made directly to the CWB of such county if so stipulated by mutual agreement between such welfare board and the hospital.

2) Action by CWB Receiving the Inquiry

a) If it is determined that the individual is in an institution in the county of residence, the CWB shall register the application and complete action thereon. [and be responsible for any payments made.]

b) If it is determined, prior to registration of an application, that the individual's residence is in another county, the CWB which has initially received the inquiry about medical assistance shall conduct an application interview. If the individual decides to apply, he shall be assisted in completing an application Form PA-1. All relevant information which can be obtained, particularly including the date of the inquiry, shall be recorded on appropriate case record forms. However, the application will not be registered by the CWB initially handling the inquiry.

The CWB receiving the inquiry should notify the CWB of the county of residence as soon as such residence has been determined, and shall thereafter forward promptly the completed application and all available information. The CWB of the county of residence shall be responsible for immediate registration and further processing. The welfare boards concerned should, through mutual cooperation and agreement, develop and utilize whatever methods are deemed to be most effective in facilitating the processing of the application.

b. Applicant Planning to Enter Medical Institution or Nonprofit or Charitable Home in Another County

If at the point of application the individual is in the county of residence, but a plan is being made for him to enter a medical institution or nonprofit or charitable home in another county, the application shall be registered and processed by the CWB of residence even though the individual moves to such institution in advance of official action on the application.

A person should be afforded opportunity to complete an application at the time of the interpretive interview if he so desires. When a person is unable to visit the CWB office, or lacks transportation, arrangements should be made to conduct the application interview at the place where he may be. When information indicates that [a vendor payment must be made immediately on behalf of the individual in such institutions or that] the death of the individual may be imminent, the CWB should make immediate provisions for affording an opportunity for the execution of the PA-1 and PA-1E by the individual or his authorized agent.

All following provisions of 3100., the Application Process, shall primarily be applicable to applications directly for MAA.

NOTE: Delete Section 3112.3. "Certifications from Other Programs of Categorical Assistance."

3113. Initial Interview Concerning Applications Directly for MAA

It is recognized that the interview cannot proceed in any set fashion since individuals will present varying problems, and be variously ready to accept interpretation and direction. The interviewer will need skill in keeping focus on the over-all objectives even though the discussion may over-lap or digress. However, in no event shall execution of Application Form PA-1 and Form PA-1E be undertaken as the first step or objective of the interview.

More than one interview may be necessary to obtain adequate information from the client and to work out a satisfactory plan with him. Regardless of the number of interviews, or where held, the following procedures are to be observed and adapted to the situation.

4 b. Every applicant shall be given preliminary information about payment procedures [covering:] emphasizing that only vendor payments and such payments for medical services only, are provided by the program.

- 1) Vendor payment for all medical services; and
2) Issuance of check in single cash amount for the month covering personal incidental expenses, if allowable.]

3115. Registration Procedures and Record of Inquiries

1 Application [for Certification in Lieu of Application (See 3112.3)]

Official registration of an application consists of the following steps:

a. Entry in application register under appropriate classification as new, reapplication, reopened application, or transfer in.

b. Assignment of case control number (registration number) to a new application, or reassignment of previous number to a reapplication or reopened application in the series designated.

c. Preparation of Form PA-9, Registration Card.

So far as possible registration shall be completed on the same day that application for medical assistance is made. If the application is made outside the CWB office, registration shall be completed within two working days.

3117. Effective Date of Application

1 Policy

In contrast with other programs of public assistance, the statute establishing MAA contemplates retroactive payments of medical assistance, related to the date of the application, when eligibility has been affirmatively determined. In order to carry out the purposes of the statute, it is necessary to fix an effective date of the application

which is not subject to delay in affording opportunity for an interpretive interview.

Consequently, [the following rules shall apply in establishing the effective date of application for medical assistance:] the effective date of medical assistance to be entered on Form PA-1 shall be determined by the date when the earliest of the following alternatives occurs:

[a. When the individual is certified from another categorical assistance program to the program of Medical Assistance for the Aged, the effective date of the application shall be the date of execution of Form PA-1A.

b. When the individual has not been receiving categorical assistance, the effective date of the application to be entered on Form PA-1 shall be determined by the date when the earliest of the following alternatives occurs:]

a. [1] the individual or his authorized agent (see 3101.3) applies for medical assistance following an interpretive interview; or

b. [2] the CWB receives an inquiry* from an individual acting on his own behalf; or

c. [3] the CWB receives an inquiry* on behalf of a specific individual made by a legally appointed guardian or by a relative by blood or marriage.

(*A referral from a hospital shall be deemed an inquiry only when made on Form PA-1C which has been countersigned by the individual or his relative.)

3120. PROCESS OF ESTABLISHING ELIGIBILITY

2 Simplified Process for Establishing Initial Eligibility for Hospitalization

Most persons 65 years of age and older are eligible for hospital insurance benefits under Part A and certain medical services under Part B of Title XVIII, Federal Social Security Act.

Currently, such hospital insurance benefits provide for 90 days of hospital care in a participating hospital for each "spell of illness" subject to payment of a \$44 deductible covering the first 60 days and \$11 per diem coinsurance for the next 30 days. In addition, with respect to hospital care furnished after December 31, 1967, each individual will have a "life-time reserve" of 60 days of additional coverage of hospital care after the 90 days covered in a "spell of illness" have been exhausted. Coinsurance of \$22 per day will be applicable to these added days of coverage.

The lifetime reserve represents a resource which must be utilized. This means that where a client has exhausted his 90 days during a "spell of illness" the county welfare board shall not assume the full cost of any additional days of hospital care until it has established that the "lifetime reserve" of 60 days has also been exhausted.

The following procedures are designed to provide a simplified method for processing applications for payment of the deductible and coinsurance in regard to hospitalization and the deductible for covered medical services, if any, during the 90 day period only.

a. The county welfare board must verify the fact that the applicant is not eligible to receive Medical Assistance under the New Jersey Medical Assistance and Health Services Act Chapter 413, P.L. 1968.

(Reletter existing subsections "a." through "f." as "b." through "g." respectively.)

3125. Recommendation for Agency Decision

The caseworker is initially responsible for the recommendation as to whether the application should be approved or denied. If the recommendation is for approval, the recommendation includes:

a. The primary medical service for which assistance should be granted;

b. The amount of the regular monthly [payment] exemption for personal incidental expenses, if any;

c. The amount of excess income and/or resources available to be applied to the cost of authorized medical services; and

d. The date as of which client is eligible for payments of medical assistance.

The caseworker signs the Financial Eligibility Statement, Form PA-3 or initials a typescript signature.

3127. Disposition of Application [for Certification in Lieu of Application]

An application, subsequent to supervisory approval, shall be promptly acted upon by the following methods.

1 Action by Executive Authority

It is the intent of State law and policy that the normal method for disposing of applications recommended for approval shall be by the authority vested in the director of welfare to make decisions on eligibility and to issue initial payments. The director has the same authority to make case decisions other than approvals.

2 Action by Welfare Board

The only applications which should be held for the welfare board for initial action are those which require special review of the facts or of certain problems affecting eligibility, for interpretation of policy, etc.

NOTE: Delete Section 3100—Appendix II "Certification in Lieu of Application for Medical Assistance for the Aged."

3100—Appendix V. Form PA-1C(SU) (Rev. 6/65) INQUIRY FOR MEDICAL ASSISTANCE [FOR THE AGED]

To: From: County Welfare Board Hospital

Date

1. Name Last First Middle

2. Date of Admission

3. Provisional Diagnosis

4. Referring Physician

5. Birth Date

6. Permanent Home Address Phone

7. Address from which admitted Phone

8. Marital Status: Married () Single () Divorced () Separated () Widowed () (Check one)

9. Spouse: Name Phone Address

10. Next of Kin (if other than spouse) Name Phone Address

11. Names, Addresses and Phone Numbers of Other Relatives if Known

12. Monthly Income of Patient Source

13. Hospital Insurance: Blue Cross () Other (specify)

14. Employer's Name Address

15. What inquiries have been made regarding financial responsibility for the hospital bill? What were the results?

16. Does patient or relative know that an inquiry is being made for [MAA?] Medical Assistance?

17. Whereabouts: Is client still in hospital? Yes () No () If YES, anticipated address upon discharge

If NO, date of discharge Present address if known

18. Comments:

19. The above patient is being cared for in the hospital since on a ward service or general

service basis as to professional and other personal services and I believe that such patient may be eligible for [MAA.] Medical Assistance.

Signature Date Title

20. Signature of Patient or Relative:

PLEASE READ CAREFULLY BEFORE SIGNING

I understand that I must furnish certain information to the county welfare board to establish eligibility and extent of need for public assistance; that the county welfare board will help to secure this information and verify it. I will supply complete and accurate information, within my knowledge, to representatives of the county welfare board. [I hereby authorize and direct my relatives, physicians, hospital, employers, bankers, and any other person having information concerning the persons named above to furnish complete details to the county welfare board.] and will furnish pertinent documents and arrange for verification of such information by other persons and agencies, having knowledge thereof, when so requested. I understand that the information obtained will be used ONLY in connection with the application for or receipt of assistance.

Signature Date Relationship

IF NOT SIGNED BY PATIENT, EXPLAIN WHY:

3222. County Residence

County residence is not an eligibility requirement, but relates to identification of the jurisdiction responsible for receiving applications and [making payments of medical assistance.] providing services.

[1 Persons Certified from Other Programs of Categorical Assistance

Persons who are recipients under other programs of categorical assistance immediately prior to receipt of MAA shall have the same county residence for MAA as was then established for such other program.

2 Persons Applying Directly for MAA and MAA Recipients

[As to] For persons applying directly for MAA, and persons who are recipients of MAA, county residence and changes in county residence shall be governed by the rules applicable to Disability Assistance which are not inconsistent with MAA. (See Manual of Administration subsection 2221.3 and MAA Manual 3112.2)

NOTE: Delete Sections 3241. "Legal Requirements," 3242. "Old Age Assistance," and 3243. "Other Public Assistance."

3400. DECISION CONCERNING ELIGIBILITY

3410. CERTIFICATION OF ELIGIBILITY

When an official determination has been made by the county welfare board that an individual is eligible for MAA, the director or his designated representative, subject to the provisions of section 3730. concerning third party responsibility, shall execute a Certification of Eligibility, Form PA-3D or PA-3E, Initial Certification of Eligibility, showing

a. identification of the individual by name and case number;

b. the date of application for medical assistance;

c. a statement that the individual (1) has been found eligible for MAA, (2) is in need of a specified primary medical service, and (3) is entitled to medical assistance covering the cost of authorized medical services at approved rates; [and (4) is or is not entitled to an allowance for personal incidental expenses;]

3400. Appendix VIII

CERTIFICATION OF ELIGIBILITY FOR MEDICAL ASSISTANCE FOR THE AGED

Name: Case Number: Address:

It is hereby certified that:

1. The individual whose name is entered above has been determined to be in need of (Primary Medical Service)

2. After due inquiry and consideration such individual has been determined to be in need of

and eligible for Medical Assistance for the Aged.

3. [Subject to paragraph 4, payments] Payments of medical assistance will be made for authorized health services, at approved rates, provided during the period between and including the effective date and expiration date of this certification as indicated below.

Institutions and Agencies—continued

4. Payments of medical assistance for approved personal incidental expenses [are/are not] are not authorized.
5. In consideration of available income, such individual must be considered obligated to pay the sum of \$..... for health services provided during the effective period of his certification, and payments of medical assistance will not be authorized unless and until there is verification of an obligation or payment for costs of health services equal to such sum.
6. The effective date of this certification is, and no payments of assistance will be authorized for health services provided prior to such date.
- The expiration date of this certification is, and no payments of assistance will be authorized for health services provided after such date in the absence of a further certification.

Date: Title:

INSTRUCTIONS TO CLIENT: This form should be carefully retained for your use until the date shown in paragraph 6, since it identifies you as eligible for medical assistance. If you require hospitalization, a copy has been sent to the hospital. If you require nursing home care, a copy has been sent to the nursing home.

NOTICE TO PROVIDERS OF HEALTH SERVICES: Although this form indicates that it is effective for the period shown by paragraphs 6 and 7, the person named may become ineligible during this period due to an unanticipated change in circumstances. Continuing eligibility may be verified at any time by contact with the county welfare board.

3500. PAYMENTS OF MEDICAL ASSISTANCE**3510. AUTHORIZATION OF PAYMENT**

The authorization of payments is basically the responsibility of the Division of Medical Assistance and Health Services. This responsibility is exercised as follows:

a. Nursing Homes

The Division of Medical Assistance has direct responsibility for the authorization of payments to such facilities;

b. Other Medical Services

Responsibility for authorization of payments for all medical services has been delegated to the fiscal intermediaries, Hospital Service Plan of New Jersey or the Prudential Insurance Company. Such authority is exercised in accordance with the Provider Manuals of the Division of Medical Assistance and Health Services.

[3511.] Federal Requirements

In accordance with Federal requirements, the authorization of payments of medical assistance must be a formal agency record signifying that the amounts to be paid for medical services are for eligible individuals, and are otherwise proper under the State Plan. Authorization must be over the signature of a responsible agency official, and must be supported by

a. bills from vendors specifying the individual receiving service, the service received, the date of service and the amount of the charges; and

b. Certifications of eligibility for MAA.]

[3512.] 3511. Basic Rules for State Program

1. Payments of medical assistance shall be made only for [a.] medical services duly authorized and provided to eligible recipients at approved rates.

[b. personal incidental allowances required by and specifically approved for eligible recipients.]

[2 Initial payments of medical assistance, i.e., the first payment(s) made following execution of a certification of eligibility for MAA, may be authorized by the county director of welfare, or his designated representative, subject to ratification by the welfare board. All other payments of medical assistance shall be authorized by the welfare board.

See Part IV, and reference therein as to procedure for authorization of payment.]

[3 Payments of medical assistance may be made as

a. money payments, i.e., checks for personal incidental expenses drawn to the order of the recipient, his legal guardian or custodian, so as to be immediately available for his unconditional negotiation and use upon delivery, or

b. vendor payments, i.e., checks drawn to the order of a person who has provided goods or services to or for the client, and representing payment to such person for the goods and services provided.]

2. Payments of medical assistance will be made as vendor payments, i.e., checks drawn to the order of a person who has provided goods or services to or for the client, and representing payment to such person for the goods and services provided.

(Renumber existing subsection ".4" as ".3".)

3522. Nursing Home Patient Requiring Hospitalization

Whenever a recipient of medical assistance must be removed from a nursing home to receive hospitalization, and the county welfare board [having financial responsibility] determines that continued payment of medical assistance for nursing home care is necessary to maintain availability of accommodations in the same facility to which the recipient can return, such payment shall be [made] approved for a period of 14 days or for the period of hospitalization, whichever is less, either

a. at the regular rate established for the particular nursing home; or

b. at a lower rate guaranteeing availability of accommodations as established by any existing agreement between the welfare board [having financial responsibility] and the nursing home.

NOTE: Delete Section 3523. "Personal Incidental Expenses."

3530. PERIOD COVERED**3531. Basic Rule as to Month of Service**

Whenever the term "month" is used in respect to payments of medical assistance, it shall mean the calendar

month within which a health service was received [or a money payment made for personal incidental expenses.]

3532. Hospitalization

Payments of medical assistance for hospitalization may be made for such services received subsequent to the date of application for MAA, and for such services received within 30 days prior to the date of application[, but on or after July 1, 1963].

NOTE: Delete Section 3534. "Prohibition Against Concurrent Receipt of OAA and MAA".

3542. Subsequent Payments**1. Hospitalization**

Payments of medical assistance for hospitalization [shall] will be made [upon receipt of billings from] by the appropriate fiscal intermediary, Hospital Service Plan of New Jersey (Blue Cross) or the Prudential Insurance Company according to their customary time schedules for processing such hospital claims.

[When however, the client is in the hospital under the circumstances as set forth in section 2402., the CWB shall make such payment of medical assistance directly to the hospital upon receipt of their billings.]

2. Nursing Home Care

Subject to the timely submittal of bills for services provided, [payments of medical assistance for nursing home care shall be made on the first day of that month during which the services will be provided.] the Division of Medical Assistance and Health Services will make payments of medical assistance for nursing home care on the first day of the month following the month in which the bill is submitted.

3. Other Medical Services

Subject to the timely submittal of bills, payments of medical assistance for medical services other than hospitalization or nursing home care will be made in accordance with the provisions of the appropriate Provider Manual of the Division of Medical Assistance and Health Services. [shall be made within the month following the month during which the services were provided.]

3550. RESPONSIBILITY FOR PAYMENT

[The CWB of the county of which the client was a resident during the month when medical services were provided shall be responsible for making payments of medical assistance for the costs of such services. The welfare board of the county of residence shall also be responsible for payments of medical assistance for personal incidental expenses.

See section 3222. as to county residence.]

The Division of Medical Assistance and Health Services shall be responsible for making payments of medical assistance for all medical services provided.

3600. DETERMINATION OF CONTINUING MEDICAL ELIGIBILITY

Maintenance of high standards of service at a reasonable cost compatible with quality requires the establishment of medical care administrative mechanisms whereby review and evaluation of the health care program shall be performed by the operating agency. The periodic determination of continuing medical need and medical eligibility is [an] essential for the maintenance of high standards of service at a reasonable cost compatible with quality.

3610. BASIC REQUIREMENTS

The CWB shall redetermine the client's need for primary medical service in accordance with the time periods specified in Section 3620.

NOTE: Delete Section 3701. "Federal Law."

[3702.] 3701. State Law

The New Jersey statute establishing the program of MAA directs that there be issued rules and regulations necessary ["to secure for the State of New Jersey the maximum Federal financial participation . . . and otherwise to] . . . To accomplish the purposes of this act, including specifically the following . . . to prescribe methods and procedures for repayment or recovery of medical assistance granted; provided, however, that no lien may be imposed against the property of any individual prior to his death on account of medical assistance granted or to be granted under this act (except pursuant to the judgment of a court on account of assistance incorrectly paid on behalf of such individual), and that there shall be no adjustment or recovery (except, after the death of such individual and his surviving spouse, if any, from such individual's estate) of any medical assistance correctly paid on behalf of such individual under this act."

3712. [Certifications] Liens Resulting from Other Programs

Whenever an individual [is certified to MAA from] has been a recipient of any other assistance program, the validity and value of any lien established as a condition of receiving assistance under such other program will neither be depreciated nor enhanced by the granting of medical assistance. Consequently, such lien may be continued in effect as to assistance paid other than through MAA.

NOTE: Delete Section 3724. "Payments Not Subject to Federal Matching."

3740. DISTRIBUTION OF FUNDS RECOVERED

Whenever any recovery is effected by the CWB of funds paid as medical assistance, [the funds so recovered shall be distributed to the Federal, State and county governments in the same proportion as the original payment was charged.] complete details about such recovery shall be reported to the Division of Public Welfare by the county welfare board, in order that the Division may determine and direct appropriate distributions.

NOTE: Delete Section 3811. "Defined Social Services."

3900. OTHER ADMINISTRATIVE RESPONSIBILITIES**3910. COMPLAINTS, APPEALS AND FAIR HEARINGS**

The policies and procedures concerning complaints, appeals and fair hearings shall apply to the program of MAA in the same manner and extent as to [other] the categorical assistance [program] programs. (See Manual of Administration, Section 2920.)

3930. NONDISCRIMINATION

The policies and procedures concerning nondiscrimination shall apply to the program of MAA in the same manner and extent as to [other] the categorical assistance [programs] program.

(See Manual of Administration, Section 2990.)

4000. FINANCING ASSISTANCE PROGRAM**[4010. SOURCES OF FUNDS, STATE AND LOCAL**

State of New Jersey Plan for Old Age Assistance, Disability Assistance and Assistance for Dependent Children transmitted by letter dated February 16, 1960 with an effective date of January 1, 1960 applies. Hereafter this plan will be referred to as "State Plan, 1960".

The Rulings referred to in State Plan, 1960 have been amended, where necessary, to incorporate the requirements of the Medical Assistance for the Aged program.

Note to County Welfare Boards

We are aware that State Plan, 1960 has not been distributed to the county welfare boards. The responsibility of the county welfare boards in respect to this Chapter are set forth in the Manual of Administration and Rulings, as amended with an effective date of July 1, 1963.]

4010. SOURCE OF FUNDS

The State MAA statute requires that:

The State shall provide such funds as may be necessary to meet expenditures for medical assistance for the aged.

The State shall also pay to each appropriate county welfare board the reasonable costs, if any, incurred by such county welfare board when acting in the direction and on behalf of the Department of Institutions and Agencies in investigating and determining whether applicants for medical assistance for the aged are eligible therefor under standards prescribed by the Department.

This means that the State will assume 100% of the administrative and assistance costs of the MAA program.

4020. [STATE AND LOCAL PARTICIPATION IN] EXPENDITURES FOR ASSISTANCE AND ADMINISTRATION

1. [The proportion of expenditures] Expenditures for assistance and administration [to be paid by each level of government] will be made as follows:

a. Assistance

[After deducting the earned Federal share from the total assistance cost, the State share of the balance is 75%, the County share 25%.]

All assistance costs will be paid directly by the State through the Division of Medical Assistance and Health Services to the provider(s) of medical services.

b. Administration

[Administrative expenses of the State agency are paid from State funds and the State General Fund account reimbursed at the end of each calendar quarter for the earned Federal share for administration on a post-audit basis. Administrative expenses of the local agencies are paid from county funds and accounts of the respective county welfare boards reimbursed at the end of each calendar quarter for the earned Federal share for administration on a post-audit basis. The state and county shares of administrative cost for the respective agencies accordingly amount to 25 to 50 percent of the federally matchable expenditures and 100 percent of the non-federally matchable expenditures for administration.]

The county welfare boards will be reimbursed by the State through the Division of Public Welfare for all administrative costs related to the determination of eligibility of applicants for MAA and for the provision of services to recipients of MAA. This will be accomplished by the Division's utilization of apportionment formulas for allocating to the MAA program, appropriate percentages of all authorized administrative and service costs related to the categorical assistance programs.

NOTE: Delete Section 4100. "Fiscal Operations", 4200. "Authorization and Disbursement of Assistance Payments", 4300. "Collections and Recoveries", 4400. "Administrative Cost", 5000. "Statistics and Research", and 6000. "Federal Requirements".

[6100.] 5000. MERIT SYSTEM

The provisions of Ruling 11-Personnel Plan shall apply to the program of MAA in the same manner and extent as to [other] the categorical assistance [programs] program. Any interested person may present statements or arguments in writing relevant to the proposed action to the Division of Public Welfare, 129 E. Hanover Street, Trenton, New Jersey 08625, on or before March 28, 1970.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt the above revised rules substantially as set forth without further notice.

Lloyd W. McCorkle, Commissioner
Department of Institutions and Agencies

(a)

STATE**ATHLETIC COMMISSION****Proposed Changes in Rules**

Morris Moglever, Acting State Athletic Commissioner, pursuant to authority delegated in N.J.S.A. 5:2-5, proposes to revise certain provisions of "Rules Governing Boxing, Wrestling and Sparring Exhibitions and Performances" as follows (additions indicated in bold face thus; deletion indicated within brackets [thus]):

Chapter 1. Definitions

"Manager" means any person who does any of the following:

(a) By contract, agreement, or other arrangement with any person undertakes or has undertaken to repre-

State—continued

sent in any way the interest of any professional boxer in procuring or with respect to the arrangement or conduct of any professional boxing contest in which such boxer is to participate as a contestant; and is entitled under that contract, agreement or other arrangement to receive monetary or other compensation for his services without regard to the sources of such compensation; except that the term "manager" shall not be construed to mean any attorney licensed to practice in this state, whose participation in such activities is restricted solely to his representing the interests of a professional boxer as his client.

(b) Directs or controls the professional boxing activities of any professional boxer.

(c) Receives or is entitled to receive 10 per cent or more of the gross purse, or gross income of any professional boxing contest.

Chapter 2. Ring Equipment

Rule 21. Additional Set of Steps Required.

In addition to the set of steps installed in each boxer's corner, a third set of steps leading to the boxing ring shall be installed in a neutral corner for use exclusively by the attending physician, referee, ring announcer, round card carriers, and those approved by the State Athletic Commissioner or his representative for introductions.

Chapter 4. Licenses

[Rule 12.]

A promoter may be privileged to operate an indoor club in the winter time and an outdoor club in the summer, providing both locations are in the same vicinity. If winter and summer locations are in entirely different vicinities, the promoter shall be required to obtain separate club licenses.]

[Rule 33.]

When an application to conduct professional boxing contests combined with Amateur Athletic Union boxing contests has been jointly approved by the Office of the State Athletic Commissioner and A.A.U. authorities with statutory bond requirements fulfilled, the annual license fee for licensure, valid only for this type of promotion, shall be \$40.]

Chapter 6. Managers

Rule 22. Application for Boxing Manager's License.

Applications for a boxing manager's license shall contain a true and complete statement of all persons connected with the management. Subsequent to the granting of any such license such applicant shall submit for approval by the State Athletic Commissioner any change at any time in the persons connected with the management.

Chapter 16. Tickets

Rule 5.

[Each and every] Every ticket offered for sale [must] shall have printed thereon [established price, State tax, and] the total price.

Any interested person may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action to the Office of the State Athletic Commissioner, State House, Trenton, New Jersey 08625, on or before March 30, 1970. Telephone: (609) 292-3714.

The State Athletic Commissioner, upon his own motion or at the instance of any interested party, may thereafter adopt the above revised rules substantially as set forth without further notice.

Morris Mogelever
Acting State Athletic Commissioner

(a)

TREASURY

AGRICULTURAL COMMODITY DISTRIBUTION SECTION

Instruction to State Distributing Agencies

The Agricultural Commodity Distribution Section, Division of Purchase and Property, New Jersey Department of the Treasury, is the official State Distributing Agency for Federal donated commodities. This section works with the School Lunch Program of the Department of Education and with the Division of Public Welfare of the Department of Institutions and Agencies. The section requisitions, receives, handles, stores and distributes Federal donated commodities which have been made available by the United States Department of Agriculture under a program authorized by Congress, for distribution to state, county and municipal institutions; schools, charitable and welfare organizations. Inspections are made of all recipient agencies which are eligible to receive commodities under this program for compliance with the terms of the contract between the State of New Jersey and the recipient agency and the rules and regulations of the Federal Government.

The following Instruction from the United States Department of Agriculture, Food and Nutrition Services, sets forth the requirement that State Distributing Agencies achieve national uniformity of Civil Rights Assurances in agreements between their agencies and recipient agencies.

The provisions of this Instruction are to be observed in all agreements or contracts entered into or modified from the date that this release is received. However, the Instruction does not require that existing agreements or contracts be renegotiated if the assurance contained therein essentially conform to the language in Section IV of the Instruction.

UNITED STATES DEPARTMENT OF AGRICULTURE
Food and Nutrition Service
Washington, D.C. 20250

ACTION BY: Food and Nutrition Service Regional Offices
TO: State Distributing Agencies
Civil Rights Assurance With Recipient Agencies

I PURPOSE

This Instruction requires State Distributing Agencies to achieve national uniformity of Civil Rights Assurances in agreements between State Distributing Agencies and recipient agencies pursuant to which Federal financial assistance is made available by the Food and Nutrition Service, United States Department of Agriculture. As defined in 7 CFR 15, "Federal financial assistance" or "financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. This includes food.

II EFFECTIVE DATE

This Instruction is effective upon receipt, and its provisions shall be observed in all agreements or contracts entered into or modified from and after that effective date. This Instruction does not require that any existing agreement or contract be renegotiated if the assurance statement appearing therein conforms in every essential to the language of the appropriate assurance in Section IV of this Instruction.

III BACKGROUND

An assurance of compliance with the Civil Rights Act of 1964 is required by Section 15.4 of Title 7, USDA Rules and Regulations. In general, this assurance:

A. Informs the recipient agency or sponsor of the requirements of Title VI of the Civil Rights Act in connection with receipt of assistance, and

B. Constitutes a judicially enforceable agreement on the part of the recipient agency to abide by its terms as a condition to receipt of assistance.

IV POLICY

A. All Agreements between State Distributing Agencies and recipient agencies, other than those which receive Federal financial assistance in the conduct of food programs in public schools, are required to contain the following language:

"Recipient agency assures the United States Department of Agriculture and the State Distributing Agency that it now complies with and shall in the future comply with all requirements imposed by or pursuant to the Civil Rights Act of 1964 and the USDA Regulations (7 CFR Part 15), including any subsequent amendments, issued to effectuate that Act. Compliance will be consistent with the objective that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity of recipient agency to which assistance is provided by the USDA. Admission policies are understood and agreed by recipient agency to be a part of such programs and activities. Recipient agency agrees to be obligated by this assurance as long as it receives assistance hereunder or retains possession of any assistance provided by the USDA or the State Distributing Agency. Should recipient agency fail to comply with this assurance, the United States or the State Distributing Agency shall have the right to seek its enforcement by judicial or any other means authorized by law. Federal financial assistance is extended under this agreement in reliance on the representations made herein."

B. All Agreements between State Distributing Agencies and recipient agencies which receive Federal financial assistance in the conduct of food programs in public schools are required to contain the following language:

"Recipient agency assures the United States Department of Agriculture and the State Distributing Agency that it now complies with and shall in the future comply with all requirements imposed by or pursuant to the Civil Rights Act of 1964 and the USDA Regulations (7 CFR Part 15), including any subsequent amendments, issued to effectuate that Act. Compliance will be consistent with the objective that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity of recipient agency to which assistance is provided by the USDA. Recipient agency agrees to be obligated by this assurance as long as it receives assistance hereunder or retains possession of any assistance provided by the USDA or the State Distributing Agency. Should recipient agency fail to comply with this assurance, the United States or the State Distributing Agency shall have the right to seek its enforcement by judicial or any other means authorized by law. Federal financial assistance is extended under this agreement in reliance on the representations made herein."

V ACTION REQUIRED

In order to achieve uniformity and insure that each recipient agency's assurance meets all requirements of the Act, it will be necessary for each State Distributing Agency to:

A. Review its assurance statement and take the necessary action to implement the above policy.

B. Include the following statement in the section of Agreements dealing with conditions under which the Agreement can be terminated.

"Except that any termination of this agreement for non-compliance with Title VI of the Civil Rights Act of 1964 shall be in accordance with applicable laws and regulations."

This language is needed since termination because of non-compliance with Title VI first requires adherence to the procedural requirements for termination of assistance set forth in Title VI and the Title VI regulations.

VI REPORTING REQUIREMENTS

Food and Nutrition Service Regional Offices shall report within sixty days of the date of this Instruction, the reports taken in each of the states in accordance with the requirements of this Instruction, transmitting such reports to the FNS Civil Rights Coordinator.

Edward J. Hekman
Administrator
Food and Nutrition Service

(b)

TREASURY

STATE TREASURER

Emergency Transportation Tax Liability

NOTICE

Take Notice that pursuant to Chapter 32 of the Laws of New Jersey of 1961, the emergency transportation tax act (also known as the "commuter benefit tax" act), the Commissioner of Transportation of the State of New Jersey on January 22, 1970 certified to the State Treasurer of the State of New Jersey his finding that there was on January 1, 1970 one critical interstate transportation problem involving New Jersey and that this affects the States of New York and New Jersey. He has therefore identified the States of New York and New Jersey as "critical areas" within the meaning of the act.

This finding makes the income tax imposed by the emergency transportation tax act applicable for the entire calendar year 1970. The tax is imposed upon every resident of the State of New Jersey with respect to the entire net income derived by him from sources within the State of New York and upon every resident of the State of New York with respect to the entire net income derived by him from sources within the State of New Jersey.

New Jersey residents have been relieved from the requirements to file a 1969 return with the New Jersey Division of Taxation by regulation of the Director of Taxation, provided the New Jersey resident has filed 1969 income tax return with the State of New York or paid the amount of income tax liability thereon to that State.

Further information concerning the effect of the emergency transportation tax act and procedure to be followed by employers and employees may be obtained by writing to the State of New Jersey, Emergency Transportation Tax Bureau, P.O. Box 1686, Trenton, New Jersey 08625.

Joseph M. McCrane, Jr.
Treasurer of New Jersey

(c)

TREASURY

DIVISION OF TAXATION

Proposed Emergency Transportation Tax Rule

Sidney Glaser, Acting Director of the Division of Taxation, pursuant to authority of N.J.S.A. 54:8A-19(b) and based on an opinion of the Attorney General dated June 1962, proposes to adopt a rule of the Emergency Transportation Tax Bureau concerning the obligation to file the annual New Jersey Emergency Transportation Tax Return:

Emergency Transportation Tax Rule

Any resident of New Jersey subject to the tax imposed by the Emergency Transportation Tax Act, N.J.S.A. 54:8A-1 et seq., who has filed a 1969 income tax return with the State of New York and has paid the amount of income tax liability thereon to that State, shall be required to file a return with the New Jersey Division of Taxation under the New Jersey Emergency Transportation Tax Act, based upon his 1969 income derived from sources in New York.

Interested persons may present statements or arguments in writing or orally in person by appointment relevant to the proposed action to Augustus J. Costigan, State Supervisor, Emergency Transportation Tax Bureau, 209 E. State Street, Trenton, New Jersey, on or before March 26, 1970. Telephone (609) 292-4840.

The Acting Director of the Division of Taxation, upon his own motion or at the instance of any interested party may thereafter adopt the above rule substantially as set forth without further notice.

Sidney Glaser
Acting Director
Division of Taxation
Norman E. Hardy
Deputy State Treasurer
Department of the Treasury