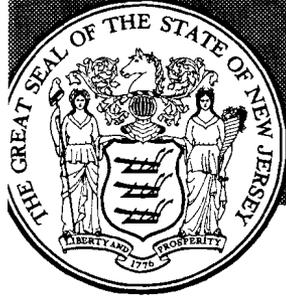


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

BRENDAN F. BYRNE, Governor

Howard H. Kestin, Director, Office of Administrative Law

G. Duncan Fletcher, Director of Administrative Procedure

Peter J. Gorman, Rules Analyst

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Amendments Concerning Equine Infectious Anemia Tests For Equidae Entering the State

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 et seq., proposes to amend N.J.A.C. 2:3-2.5 concerning the requirement of equine infectious anemia tests for equidae entering the State.

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

2:3-2.5 Horses, mules and asses

(a) All equidae entering New Jersey must meet the requirements of subchapter 1 of this chapter. All equidae from states where Venezuelan equine encephalomyelitis has been diagnosed must have been vaccinated for Venezuelan equine encephalomyelitis at least 14 days prior to shipment and the date of vaccination entered on the official interstate health certificate.

(b) All equidae entering the State after January 1, 1974, must have had a negative Coggins test for equine infectious anemia conducted at a jointly-approved U.S.D.A.-State laboratory within the past 12 months.

(c) All equidae entering the State which originate in a state that does not have a mandatory identification and quarantine program for equidae having a positive test for equine infectious anemia (EIA), must have had a negative Coggins test for equine infectious anemia conducted at a jointly-approved U.S.D.A.-State laboratory within 30 days prior to entry.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Robert E. Horton
Director
Division of Animal Health
Department of Health
P.O. Box 1888
Trenton, N.J. 08625

The State Board of Agriculture may thereafter adopt rules concerning this subject without further notice.

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Proposed Rules Concerning Importation, Movement and Transfer of Horses

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 et seq., proposes to adopt new rules concerning the importation, movement and transfer of ownership of horses and the requirement of a negative equine infectious anemia test to accompany each of these transactions.

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

2:5-2.3 Importation for immediate slaughter

The provisions of the foregoing sections of this subtitle notwithstanding, any horse or other equidae may be imported for immediate slaughter, and only for such purpose, without a health certificate or negative test for equine infectious anemia by making application to the Division of Animal Health, New Jersey Department of Agriculture and by complying with the provisions set forth in an application agreement required by the Division of Animal Health prior to importation.

2:5-2.4 Test requirements for transport

(a) No horse or other equidae six months or more of age unless exempted by the provisions of N.J.A.C. 2:5-2.3 or 2:5-2.6 shall be transported on any public highway within the State unless the custodian of such animal has in his or her possession during the period of such movement a report of a negative agar gel immunodiffusion test for equine infectious anemia for such animal.

(b) Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New Jersey State Department of Agriculture.

NEW JERSEY REGISTER

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

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The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 31-volume, regularly-updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to four volumes depending on the Departmental coverage desired.

(c) Said test shall have been conducted during the 12 months prior to transportation.

(d) Said test report shall include:

1. A complete description of the animal including name, registration number if any, breed, brand, tattoo if any, sex, age and color;
2. The name and address of the owner;
3. The date the test was conducted; and
4. The name and address of the laboratory that conducted the test.

(e) Said test reports shall be signed by a duly licensed accredited veterinarian and also must be either:

1. embossed by the laboratory where the test was conducted; or
2. signed or otherwise endorsed by the Chief Livestock Health Officer of the state or country of origin of the said animal.

2:5-2.5 Test requirements for sale or other change of ownership

(a) No horse or other equidae six months or more of age, unless exempted by provisions of N.J.A.C. 2:5-2.3 and 2:5-2.6 shall be sold, exchanged, bartered or given away unless such animal has been subjected to an agar gel immunodiffusion test for equine infectious anemia and reacted negatively within 90 days prior to such transfer of ownership.

(b) Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New Jersey Department of Agriculture.

(c) At the time of such transfer of ownership, the transferor shall deliver personally or by certified mail to the transferee, a copy of the report of such negative test which shall include:

1. A complete description of the animal including name, registration number if any, breed, brand, tattoo if any, sex, age and color;
2. The name and address of the owner;
3. The date the test was conducted; and
4. The name and address of the laboratory that conducted the test.

(d) Said test reports shall be signed by a duly licensed accredited veterinarian and also must be either:

1. Embossed by the laboratory where the test was conducted; or
2. Signed by the chief livestock health officer of the state or country of origin of the said animal.

2:5-2.6 Other authorized movement or transfer

(a) The provisions of N.J.A.C. 2:5-2.4 and 2:5-2.5 shall not apply to any horse or other equidae which is imported, sold, exchanged, bartered, given away or transported under permit from the Director of the Division of Animal Health, New Jersey Department of Agriculture for purposes of immediate slaughter, research, return of the animal to the state, country or farm of its origin, or other authorized purpose provided written authorization for such movement or transfer is obtained in advance thereof from the Director.

1. In the case of importation or transport, such authorization must be in the possession of the custodian of the animal at all times during such movement.

2. In the case of change of ownership or transport for the purpose of immediate slaughter, the aforesaid permit may be issued by an accredited veterinarian or an employee of the Department of Agriculture authorized in writing by the Director.

(b) The provisions of N.J.A.C. 2:5-2.5 shall not apply to

any horse claimed in any claiming race conducted by any racetrack licensed by the New Jersey State Racing Commission and such horse need not be retested for equine infectious anemia provided such horse and all other horses admitted to said track had been tested and found negative for the disease within one year prior to the date of the claim.

(c) The Department of Agriculture hereby finds that the exemptions set forth in this subchapter are consistent with the control and eradication of equine infectious anemia.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Robert E. Horton
Director
Division of Animal Health
Department of Agriculture
P.O. Box 1888
Trenton, N.J. 08625

The State Board of Agriculture may thereafter adopt rules concerning this subject without further notice.

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Amendments on Milk Prices

The Department of Agriculture, Division of Dairy Industry, pursuant to the authority of N.J.S.A. 4:12A-1 et seq. proposes to amend N.J.A.C. 2:53-1.1 through 2:53-1.4 concerning milk prices by deleting the current text of those rules and adopting new text therein.

Full text of the proposal follows:

2:53-1.1 Minimum prices

(a) From and after the effective date hereof the director, Division of Dairy Industry shall from time to time, as indicated by an economic formula, announce the minimum prices to be charged for milk sold to consumers through stores and vending machines and on home delivery routes.

(b) The economic formula shall reflect changes in costs for milk purchased from farmers, changes in prices paid and in productivity in marketing milk in New Jersey.

(c) The formula used to determine minimum prices shall be a weighted average of the Index of Milk Cost and the Index of All Other Costs adjusted to reflect changes in productivity in the industry since the base year of 1974.

(d) The Index of Milk Costs shall be computed as follows:

$$\begin{aligned} &\text{Current Milk Price (3.25\% B. F.)} \\ &\quad = \text{Index of Milk Cost} \\ &\text{Base Milk Price (3.25\% B. F.)} \end{aligned}$$

Where:

Current Milk Price is the minimum price to be paid to farmers (including the 6¢ direct delivery differential) for Class I Milk as announced by the Market Administrator of Order Number 4, adjusted to 3.25% butterfat by the latest available butterfat differential; and

Base milk price is the average price paid to farmers (including the 6¢ direct delivery differential) for Class I

Milk as announced by the Market Administrator of Order Number 4 during 1974, adjusted to 3.25% butterfat by the average butterfat differential for the year; namely \$9.81 per hundredweight or \$.211 per quart.

(e) The Index of All Other Costs shall be computed as follows:

First, compute an Index of Prices Paid in Marketing Milk as:

$$PP = 0.472WS + 0.187C + 0.051TG + 0.045U + 0.245WPI$$

Where:

PP = Index of Prices Paid in Marketing Milk in New Jersey.

WS = Wages and Salary Component (47.2 percent) based upon Average Hourly Earnings, food and kindred workers, New Jersey, as published by the New Jersey Department of Labor and Industry.*

C = Containers and Package Component (18.7 percent) based upon a weight of .80 for paper and .20 for plastic containers using the Index of Prices of paper, one-half gallon milk containers, BLS Code 0915-0239; and the Index of Prices of resin for blow molding bottles, BLS Code 0661-0103, as published by the United States Bureau of Labor Statistics.*

TG = Truck and Gasoline Component (5.1 percent) based upon a weight of .66 for trucks and .34 for gasoline using the Index of Prices Paid for Motor Trucks, BLS Code 1411-02, computed as the average of the preceding twelve months; and the Index of Prices Paid for regular gasoline at Chicago, BLS Code 0571-02, computed as the average of the preceding twelve months, as published by the United States Bureau of Labor Statistics.*

U = Utility Component (4.5 percent) based upon a weight for electricity of .75 and for fuel oil of .25 using the Index of Prices Paid for commercial electrical power in the Middle Atlantic States, BLS Code 0542-1204; and the Index of Prices Paid for number six fuel oil at Tulsa, BLS Code 0574, computed as the average of the preceding twelve months as published by the United States Bureau of Labor Statistics.*

WPI = Other Expense Component (24.5 percent) based upon the wholesale price for industrial commodities (all commodities less food and agricultural commodities) computed as the average of the preceding twelve months, as published by the United States Bureau of Labor Statistics.*

Second, compute Index of Productivity based upon an increase of 1.25 percent per year or .1042 percent per month from the 1974 base year; and

Third:

$$\text{Index of Costs} = \frac{\text{Index of Prices Paid}}{\text{Index of Productivity}}$$

(f) The formula index of milk price shall be (Index of Milk Cost x .594) + (Index of Cost x .406).

(g) The minimum price as determined on or before the 15th of each month for the next succeeding month shall be determined by multiplying the base price of \$0.355 per quart by the Formula Index of Milk Price and rounding down to the nearest one-half cent or whole cent. The resulting price shall be the minimum price per quart.

(h) The minimum price for one-half gallon containers shall be two times the quart price less** cents.

(i) The minimum price for gallons shall be two times the half-gallon price less** cents.

(j) The minimum price for larger-than-gallon containers shall be the quart equivalent of the minimum price for

gallon containers minus \$0.01 per quart times the number of quarts in the unit.

(k) The minimum price for milk sold in returnable containers shall be* cents per quart less than the minimum set forth in subsections (g) through (j) above.

*For the third preceding month.

**To be determined following hearing.

2:53-1.2 Schedule of minimum prices for non-returnable containers

(a) The schedule of minimum prices for nonreturnable containers is as follows:

Index Range	Qt.	½ Gal.	Gal.
1.098-1.111	\$.39	*	*
1.112-1.125	.395	*	*
1.126-1.139	.40	*	*
1.140-1.153	.405	*	*
1.154-1.167	.41	*	*
1.168-1.181	.415	*	*
1.182-1.195	.42	*	*
1.196-1.209	.425	*	*
1.210-1.223	.43	*	*
1.224-1.238	.435	*	*
1.239-1.252	.44	*	*
1.253-1.266	.445	*	*
1.267-1.280	.45	*	*
1.281-1.294	.455	*	*
1.295-1.308	.46	*	*
Etc.			

*To be determined following hearing.

2:53-1.3 (Reserved)

2:53-1.4 (Reserved)

The Director, Division of Dairy Industry will hold a public hearing to consider the foregoing amendments to N.J.A.C. 2:53-1.1 through 2:53-1.4. The hearing will be held beginning at 10:00 A.M. on Tuesday, March 13, 1979, in the Raritan Room of the Ramada Inn, School House Lane, (Exit 9 of the New Jersey Turnpike), East Brunswick, New Jersey. Interested persons are invited to present testimony under oath at the hearing.

The hearing is being held pursuant to a 1976 amendment to the Milk Control Act which provided that the director may use an economic formula for determining minimum price movements under orders of the division. Since the passage of the 1976 amendment, the division has caused studies to be made analyzing the milk processing and distributing industry and the cost of processing and distributing milk in New Jersey. Also, a study was made for the purpose of developing the foregoing proposed formula. Copies of the background studies and of the suggested formula are available upon written request to the undersigned at P.O. Box 1999, Trenton, New Jersey 08625.

Also pursuant to the New Jersey Administrative Procedure Act, interested persons may present statements or arguments in writing, orally in person, or by telephone, relevant to the proposed action on or before March 28, 1979. Comments shall be directed to:

Woodson W. Moffett, Jr., Director
 Division of Dairy Industry
 New Jersey Department of Agriculture
 P.O. Box 1999
 Trenton, New Jersey 08625
 (Telephone: 609-292-5646)

The Department of Agriculture, upon its own motion or

at the instance of any interested party, may thereafter adopt this regulation substantially as proposed without further notice.

Woodson W. Moffett, Jr., Director
Division of Dairy Industry
Department of Agriculture

(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

**Amendments to Charges for Inspection
Or Grading Certification Services and
Written Agreements**

On February 8, 1979, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:10-6, 4:10-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 2:71-2.28 concerning charges for inspection or grading certification services and written agreements as proposed in the Notice published January 4, 1979 at 11 N.J.R. 2(a).

An order adopting these amendments was filed and became effective on February 13, 1979 as R.1979 d.58.

Howard H. Kestin
Director
Office of Administrative Law

(b)

BANKING

DIVISION OF BANKING

**Amendments on Non-Federal
Reserve Members' Reserves**

On January 31, 1979, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:8-3.1 concerning required reserves to be maintained by banks not members of the Federal Reserve System as proposed in the Notice published January 4, 1979 at 11 N.J.R. 4(a).

An order adopting these amendments was filed on February 5, 1979, as R.1979 d.44 to become effective on February 16, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(c)

BANKING

DIVISION OF BANKING

CONSUMER CREDIT BUREAU

Rules Concerning the Credit Union Law

On February 5, 1979, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:13-27K and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be

cited as N.J.A.C. 3:21-1.1 et seq., concerning the credit union law as proposed in the Notice published December 7, 1978 at 10 N.J.R. 527(c).

An order adopting these rules was filed and became effective on February 8, 1979 as R.1979 d.54.

Howard H. Kestin
Director
Office of Administrative Law

(d)

BANKING

DIVISION OF CONSUMER COMPLAINTS

LEGAL AND ECONOMIC RESEARCH

**Amendments Concerning Restrictions
On Real Property Transactions**

On February 5, 1979, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, 17:9A-311B and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 3:1-10.1 et seq. concerning restrictions on real property transactions as proposed in the Notice published January 4, 1979, at 11 N.J.R. 3(c).

An order adopting these amendments was filed and became effective on February 8, 1979 as R.1979 d.55.

Howard H. Kestin
Director
Office of Administrative Law

(e)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

**Forms of Certificates of Sale
For Unpaid Municipal Liens**

On January 30, 1979, the Local Finance Board of the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new forms of certificate of sale for unpaid municipal liens, to be cited as N.J.A.C. 5:30-13.4, as proposed in the Notice published January 4, 1979 at 11 N.J.R. 7(a).

Take notice that this rule was incorrectly cited as N.J.A.C. 5:30-13.3 in the Notice of Proposal.

An order adopting these forms was filed and became effective on February 2, 1979 as R.1979 d.40.

Howard H. Kestin
Director
Office of Administrative Law

(f)

COMMUNITY AFFAIRS

LOCAL FINANCE BOARD

**Forms of Certificate of
Search for Municipal Liens**

On January 30, 1979, the Local Finance Board of the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-10 and in accordance with applicable

provisions of the Administrative Procedure Act, adopted new forms of certificate of search for municipal liens, to be cited as N.J.A.C. 5:30-13.5, substantially as proposed in the Notice published January 4, 1979, at 11 N.J.R. 7(b) with only inconsequential structural or language changes in the opinion of the Department of Community Affairs.

Take notice that this rule was incorrectly cited as N.J. A.C. 5:30-13.4 in the Notice of Proposal.

An order adopting these forms was filed and became effective on February 2, 1979 as R.1979 d.41.

Howard H. Kestin
Director
Office of Administrative Law

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments on Testing for Tuberculosis

The State Board of Education, pursuant to authority of N.J.S.A. 18A:16-2 and 40-16, proposes to revise N.J.A.C. 6:29-4.2, concerning rules on Testing for Tuberculosis.

The proposed changes include a reorganization of the total section and remove the requirement for a physical examination for the employee who had a positive reaction to the tuberculin test and an initial chest x-ray that was negative. The revisions will extend the screening requirement to include employees of the district, as well as pupils.

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

6:9-4.2 Testing for tuberculosis infection

(a) The following are rules of the State Department of Education concerning testing for tuberculosis infection by school districts for implementation of N.J.S.A. 18A:16-2 and 40-16.

1. An intradermal tuberculin test shall be the sole basis for initial screening for evidence of tuberculosis infection in pupils and employees.

2. [Intradermal tuberculin test rules include: i.] An intradermal tuberculin test shall be given to the following pupils enrolled in elementary and secondary schools, [and in] including the New Jersey School for the Deaf. (These are minimum requirements.)

i. [(1)] All pupils in the eighth grade;

[(2) All pupils who are 13 years of age in classes for the educable, in classes for the trainable and in any other special education classes;]

ii. All pupils in special classes who are 13 years of age;

iii. [(3)] All newly-enrolled pupils entering at or above the eighth grade, or who are 13 years of age or older, with no valid record of a previous intradermal tuberculin test;

iv. [(4)] Any additional grades or classes [which the State Department of Health has] recommended [for testing] by the State Department of Health because of special risk.

3. An intradermal tuberculin test shall be given to all employees (full-time and part-time), all practice teachers, and other personnel who have contact with pupils. If the

tuberculin test is negative, the above persons shall be retested with an intradermal tuberculin test every three years.

4. [ii.] Any pupil or employee shall be exempt from these requirements upon presentation of documentation of a prior positive reaction as evidenced by [the presence of] vesiculation following the administration of a multiple puncture tuberculin test or [by] a positive reaction (that is, [ten] 10 mm. or more of induration) following a Mantoux test with five tuberculin units of stabilized PPD tuberculin. Any other exemption from these requirements shall be because of medical contraindications subject to review by the medical inspector.

5. The following rules shall constitute standards for referral: [3. Rules concerning the Mantoux test include:]

i. [ii.] If a multiple puncture test results in vesiculation, the individual shall be recorded as a positive tuberculin reactor, and no further tuberculin testing is required;

ii. [i] All doubtful reactions to a multiple puncture tuberculin test (i.e., those showing [2] two or more mm. of induration in the absence of vesiculation) shall be followed with an intradermal Mantoux test, using five Tuberculin Units of stabilized PPD tuberculin. If the reaction to the Mantoux test is doubtful (five to nine mm. of induration), it shall be repeated at a different site on the forearm. If the result of the second Mantoux test is also doubtful, the individual shall be recorded as tuberculin negative;

iii. If the result of the Mantoux test is positive (10 or more mm. of induration), the individual shall be recorded as a positive tuberculin reactor, and no further tuberculin testing is required;

iv. All positive tuberculin reactors shall be referred to the appropriate official health agency for necessary follow-up.

6. A chest X-ray shall be administered to: [4. Rules concerning chest X-ray include: i.]

i. [(1)] All pupils, employees and other personnel who are positive reactors to an intradermal tuberculin test as defined in paragraph [3.ii. and iii.] 5.i. and iii. of this subsection.

ii. [(2)] All pupils, employees and other personnel exempted from the tuberculin test by paragraph [2.ii.] 4. of this subsection at the time a tuberculin test would otherwise be done.

[5. Rules concerning employees include:

i. All employees (full-time and part-time) and all practice teachers of a board of education shall have an initial physical examination for evidence of tuberculosis infection in the manner prescribed above for pupils. Included in this requirement are school cafeteria personnel, school bus drivers and any other personnel whose services may be contracted for by the board of education and who have contact with pupils.

ii. All employees and practice teachers who are tuberculin negative shall be retested with an intradermal tuberculin test every three years, and paragraph 3 of this subsection shall apply.

iii. All positive tuberculin reactors (as defined in paragraph 3.ii. and iii. of this subsection) shall be required to have an initial chest X-ray. If the chest X-ray is negative for evidence of tuberculosis, the employee shall be strongly urged to take preventive treatment with isoniazid (INH) for one year. An employee documented as a positive tuberculin reactor, whose initial chest X-ray was negative for evidence of tuberculosis, shall present a certificate from a licensed physician showing that a physical examination has been made prior to December 1 of each school year.

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed New Rules on Educational Improvement Centers

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:6-95 to 102, proposes to adopt new rules concerning Educational Improvement Centers.

Four regional-intermediate school districts known as educational improvement centers are established by the enactment of N.J.S.A. 18A:6-95 to 102, effective June 29, 1978. These educational improvement centers on request shall provide support and assistance to local school districts and to members of the teaching and administrative staffs through the delivery of materials, techniques and expertise necessary to improve school programs and services. The specific kinds of support and assistance to be provided by educational improvement centers are set forth in detail in the aforementioned authorizing statutes.

The proposed new rules, to be cited as N.J.A.C. 6:57-1.1 et seq., include the following table of contents:

SUBCHAPTER 1. ORGANIZATION AND RESPONSIBILITIES

6:57-1.1	Meetings
6:57-1.2	Membership
6:57-1.3	Appointment of staff
6:57-1.4	Executive director; duties
6:57-1.5	Responsibilities
6:57-1.6	Funding
6:57-1.7	Annual planning
6:57-1.8	Supervision and coordination
6:57-1.9	Charge for services; products
6:57-1.10	Receipt and disposition of funds
6:57-1.11	Inventory
6:57-1.12	Board policies

Copies of the 13 pages of the full text of the proposed regulations may be obtained from or made available for review by contacting:

Office of County and Regional Services
New Jersey Department of Education
225 West State Street
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1979, to the Office of County and Regional Services at the above address.

The State Board of Education may thereafter adopt these new rules substantially as proposed without further notice.

Fred G. Burke
Commissioner of Education
Secretary, State Board of Education

iv. A positive tuberculin reactor who is certified in writing by a licensed physician to have completed one year of preventive treatment (chemoprophylaxis) with isoniazid (INH), shall not be required to undergo any further testing for tuberculosis.]

7. [4.ii.] All pupils, employees and other personnel required to have a chest X-ray shall be referred to their family physician or other medical facility for the necessary medical [examination] evaluation, including a chest X-ray. If the physician's report is not received by the school physician within four weeks, or if the school physician [does not agree with family physician's] is unwilling to accept the findings, the pupil, employee or other school personnel shall have a chest X-ray examination in the manner prescribed by the school district.

8. [4.iii.] If the chest X-ray of a positive tuberculin reactor is negative for evidence of tuberculosis, chemoprophylaxis or preventive therapy, with one year of isoniazid (INH) is strongly recommended.

9. [4.iv.] A positive tuberculin reactor who is certified in writing by a licensed physician to have completed one year of preventive treatment (chemoprophylaxis) with isoniazid (INH) shall not be required to undergo any further testing for tuberculosis.

10. Employees and pupils who have a positive reaction to the tuberculin test and an initial chest X-ray that was negative, shall require no further testing for tuberculosis infection.

11. [6.] The reporting of the testing for evidence of tuberculosis infection in each school district shall be as follows:

i. The name and address, grade (of pupils), age and school of all newly discovered positive tuberculin reactors [pupils and personnel] are to be reported immediately upon discovery to the New Jersey State Department of Health on a special form provided for this purpose so that the appropriate tuberculosis control measures can be instituted;

ii. At the end of the annual tuberculosis testing program in each school district, the following information shall be reported to the county superintendent of schools, the New Jersey State Department of Education, and the New Jersey State Department of Health, with one copy to be retained by the local school district:

(1) The number and type of tuberculin tests performed [in each] by grade [, by] and school, on pupils[,] and [on] employees;

(2) The name, address, grade (of pupils), age, and school, of all positive tuberculin reactors;

(3) The results of all X-ray examinations performed on pupils and employees.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

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

The State Board of Education may thereafter adopt these revisions substantially as proposed without further notice.

Fred G. Burke
Commissioner of Education
Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Final Notice of Republication of Proposed Revisions to School Facility Planning Services

Take notice that the State Board of Education is giving final notice of its intention to propose revisions to Chapters 22 and 22A in Title 6 of the New Jersey Administrative Code concerning the school facility planning services. Such Notice of proposed revisions were initially published in the January 4, 1979 issue of the New Jersey Register at 11 N.J.R. 9(a).

Copies of the 129 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Bureau of Facility Planning Services
Division of Finance and Regulatory Services
N.J. Department of Education
225 West State Street
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979, to the Bureau of Facility Planning Services at the above address.

The State Board of Education may thereafter adopt these revisions substantially as proposed without further notice.

Howard H. Kestin
Director
Office of Administrative Law

(b)

EDUCATION

STATE BOARD OF EDUCATION

Amend Rules on County Substitute Certificate

On February 7, 1979, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:11-4.7 concerning county substitute certificates as proposed in the Notice published January 4, 1979 at 11 N.J.R. 8(c).

An order adopting these amendments was filed and became effective on February 15, 1979 as R.1979 d.65.

Howard H. Kestin
Director
Office of Administrative Law

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on the Industrial Survey Project

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.A.C. 13:1D-9(a) and (c), N.J.S.A. 26:2C-9(c) and N.J.S.A. 58:10A-4, proposes to adopt regulations establishing procedures for an Industrial Survey Project to be undertaken by the Toxic Substances Program in the Department. The proposal also provides for the protection of confidential business information obtained through the Survey. Such rules, if adopted, will be cited as N.J.A.C. 7:1-7.1 et seq.

The Industrial Survey Project will be conducted over an approximately 3-year period beginning in 1979. The Department will make a comprehensive survey of industrial establishments in order to obtain data concerning the use, manufacture, packaging, repackaging, disposal and release into the environment of selected carcinogenic and toxic chemicals. The information obtained from the survey will be used to make a preliminary assessment as to the role which the industrial use and release of environmental carcinogens and other selected toxic substances may play in the development of cancer and other diseases in New Jersey.

This proposal is known within the Department of Environmental Protection as Docket No. DEP 009-79-02.

The general objectives of the survey project will be:

1. Establishment of a computerized data base concerning the manufacture, use, storage, processing, formation, release, disposal and repackaging in New Jersey of approximately 300 chemical substances selected on the basis of their large volume of production and/or their carcinogenicity or toxicity.
2. Identification of areas of the state and population groups that may be subject to an increased disease risk due to exposure to cancer-causing substances and other toxic agents in the environment.
3. Establishment of a base for the study of methods for reducing or eliminating the release of carcinogens and other toxic substances into the environment.

It is anticipated that the survey will be conducted primarily by printed questionnaire. Survey forms will be mailed out at a rate of 1,000 per month to approximately 10,000 industrial establishments whose addresses have been obtained from the Department of Labor and Industry. The questionnaire form has been developed over the past 12 months and pre-tested on a group of about 200 selected establishments.

In some cases, mail questionnaires may be followed up by in-person plant inspections or by interviews with company officials.

The industrial survey will be conducted by the Office of Hazardous Substances Control, a unit under the supervision of the Director of the Toxic Substances Program. The Director serves under the Assistant Commissioner for Science and Research in the Department. Computer and analytical services will be provided by Rutgers University under contract to the Department.

The proposed regulations have two basic purposes. One is to make response to the Industrial Survey compulsory. The other is to allow the Department to ensure the pro-

tection of confidential business information obtained through the survey.

N.J.S.A. 13:1D-9(a) authorizes the Department to conduct and supervise research programs for the purpose of determining the causes, effects and hazards to the environment. N.J.S.A. 13:1D-9(c) authorizes the Department, in accordance with regulations established by it, to require the filing of reports by persons engaged in operations which may result in pollution of the environment. N.J.S.A. 26:2C-9(c) contains substantially identical provisions in regard to persons engaged in operations which may result in air pollution. N.J.S.A. 58:10A-4 authorizes the Commissioner to adopt and enforce regulations to prevent, control or abate water pollution and to carry out the intent of the New Jersey Water Pollution Control Act. Information obtained through the Industrial Survey will be used as a guide for the Department's enforcement activities and as a basis for the development of new regulatory proposals aimed at preventing, controlling and abating pollution. Thus the Survey will constitute an important part of the Department's efforts to carry out the intent of the Water Pollution Control Act and the other statutes it administers. The proposed regulations would allow the Director to enforce response to the survey by making available to him the enforcement options authorized by the Water Pollution Control Act and the New Jersey statutes on Air Pollution Control (i.e., N.J.S.A. 58:10-10A and N.J.S.A. 26:2C-19).

The need for regulations on the protection of confidential business information is dictated by Section 2 of the Right to Know Law, N.J.S.A. 47:1A-2. That law states that, with certain exceptions, "all records which are required by Law to be made, maintained or kept on file" by any State agency shall be deemed to be public records, and shall be available for public examination. Confidential business information can be withheld from public disclosure, but only if the agency promulgates an appropriate regulation. Because the industrial Survey will involve requests for information that could be considered proprietary in nature, the Department felt it essential that the rules establishing the Survey include provisions on confidentiality, both as a matter of fairness to the respondents and in order to encourage full compliance.

Substantial portions of the confidentiality provisions in the proposed regulations have been adapted from the regulations of the U.S. Environmental Protection Agency on confidentiality of Business Information (40 CFR Part 2.201 et seq.), and from previous proposals of this Department that were not adopted (see 9 N.J.R. 260 (June 9, 1977)). The Department intends at a future date to once again propose a general rule on confidentiality. However, the regulations proposed at this time would apply only to information obtained through the Industrial Survey.

Copies of the proposed regulations, sample questionnaire and instruction forms may be obtained from:

Bruce S. Schwartz, Esquire
Assistant to the Director
Toxic Substances Program
N.J.D.E.P.
P.O. Box 1390
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 2, 1979 to the Department of Environmental Protection at the above address.

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Proposed Rules on Grants Under the Emergency Flood Control Bond Act

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and P.L. 1978, c. 78, proposes to adopt regulations for the awarding of grants under the provisions of the Emergency Flood Control Bond Act, P.L. 1978, c. 78. These rules are to be cited as N.J.A.C. 7:23-1 et seq. and are known within the Department of Environmental Protection as Docket No. DEP 010-79-02.

These proposed rules establish the basic eligibility criteria for a flood control grant, the priority system for ranking eligible applicants, the procedure for awarding a grant, the conditions grantees must satisfy before receiving funds under a grant and the Department's remedies when a grantee fails to comply with these rules or the grant agreement.

The proposed priority system awards eligible applicants points primarily on the basis of the number of people who will be protected and the value of property protected by the flood control project. Those applicants whose projects receive the most points will be awarded grants if funds are available and they satisfy the grant conditions in a timely manner. Since the protection of the public health, safety and welfare is the most important goal of the Emergency Flood Control Bond Act, the priority point system has been weighted to favor those projects that protect the most lives and are ready to be implemented.

Copies of the proposed regulations may be obtained from:

John Wilford, Assistant Director
Water Supply and Flood Plain Management Element
Division of Water Resources
P.O. Box CN-029
Trenton, New Jersey 08625

A basis and background document is also available at the same address.

The Department invites public comment on the proposed regulations. Written comments should be sent by April 3, 1979, to Mr. Wilford at the above address. Oral comments may be presented at a public hearing which will be held at 10:00 A.M. on April 3, 1979 at:

N.J. State Museum Auditorium
West State Street
Trenton, New Jersey 08625

The Department of Environmental Protection may thereafter adopt these rules substantially as proposed without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments to Rules For Preservation of the Sea Clam Resource

Daniel J. O'Hern, Commissioner of the Department of Environmental Protection proposes to adopt amendments to the rules for the preservation of the sea clam resource in N.J.A.C. 7:25-12.1.

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

7:25-12.1(g)1.ii. Bait clam licensees shall harvest only in waters designated as condemned or specially restricted or otherwise specially designated for bait clam purposes by the [Division of Water Resources] Commissioner.

This change in wording will correctly assign responsibility for designation of special sea clam harvest areas. Such change is known within the Department of Environmental Protection as Docket No. DEP 012-79-02.

Interested persons may present statements or arguments relevant to the proposal on or before March 30, 1979 to:

Russell A. Cookingham, Director
Division of Fish, Game and Shellfisheries
P.O. Box 1809
Trenton, N.J. 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF RADIATION PROTECTION

Proposed Amendments Concerning Certification Fees for Nuclear Medicine Technology

Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 26:2D-1 et seq., proposes to amend N.J.A.C. 7:28-24.15 concerning certification fees for nuclear medicine technology.

Such proposal is known within the Department of Environmental Protection as Docket No. DEP 011-79-02.

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

7:28-24.15 Fees

(a) Any person who submits an application for certification, recertification or renewal of certification to the Department shall include as an integral part of said application a service fee.

(b) Each application or registration for the initial certification examination, renewal or certification by an annual certification registration or recertification shall be accompanied by the following fee:

1. Certification Examination or Application Review for either Unlimited or Limited Certification . . . \$40.00;
2. Renewal of Certification by annual certification registrations of either Limited or Unlimited Certifications . . . \$20.00;
3. Recertification Examination . . . \$40.00;
4. Temporary Certificates for 450 days . . . \$20.00;
5. Temporary Certificates for 120 days . . . \$20.00.

(c) The fees accompanying the application or annual registration renewal shall be in the form of a certified check or money order made payable to the State of New Jersey.

1. The fees submitted to the Department are not refundable.

2. The applications or registrations and the fees accompanying them shall be mailed to:

New Jersey State
Department of Environmental Protection
Central Collection and Licensing Unit
Post Office Box 1390
Trenton, New Jersey 08625

(d) The waiving of the written examination of any applicant whom the Commission on Radiation Protection has deemed competent will not result in any reduction of the fee for the certification examination or recertification examination.

(e) The certification issued pursuant to this subchapter shall be validated on an annual term commencing with January 1 of the year for which it is issued and expiring 12:00, Midnight, December 31, of the same year.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Eugene Fisher
Chief, Bureau of Radiation Protection
Department of Environmental Protection
380 Scotch Road
Trenton, N.J. 08628

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Daniel J. O'Hern
Commissioner
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

CLEAN AIR COUNCIL

Notice of Changes in the Hours And Topic of Annual Public Hearing

Take notice that the Notice of the Annual Public Hearing of the Clean Air Council in the Department of Environmental Protection was published in the January 4, 1979, issue of the New Jersey Register at 11 N.J.R. 10(b). Such hearing will commence at 9:00 A.M. on March 21, 1979, in the Labor Education Center, Auditorium at Rutgers University, New Brunswick, New Jersey.

Take further notice that the Clean Air Council has revised the closing time of this hearing to "4:00 P.M. or until the close of testimony" and that the hearing topic has been revised to read "What Are the Roles of Municipal, County and Regional Agencies in the New Jersey Air Pollution Program?"

This Notice is published as a matter of public information.
Howard H. Kestin
Director
Office of Administrative Law

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF RADIATION PROTECTION

Rules on Analytical X-Ray Installations

On February 15, 1979, Dr. M. Weiss, Chairman of the Commission on Radiation, and Daniel J. O'Hern, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 26:2D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:28-21.1 et seq., concerning analytical x-ray installations substantially as proposed in the Notice published August 10, 1978, at 10 N.J.R. 321(a) with only inconsequential structural or language changes in the opinion of the Department of Environmental Protection.

An order adopting these rules was filed on February 15, 1979 as R.1979 d.64 to become effective on May 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(b)

ENVIRONMENTAL PROTECTION

PINELANDS ENVIRONMENTAL COUNCIL

Rules on Project Review Guide

On February 15, 1979, Morton Cooper, Chairman of the Pinelands Environmental Council in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:18-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted rules, to be cited as N.J.A.C. 7:50-1.1 et seq., concerning the project review guide substantially as proposed in the Notice published November 9, 1978 at 10 N.J.R. 479(a) with only inconsequential structural or language changes in the opinion of the Department of Environmental Protection.

An order adopting these rules was filed and became effective on February 15, 1979 as R.1979 d.78.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Proposed Rules on Emergency Medical Services

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt new rules concerning the designation of Emergency Medical Services Regions and Hospitals to implement a state-wide Emergency Medical Service System.

Take notice that these proposed rules supersede the proposed rules on the same subject that was published December 7, 1978, at 10 N.J.R. 535(a) and which indicated that such rules were to be cited as N.J.A.C. 8:31-29.1 et seq. These newly proposed rules will be cited as N.J.A.C. 8:31-25.2 et seq., if adopted.

Full text of the proposal follows (deletions indicated in brackets [thus]; revisions to the originally proposed rules are indicated in boldface thus):

SUBCHAPTER 25. [MOBILE INTENSIVE CARE PARAMEDICS] EMERGENCY MEDICAL SERVICES

8:31-25.2 Introduction

The Emergency Medical Services Systems (EMSS) Act of 1973 (P.L. 93-154) provided aid to states and sub-state areas to establish coordinated, cost-effective, area-wide emergency medical services systems. Through this legislation, the Emergency Medical Services unit in the New Jersey Department of Health has obtained federal support for implementing a regional Emergency Medical Services System in New Jersey.

8:31-25.3 Purpose of the regulation

(a) A primary purpose of this regulation is to insure effective treatment for patients anywhere in New Jersey who need emergency care.

(b) The regulation is broad in scope in that it reflects systemic planning. Emphasis is on the planning process itself. The intent is to encourage involvement of all providers of emergency care from the beginning of planning to the implementation of a regionalized Emergency Medical Services Systems.

(c) The goal of this regulation is to form coordinated regional network of emergency care providers. Agreements on treatment and transfer of certain categories of critically ill or injured emergency patients are also needed. Such patients make up only an estimated 3 percent to 5 percent of those who seek emergency care each year. Essentially, they are patients who require Advanced Life Support as defined below. The system is designed to ensure "wall to wall" care for the critically injured or ill patient, not to ration emergency care. Mutual treatment and transfer agreements are recommended in conformance standards established by the Joint Commission on the Accreditation of Hospitals. Experience elsewhere has shown that this results in improved patient care and more lives saved. The cooperation of volunteer ambulance squads is an essential component of any New Jersey Emergency Medical Services System.

(d) Advanced life support services (ALS) are now being provided by the Mobile Intensive Care Units (MICU), which supplement the services provided by the volunteer squads. MICU's in New Jersey are mostly non-transport,

particularly where volunteer paramedics are used to staff them. The local volunteer squads will continue to be responsible for the primary response and will usually transport the patient to the hospital. The MICU will be dispatched to work with the squad only in the critical cases mentioned above.

(e) Effective care for those requiring critical emergency care will be accomplished through a system organized on a regional basis. Within each region, the system will be characterized by the following:

1. A radio communications system that will allow medical collaboration between the resource and associate hospitals and mobile intensive care units within a regional network.

2. The designation of one resource hospital for an entire region, and one associate hospital per 250,000 population in that region. The remaining hospitals providing emergency care would be designated receiving hospitals. Resource hospitals are to provide medical control of emergency care for specific categories of patients.

3. The resource hospital also will have certain responsibilities for developing protocols and providing training (training will be for all disciplines in Emergency Medical Care, i.e. general public, dispatchers, physicians, nurses and rescue squads if requested by the squads). These responsibilities will be undertaken with the assistance of other providers in the system as appropriate.

8:31-25.4 Planning and designation process

(a) The regulation "Process and General Criteria for the Certification of Need and Designation of Regional Services" which the Health Care Administration Board promulgated December 7, 1978 (N.J.A.C. 8:31-28.1 et seq.) applies to the designation of emergency medical services hospitals and any Certificate of Need awarded to such hospitals. As stated in that regulation, regionalized plans for this service will be developed by Health Systems Agencies. Since regionalized services are likely to cross Health Systems Agency boundaries, Health Systems Agencies must coordinate their planning.

(b) Prior to making any designations, the HSA will have developed a plan for emergency medical services that will include the identification of EMS regions. Such plans will be developed in consultation with the hospitals and others affected in the region, and according to the requirements of the regulation "Process and General Criteria for the Certification of Need and Designation of Regional Services". They will be sent to the Statewide Health Coordinating Council to be reviewed and adjusted to become part of the State plan.

(c) Once the HSA plans have been accepted, hospitals will be notified that applications for designation may be filed, on forms prepared by the Department of Health, within 90 days. One copy of the forms is to be sent to the HSA and one copy to the Department of Health. The HSA's will make recommendations for designation, and the Department of Health will designate hospitals as resource, associate, or receiving hospitals.

(d) To the extent that new hospital expenditures are required to meet approved regional EMS plans, the Department is committed to approving all allowable and reasonable costs through the rate-review process.

(e) Any application for designation must meet the standards in this regulation and be in conformance with the EMS plans of Health Systems Agencies and with the State plan for regionalization of emergency medical services.

(f) Each Health Systems Agency, in cooperation with the New Jersey State Health Department's Emergency

Medical Services unit, will establish a regional emergency medical services advisory committee which will advise and assist the Health Systems Agency in emergency medical services planning. The Statewide Health Coordinating Council (SHCC) will establish an Emergency Medical Services Advisory Committee to assist the SHCC in compiling HSA emergency medical services plans into a State plan for emergency medical services regionalization.

(g) Members of these regional and SHCC EMS advisory committees should be drawn from the full spectrum of persons with knowledge of or interest in emergency services, including physicians, nurses, hospital administrators and planners, members of first aid squads and paramedics, public safety personnel (e.g., firemen and police officers), local and State government representatives, and consumers.

8:31-25.5 Definition of components of an emergency medical services system

(a) A list of basic structural components of a regionalized emergency medical services system can be viewed as:

1. First responders: Policemen, firemen and the public;

2. Communicators/dispatchers: Radio operators who are employed within a public safety communications center and use public safety communications equipment to dispatch services and to communicate with other personnel in an EMS system, in order to send the appropriate emergency services to the patient, or send the patient to the appropriate facility. Examples of areas with functional central public safety communication centers are Burlington, Camden, and Hunterdon Counties.

3. Ambulances and ambulance squads: Vehicles designed and equipped to transport emergency medical services patients, and personnel manning these vehicles in order to provide basic life support services and transportation.

4. Mobile Intensive Care Units (MICU) and paramedics: Vehicles designed and equipped to bring advanced life support services to the patient, and staffed by certified paramedic and/or mobile intensive care nurses providing the services through the MICU's.

5. Emergency department: An emergency unit in a hospital staffed 24 hours a day by a New Jersey licensed physician and nurses trained in and capable of rendering emergency services appropriate to the hospital's designation level.

6. Resource hospitals—to be designated under this regulation. Each resource hospital functions as the EMS hub for medical control and coordination in an EMS region (defined below) and provides an emergency department with centralized communication for medical control of basic life support and advanced life support functions. Details regarding the role and requirements of resource hospitals are delineated in this regulation under "Standards and Criteria".

7. Associate hospitals: To be designated to this regulation. Associate hospitals have agreements to accept the advice of the resource hospitals for specific emergency medical service purposes. Associate hospitals have an emergency department and radio communications capability in accordance with guidelines established by the New Jersey Health Department and can undertake some of the responsibilities of the resource hospital (e.g., paramedic training and medical direction of patient care) when these tasks are delegated to the associate by the resource hospital. Detail regarding the role and requirements of associate hospitals are delineated in this regulation under "Standards and Criteria".

8. Receiving hospitals: To be designated under this regulation. Receiving hospitals have agreements to accept the advice of the resource hospital for specific emergency medical service purposes. Receiving hospitals have emergency departments and may receive specific critical care categories of patients. Associate and resource hospitals will also function as receiving hospitals. Detail regarding the role and requirements of receiving hospitals are delineated in this regulation under "Standards and Criteria".

9. EMS Region: The area to be served by a resource hospital, its associate and its receiving hospitals. This area need not be coterminous with any pre-existing regions. Detail regarding EMS regions can be found in this regulation under "Standards and Criteria".

(b) A simplified list of the basic functional components can be viewed as:

1. Communications: Including telemetry (the transmission of patient physiological data by telephone or radio between MICU and hospital).

2. Medical control: Responsibility for leadership in the development and implementation of protocols for specific types of critical emergency care in a designated region. Implementation is accomplished through medical direction.

3. Medical Direction: Physician-directed care of the patient either pre-hospital, via voice and telemetry, or in-hospital.

4. Mutual aid: Reciprocal agreements among EMS providers (ambulance squads, police, hospital EMS personnel, etc.) serving contiguous areas, for the provision of emergency medical services in cases of unusual demand.

5. Training: Of personnel for specific emergency medical services functions.

6. Triage: The act of assessing the type and the degree of severity of a presenting medical problem, and the health care resources that must be accessed in order to provide the appropriate level of care.

7. Basic life support (BLS): The minimal acceptable level of care available in a regionalized Emergency Medical Services system.

8. Advanced life support (ALS): Includes basic life support functions as well as cardiopulmonary resuscitation; cardiac monitoring and defibrillation; telemetered electrocardiography; administration of anti-arrhythmic agents; intravenous therapy; administration of specific medications; use of adjunctive ventilation devices; trauma care and other authorized techniques and procedures.

9. Transfer: Moving the patient from one facility, type of care, or level of service to another, according to patient wishes and needs and the availability of service, and in accordance with established procedures and protocols.

8:31-25.6 New Jersey mobile intensive care pilot projects

(a) Regionalized systems of emergency care have been initiated in this State in the form of Mobile Intensive Care pilot projects.

(b) In October, 1973, P.L. Chapter 229, New Jersey's Paramedic Act, authorized any hospital having an accredited coronary care unit to apply to the State Department of Health for approval to conduct, for a 5-year period, a Mobile Intensive Care (MIC) pilot project. Of those hospitals which applied, nine were accepted as official projects.

(c) Each project consists of a base station hospital and one or more MICU's under medical control. MICU's are each staffed by one or more paramedics. Five of these projects utilize volunteer paramedics and four utilize paid personnel. Mobile Intensive Care Paramedics in New Jersey are defined as Emergency Medical Technicians who have taken the New Jersey State Department of

Health accredited paramedic training and have been certified by the New Jersey State Board of Medical Examiners as being qualified to render authorized advanced life support.

(d) These pilot projects became operational with minimum start-up funding awarded to applicant hospitals which met basic criteria approved by the Commissioner of Health.

(e) Although consideration was given to:

- Geographical area and population;
- Public information mechanisms;
- Technical resources available at applicant hospital;
- Accessibility to other resources;
- Inter-relationships with other hospitals;
- Potential to become self-sustaining;

these were not made explicit criteria in the application or selection of base hospitals and no regionalized plans were developed.

(f) This regulation, building upon the knowledge the Emergency Medical Services program gained from the pilot projects, makes explicit such regionalization criteria, and specifies standards applicants must meet in order to be designated Emergency Medical Services resource hospitals.

(g) Further information concerning the MICU pilot projects is available from the EMS program, 129 E. Hanover Street, Trenton, New Jersey 08608.

8:31-25.7 New Jersey critical care categories and specialized resources

(a) Critical conditions are the assumed or diagnosed physical conditions of an Emergency Medical Services patient whose life is considered at serious risk. Seven critical care categories were cited in the 1973 Federal Emergency Medical Services Act: perinatal/neonatal; burn; cardiac; behavioral (alcohol-drug abuse-mental health); poison; multiple trauma; and neurological injury emergencies. These emergencies will be of primary focus in future emergency medical services planning and regionalization. The following data indicates the potential numbers of persons needing such emergency care.

1. Perinatal/neonatal: 89,000 babies were born in New Jersey in 1976, 6,300 (7%) of them premature; 1,610 babies (2%) were either stillborn or died soon after birth. Over 8% of the babies were in need of intensive care.

2. Burns: In 1976, more than 2,500 persons in New Jersey were burned badly enough to require hospital admission, approximately 600 of them considered to be "severe" burns. About 200 people in New Jersey die due to burns every year.

3. Cardiac: Although cardiac-related deaths have been steadily decreasing in recent years, in New Jersey as well as nationally, every day in this State about 70 people die due to cardiac disorders and an equal number have myocardial infarctions (heart attacks).

4. Behavioral disorders: In 1976, over 28,000 persons were admitted to general hospitals in New Jersey with a primary diagnosis of psychosis, neurosis, alcoholism or drug dependence.

5. Poison: About 250 people in this State die from poisonings each year, and approximately 5,000 accidental poisonings are reported to the State Department of Health annually.

6. Multiple trauma: Although data on this specific critical care category is not presently available, some indirect indicators suggest its prevalence. There were over 1,000 motor vehicle fatalities in New Jersey in 1975, and 114,000 persons injured in motor vehicle accidents. In 1976, 83,000 persons with fractures, dislocations, internal

injuries and open wounds were admitted to New Jersey hospitals.

7. Neurological injuries: New Jersey data is not available, but national data indicates that approximately 375 spinal cord injuries can be anticipated annually in a population of 7.4 million.

8. Critical care task forces, each addressing a single category, and each chaired by a leading physician in the State who is expert in that type of critical care, were established by the Emergency Medical Services program in 1977. They have disseminated draft documents and are in the process of preparing definitive documents to be used by hospitals designated under this regulation.

9. These documents will delineate the specific basic care required for each critical care category—care that must be provided by all personnel/facilities of a given type in the regionalized network (e.g., all paramedics or all emergency departments). The documents will also provide criteria that may be used in identifying emergency departments with special capabilities for treating particular critical care categories.

10. The critical care task forces have addressed themselves not only to the pre-hospital and emergency department care of patients in these critical care categories, but also to the appropriate level of inpatient care for patients with certain characteristics. The task forces have utilized (in addition to recognized national professional organization criteria) regionalization regulations and State plans relevant to the critical care categories. As additional Task Force reports are developed, they must be channeled through and coordinated with the activities of the Health Systems Agencies and the State Department of Health. If patient characteristics indicate that a higher level of care is required, the inpatient sites to which critical care patients will be transported (and the relationship between EMS critical care categories and facilities to be designated under previous regionalization regulations and plans, or services addressed by existing units of State government) are as follows:

11. Perinatal/neonatal care: Facilities that have been designated Level II and Level III perinatal centers under the regionalization regulation.

12. Burn care: Burn units and centers that have been awarded a New Jersey Certificate of Need; burn units and centers in Philadelphia and New York City; burn programs in New Jersey hospitals that meet the criteria specified in the Burn Care plan element in the State Health Plan.

13. Behavioral emergencies and poisonings: Facilities meeting criteria to be developed by the task forces in collaboration with the appropriate planning and programmatic units in State government: in the Department of Health—the Division of Health Planning and Resources Development, the Division of Alcohol and Narcotic Abuse, and the Poison Control program; in the Department of Human Services—the Division of Mental Health and Hospitals.

14. Cardiac care: Facilities meeting criteria to be developed by the task forces and approved by the Department of Health. Such facilities may or may not be facilities designated as cardiac surgery centers or cardiac catheterization centers.

15. Multiple trauma and neurological injuries: Facilities meeting criteria to be developed by the task forces and approved by the Department of Health.

8:31-25.8 EMS region; standards and criteria

(a) Applicants for the designation of emergency medical services resource associate, and receiving hospitals must

include supportive evidence substantiating the following:

1. The region to be served by the resource hospital, its associate and receiving hospitals will consist of at least 750,000 population, or at least 1,000 square miles. A population of more than one million would not be inappropriate in a densely populated geographic region. (Maps should be supplied.) Geographic inaccessibility waivers may be granted with the recommendation of the HSA.

2. The planned system or network in a single region consists of no more than one resource hospital. Associate hospitals will be designated based on one per 250,000 population. Resource and associate hospitals must have the capability of operating MICU's. The number and need for MICU's for the region is to be determined by the HSA in the planning process and approved by the SHCC.

3. Resource Hospital

(b) Applicants for the designation of emergency medical services resource hospitals must meet the following standards and criteria and provide supportive evidence in their application.

1. Resource hospital size/utilization: An annual inpatient load of at least 9,000 admissions/discharges (a 200-bed hospital maintaining 85% occupancy with a 7-day average length of stay would have 8,864 in-patients).

2. Resource hospital facilities and equipment:

i. An emergency department;

ii. A functioning ICU/CCU;

iii. A Federal Communications Commission (FCC) license to operate radio equipment, or written assurance that such a license will be applied for within 30 days of the facility's being designated an Emergency Medical Services resource hospital;

iv. Radio equipment recommended by New Jersey State Department of Health and compatible with New Jersey State Department of Health State Telecommunications plan, capable of providing medical control communications for the region, or written assurance that such equipment will be ordered within 30 days of the facility's being designated an Emergency Medical Services resource hospital;

v. Biomedical communications equipment compatible with other units in the region, or written assurance that such equipment will be ordered within 30 days of the facility's being designated an Emergency Medical Services resource hospital.

3. Resource hospital staffing:

i. Medical Director: Physician licensed to practice medicine in New Jersey, fully experienced in emergency medicine, and trained in advanced life support. Employed full-time by the resource hospital but functions approximately 15% of the time as Medical Director of the emergency medical services region; trained and experienced in monitoring and maintaining optimal levels of patient care among medical, nursing and allied health care personnel.

ii. Mobile Intensive Care Unit Coordinator (full-time): Responsible for scheduling and staffing the Mobile Unit with adequately trained and certified personnel. Also responsible for the maintenance of medical equipment, supplies communication equipment and vehicle maintenance.

iii. Administrative and Training Coordinator (full-time): Responsible for management aspects of the Emergency Medical Services Program within the region, as well as coordinating or conducting training for emergency medical services personnel in the region. Further responsibilities include coordination of training among the associate, receiving and other hospitals, as well as community colleges and other educational facilities in the emergency medical services region.

iv. Physician, nurses, and paramedics fully trained,

certified and in sufficient numbers to staff a medically controlled advanced life support system in the region 24 hours a day, 7 days a week;

v. Emergency Department (ED) staffing consisting of at least:

(1) 24-hour physician coverage (a New Jersey licensed physician certified by the board of trustees of the hospital as being trained in and capable of rendering advanced life support).

(2) Cardiologist, internist, and surgical consultants available as needed or on call within 30 minutes. Senior residents may be used in the interim.

(3) Nurses trained in and capable of rendering basic life support and at least one nurse, certified by the board of trustees of the hospital in advanced life support, on duty at all times.

vi. Resource hospital medical control: As a part of overall medical control, the resource hospital must agree to:

(1) Perform functions related to training;

(2) Possess the capability to coordinate or conduct training in the emergency medical services region;

(3) Use curricula approved by New Jersey State Health Department for paramedic training;

(4) Provide orientation to the advance pre-hospital care program for all hospital employees and to the community in the region;

(5) Provide training of emergency physicians and nurses who will be providing medical direction by radio or telephone from the resource and associate hospitals, and provide training of dispatchers.

vii. Perform functions related to communications:

(1) Use designated UHF Med channels and VHF radio channels as outlined in the New Jersey State Health Department communications plan;

(2) Abide by guidelines set forth by the New Jersey State Health Department to assure a state and regional medically controlled communications system;

(3) Record all voice telemetry communications and store them for a minimum of two years;

(4) Central dispatch is neither required by, nor specifically excluded from this regulation.

viii. Perform supervisory functions related to remote emergency care of critical patients:

(1) Assure that choice of hospital to which patients will be transported is based entirely on objective analysis of patient preference, facility capability and proximity, and that no effort will be made to obtain commercial advantage through this regionalized emergency medical services system.

(2) Use protocols for treatment and transfer developed in cooperation with other emergency care providers in the region and the New Jersey State Health Department, so that patients appropriate for specifically designated critical care facilities are transported there.

(3) Have the capability to operate whatever number of MICU's is determined by the HSA's and the SHCC to be needed for a population of 250,000. The MICU's must meet the equipment and staffing standards established by the New Jersey State Department of Health. Salary costs of MICU personnel will be approved for reimbursement only when there is clear and ample documentation that volunteers were not available.

(4) Arrange for the handling of Medivac patients by State Police helicopter service.

(5) Seek mutually developed written agreements with basic life support ambulance squads detailing reciprocal responsibilities. It is understood that hospitals have no authority over volunteer ambulance squads and that these squads are not obliged to participate. Voluntary coopera-

tion of these squads is to be sought, and HSA's should give special consideration to applicant hospitals successful in obtaining the cooperation of ambulance squads.

8:31-25.9 Other criteria and standards

(a) An application for designation of resource hospital must contain the following information:

1. Detail regarding:

i. A quality control system for medical direction and MIC responses;

ii. Estimates of the start-up and operational costs anticipated;

iii. Plans for informing the community about the Emergency Medical Services regional system and providing community education in system access, prevention, health education, and cardiopulmonary resuscitation;

iv. A plan for the participation of hospitals, basic life support, and advanced life support units in an equipment exchange program;

v. Relationships with local government units, Health Systems Agencies, and other appropriate agencies and organizations in the region.

2. Written assurance that the hospital:

i. At the time it applies for designation, does not foresee a reduction from its current status in service capability, facilities or staff related to emergency medical services function;

ii. Has the written approval and support of its governing body;

iii. Will work in cooperation with the regional emergency medical services advisory committee;

iv. Will maintain appropriate liability insurance;

v. Will assure that no discrimination among patients will be made, directly or indirectly, on the basis of the patient's race, religion, sex, age or ability to pay. The applicant shall state in writing that the hospital shall comply with all Federal and State laws in this regard, including the Good Samaritan statute.

3. Written assurance that a minimum data set as required by the New Jersey State Health Department will be collected for every patient encounter, basic life support, advanced life support, and emergency department; and basic reports using this data are submitted to New Jersey State Health Department as required. After consultation with appropriate hospital personnel, the Department of Health will develop a reporting form to be used by each hospital.

4. An application for designation from hospitals proposing to function as associate or receiving hospitals within the system must specify the following criteria will be met:

(b) Associate hospitals must:

1. Have an emergency department;

2. Receive patients;

3. Agree to use protocols for treatment and transfer developed by the emergency medical services resource hospital in cooperation with other emergency care providers in the region and the New Jersey State Health Department;

4. Have a functioning ICU/CCU;

5. Have communications capability in accordance with guidelines established by the New Jersey State Department of Health.

6. Provide medical direction to advance life support units nearest this facility;

7. Coordinate paramedic training with the resource hospital;

8. Have an MICU coordinator, (full-time);

9. Have the capability to operate whatever number of MICU's is determined by the HSA's and the SHCC to be

needed for a population of 250,000. The MICU's must meet the equipment and staffing standards established by the New Jersey State Department of Health. Salary costs of MICU personnel will be approved for reimbursement only when there is clear and ample documentation that volunteers were not available.

10. Provide written assurance that the hospital:

i. At the time it applies for designation, does not foresee a reduction from its current status in service capability, facilities or staff related to emergency medical services function;

ii. Has the written approval and support of its governing body;

iii. Will work in cooperation with the regional emergency medical services advisory committee;

iv. Will maintain appropriate liability insurance;

v. Will assure that no discrimination among patients will be made, directly or indirectly, on the basis of the patient's race, religion, sex, age or ability to pay.

11. The applicant shall state in writing that the hospital shall comply with all Federal and State laws in this regard, including the Good Samaritan statute.

12. Will collect a minimum data set, as required by the New Jersey State Health Department, for every patient encounter—basic life support, advanced life support, and emergency department—and submit basic reports using this data to the State Health Department as required. After consultation with appropriate hospital personnel, the Department of Health will develop a reporting form to be used by each hospital.

(c) Receiving hospitals must

1. Have an emergency department;

2. Receive patients;

3. Agree to use protocols for treatment and transfer developed by the emergency medical services resource hospitals in cooperation with other emergency care providers in the region and the New Jersey State Health Department;

4. Have a functioning ICU/CCU;

5. Have ground line (telephone) communications with resource and associate hospitals, and have VHF communications capability. No other specific communications capability is required or encouraged.

6. Provide written assurance that the hospital:

i. At the time it applies for designation, does not foresee a reduction from its current status in service capability, facilities or staff related to emergency medical services function;

ii. Has the written approval and support of its governing body;

iii. Will work in cooperation with the regional emergency medical services advisory committee;

iv. Will maintain appropriate liability insurance;

v. Will assure that no discrimination among patients will be made, directly or indirectly, on the basis of the patient's race, religion, sex, age or ability to pay. The applicant shall state in writing that the hospital shall comply with all Federal and State laws in this regard, including the Good Samaritan statute.

vi. Will collect a minimum data set, as required by the New Jersey State Health Department, for every patient encounter—basic life support, advanced life support, and emergency department—and submit basic reports using this data to the State Health Department as required. After consultation with appropriate hospital personnel, the Department of Health will develop a reporting form to be used by each hospital.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before March 28, 1979 to:

William J. Harris
Director, Emergency Medical Service
N.J. Department of Health
129 East Hanover St.
Trenton, N.J. 08608

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Amendments on Person Entitled to Fill Prescriptions

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-15, proposes to amend N.J.A.C. 8:65-7.6 concerning persons entitled to fill prescriptions.

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

8:65-7.6 Person entitled to fill prescriptions

[(a) The administering or dispensing directly (but not prescribing) of narcotic drugs listed in any schedule to a narcotic drug dependent person for "detoxification treatment" or "maintenance treatment" as defined in N.J.A.C. 8:65-11.1(b) and (c) shall be deemed to be within the meaning of the term "in the course of his professional practice or research" in Section 308(e) and Section 102(20) of the Act (21 U.S.C. 828(e)): Provided, that the practitioner is separately registered with the Attorney General as required by Section 303(g) of the Act (21 U.S.C. 823(g)) and this department and then thereafter complies with the regulatory standards imposed relative to treatment qualification, security, records and unsupervised use of drugs pursuant to such Acts and regulations.

(b) Nothing in this section shall prohibit a physician who is not specifically registered to conduct a narcotic treatment program from administering (but not prescribing) narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral for treatment. Not more than one day's medication may be administered to the person or for the person's use at one time. Such emergency treatment may be carried out for not more than three days and may not be renewed or extended.

(c) This section is not intended to impose any limitations on a physician or authorized hospital staff to administer or dispense narcotic drugs in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment of conditions other than addiction, or to administer or dispense narcotic drugs to persons with intractable pain in which no relief or cure is possible or none has been found after reasonable efforts.]

A prescription for controlled substances may only be filled by a pharmacist acting in the usual course of his professional practice and either registered individually or employed in a registered pharmacy or registered institutional practitioner.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Donald J. Foley
Chief, Drug Control
Drug, Device and Cosmetic
N.J. Department of Health
1911 Princeton Ave.
Trenton, N.J. 08648

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Amendments on Person Entitled to Fill Prescriptions

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-15, proposes to amend N.J.A.C. 8:65-7.7 concerning persons entitled to fill prescriptions.

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

8:65-7.7 [Dispensing of Narcotic Drugs for Maintenance Purposes] Administering or Dispensing of Narcotic Drugs

[The administering or dispensing directly (but not prescribing) of narcotic drugs listed in any schedule to a narcotic drug dependent person for the purpose of continuing his dependence upon such drugs in the course of conducting an authorized clinical investigation in the development of a narcotic addict rehabilitation program, shall be deemed to be within the meaning of the term "in the course of his professional practice or research" in Section 308(e) of the Act (21 U.S.C. 828(e)); provided, that approval is obtained prior to the initiation of such a program by submission of a notice of claimed investigational exemption for a new drug to the Food and Drug Administration which will be reviewed concurrently by the Food and Drug Administration for scientific merit and by the Bureau for drug control requirements, and that the clinical investigation thereafter accords with such approval, as required in 130.44 of 21 U.S.C.]

(a) The administering or dispensing directly (but not prescribing) of narcotic drugs listed in any schedule to a narcotic drug dependent person for "detoxification treatment" or "maintenance treatment" as defined in section 102 of the Act (21 U.S.C. 802) shall be deemed to be within the meaning of the term "in the course of his professional practice or research" in section 308(e) and section 102(20) of the Act (21 U.S.C. 828(e)); provided, that the practitioner is separately registered with the Attorney General as required by section 303(g) of the Act (21 U.S.C. 823(g)) and then thereafter complies with the regulatory standards imposed relative to treatment qualification, security, records and unsupervised use of drugs pursuant to such Act.

(b) Nothing in this section shall prohibit a physician who is not specifically registered to conduct a narcotic treatment program from administering (but not prescribing) narcotic drugs to a person for the purpose of relieving acute withdrawal symptoms when necessary while ar-

rangements are being made for referral for treatment. Not more than one day's medication may be administered to the person or for the person's use at one time. Such emergency treatment may be carried out for not more than three days and may not be renewed or extended.

(c) This section is not intended to impose any limitations on a physician or authorized hospital staff to administer or dispense narcotic drugs in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment of conditions other than addiction, or to administer or dispense narcotic drugs to persons with intractable pain in which no relief or cure is possible or none has been found after reasonable efforts.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Donald J. Foley
Chief, Drug Control
N.J. Department of Health
1911 Princeton Ave.
Trenton, N.J. 08648

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendment to Schedule IV Of Controlled Dangerous Substances Concerning Pentazocine

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to add pentazocine to Schedule IV of the Controlled Dangerous Substances in N.J.A.C. 8:65-10.4.

Full text of the proposal follows:

The Commissioner of Health raises no objection to an order placing PENTAZOCINE in Schedule IV of the U.S. Controlled Substance Act of 1970. Such an order was placed in the Federal Register, Vol. 44, No. 7, January 10, 1979, to be effective February 9, 1979.

Now, therefore, the Commissioner of Health hereby orders that PENTAZOCINE be subject to the provisions of the New Jersey Controlled Dangerous Substance Act and placed in Schedule IV, Other Substances, as

Pentazocine - CDS9709
said action to become effective February 9, 1979.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Donald J. Foley
Chief, Drug Control
N.J. Department of Health
1911 Princeton Ave.
Trenton, N.J. 08648

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Rules on Pathological and Infectious Waste Disposal

On February 1, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:43B-3.6, concerning pathological and infectious waste disposal in the Hospital Manual of Standards for Licensure substantially as proposed in the Notice published February 9, 1978, at 10 N.J.R. 61(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on February 14, 1979 as R.1979 d.61.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Amendment on Distribution Of Special Controlled Dangerous Substances

On February 14, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an amendment, to be cited as N.J.A.C. 8:65-2.4(g), concerning the distribution of special controlled dangerous substances as proposed in the Notice published January 4, 1979 at 11 N.J.R. 12(a).

An order adopting this amendment was filed and became effective on February 15, 1979 as R.1979 d.70.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Amendments on Prescriptions For Controlled Dangerous Substances

On February 14, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-7.4(c) concerning prescriptions for controlled dangerous substances as proposed in the Notice published January 4, 1979 at 11 N.J.R. 13(c).

An order adopting these amendments was filed and became effective on February 15, 1979 as R.1979 d.71.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HEALTH

THE COMMISSIONER

Amendments to Security of Controlled Dangerous Substances

On February 14, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-2.4(c) concerning the security of controlled dangerous substances as proposed in the Notice published January 4, 1979 at 11 N.J.R. 11(c).

An order adopting these amendments was filed and became effective on February 15, 1979 as R.1979 d.72.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HEALTH

THE COMMISSIONER

Amendments on Security for Special Controlled Dangerous Substances

On February 14, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to be cited as N.J.A.C. 8:65-2.5(e) concerning security for special controlled dangerous substances as proposed in the Notice published January 4, 1979 at 11 N.J.R. 12(b).

An order adopting these amendments was filed and became effective on February 15, 1979 as R.1979 d.73.

Howard H. Kestin
Director
Office of Administrative Law

(f)

HEALTH

THE COMMISSIONER

Repeal of Quotas Concerning Controlled Dangerous Substances

On February 14, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, repealed N.J.A.C. 8:65-4.1 et seq. concerning quotas regarding controlled dangerous substances as proposed in the Notice published January 4, 1979 at 11 N.J.R. 12(c).

An order repealing these rules was filed and became effective on February 15, 1979 as R.1979 d.74.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HEALTH

THE COMMISSIONER

Amendments on Triplicate Order Forms for Controlled Dangerous Substances

On February 14, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-6.16 concerning triplicate order forms for controlled dangerous substances as proposed in the Notice published January 4, 1979 at 11 N.J.R. 13(a).

An order adopting these amendments was filed and became effective on February 15, 1979 as R.1979 d.75.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HEALTH

THE COMMISSIONER

Amendments on Labeling of Prescriptions

On February 14, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-7.11 concerning the labeling of prescriptions as proposed in the Notice published January 4, 1979 at 11 N.J.R. 14(a).

An order adopting these amendments was filed and became effective on February 15, 1979 as R.1979 d.76.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HEALTH

THE COMMISSIONER

Amendments on Labeling of Controlled Dangerous Substances

On February 14, 1979, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 8:65-7.16 concerning the labeling of controlled dangerous substances as proposed in the Notice published January 4, 1979 at 11 N.J.R. 14(c).

An order adopting these amendments was filed and became effective on February 15, 1979 as R.1979 d.77.

Howard H. Kestin
Director
Office of Administrative Law

(d)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Amendments on Maximum Income Eligibility for Program Participants

On February 7, 1979, Fredrick Wilkes, Director of the Educational Opportunity Fund in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:71-33 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:11-1.5 and 9:11-1.9 concerning maximum income eligibility for program participants substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 537(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Higher Education.

An order adopting these amendments was filed on February 13, 1979, as R.1979 d.59 to become effective on June 1, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(e)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules on Long Term Care Prior Authorization

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to eliminate the prior authorization requirement for admission of Medicaid-eligible patients to a long term care facility from a New Jersey Title XIX approved Psychiatric Hospital. Such rule, if adopted, will be cited as N.J.A.C. 10:63-1.16.

Copies of this proposal or further information on the subject may be obtained from the Administrative Practice Officer at the address listed below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before March 28, 1979, to:

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

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Proposed Rules on Social Services For Boarding Home Residents

Ann Klein, Commissioner of Human Services, pursuant to the authority of N.J.S.A. 44:7-87 et seq., proposes to direct the County Welfare Agencies, under the supervision of the Division of Youth and Family Services, to provide social services to SSI recipients and other aged, blind, or disabled persons residing in licensed sheltered boarding homes and rooming and boarding houses. Said social services are to include, but not be limited to: complaint investigation; complaint coordination; follow up and the provision of information.

Full text of the proposal follows:

10:123-2.1 Social services for boarding home residents

(a) It shall be the responsibility of the County Welfare Agencies, under the supervision of the Division of Youth and Family Services to:

1. Investigate complaints involving harm or threats of harm to rooming and boarding house residents, including licensed sheltered care facilities, in cooperation with other agencies as appropriate.

2. Receive and coordinate all complaints regarding boarding and rooming houses, including licensed sheltered care facilities. This coordination requires the County Welfare Agencies to compile reports of complaints received by the County Welfare Agency and other state and local agencies.

3. Follow up such complaints to ensure that any needed remedial action is taken by the appropriate state and local agencies.

4. Provide information to make boarding and rooming house residents aware of social service programs available to them.

(b) In providing the above services, County Welfare Agencies shall make every effort to gain reasonable access to potential social service recipients. The County Welfare Agency shall seek the cooperation of state and local law enforcement agencies, the Office of the Ombudsman for the Institutionalized Elderly, state and local departments of health, and state and local housing officials whenever necessary in carrying out their designated social service responsibilities to residents of rooming and boarding houses.

(c) Complaints involving harm or threats of harm to the elderly residing in institutions will be shared with the Ombudsman's Office.

(d) It shall be the responsibility of the DYFS in supervising the County Welfare Agency to:

1. Develop appropriate standards and procedures for services to boarding and rooming house residents;

2. Receive and compile reports of complaints from the County Welfare Agencies and also other involved public agencies;

3. Develop and maintain a program information system for all reports of boarding and rooming house complaints, providing data for all involved state and local agencies;

4. Periodically evaluate and monitor services to boarding and rooming house residents provided by the County Welfare Agencies.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Elga Lee
Office of Program Support
Division of Youth and Family Services
One South Montgomery St.
Trenton, N.J. 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments on Pharmacy Services

On January 22, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 10:51-1.9(e) and 10:51-5.33(c) concerning pharmacy services substantially as proposed in the Notice published December 7, 1978 at 10 N.J.R. 540(b) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

Take notice that the Notice of Proposal incorrectly indicated that one of these amendments would be cited as N.J.A.C. 10:57-5.17(c). The correct citation is N.J.A.C. 10:51-5.33(c).

An order adopting these amendments was filed and became effective on January 26, 1979 as R.1979 d.35.

Howard H. Kestin
Director
Office of Administrative Law

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendments to Vision Care Manual

On February 8, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 10:62-1.5, 10:62-2.2, 10:62-2.3, 10:62-2.4 and 10:62-2.12 in the Vision Care Manual concerning prior authorization for eye examinations and appliances and basis of payment substantially as proposed in the Notice published December 7, 1978, at 10 N.J.R. 539(b) with only inconsequential structural or language changes in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on February 14, 1979 as R.1979 d.60.

Howard H. Kestin
Director
Office of Administrative Law

(a)

HUMAN SERVICES

DIVISION OF MENTAL RETARDATION

Rules on Administrative Appeals Procedure

On January 30, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:48-1.1, concerning administrative appeals procedures substantially as proposed in the Notice published October 5, 1978, at 10 N.J.R. 431(c) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Human Services.

An order adopting these rules was filed and became effective on February 15, 1979, as R.1979 d.62.

Howard H. Kestin
Director
Office of Administrative Law

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Emergency Amendments on Sterilization

On February 6, 1979, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments concerning sterilization which deleted the current text of N.J.A.C. 10:52-1.2(a)19.i. through iv.; 10:52-1.7(a); 10:54-1.20; and 10:66-1.16 and adopted new text therein.

Full text of the new rules follows:

10:52-1.2(a)19. Sterilization, inpatient services: Payment will be made for sterilization procedures and hysterectomies only if the following requirements were met:

- i. The individual is at least 21 years old at the time consent is obtained;
- ii. The individual is not mentally incompetent or institutionalized;
- iii. The individual has voluntarily given informed consent;
- iv. At least 30 days, but not more than 180 days, have passed between the date of informed consent and the date of the sterilization, except in the case of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery, if at least 72 hours have passed since he or she gave informed consent for sterilization. In the case of premature delivery, the informed consent must be given at least 30 days before the expected date of delivery;
- v. The Medicaid agency obtained documentation showing that all of these requirements were met. This documentation must include a consent form or an acknowledgment of receipt of hysterectomy information.

10:52-1.7(a)14. Sterilization, outpatient services: Payment will be made for sterilization procedures and hysterectomies only if the following requirements were met:

- i. The individual is at least 21 years old at the time consent is obtained;
- ii. The individual is not mentally incompetent or institutionalized;
- iii. The individual has voluntarily given informed consent;
- iv. At least 30 days, but not more than 180 days, have passed between the date of informed consent and the date of the sterilization, except in the case of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery, if at least 72 hours have passed since he or she gave informed consent for sterilization. In the case of premature delivery, the informed consent must be given at least 30 days before the expected date of delivery;
- v. The Medicaid agency obtained documentation showing that all of these requirements were met. This documentation must include a consent form or an acknowledgment of receipt of hysterectomy information.

10:54-1.20 Sterilization

(a) Definitions include the following:

1. Sterilization means any medical procedure, treatment, or operation for the purpose of rendering an individual permanently incapable of reproducing.
2. Institutionalized individual means an individual who is involuntarily confined or detained, under a civil or criminal statute, in a correctional or rehabilitative facility, including a mental hospital or other facility for the care and treatment of mental illness; or confined under voluntary commitment, in a mental hospital or other facility for the care and treatment of mental illness.
3. Mentally incompetent individual means an individual who has been declared mentally incompetent by a Federal, State, or local court of competent jurisdiction for any purpose, unless the individual has been declared competent for purposes which include the ability to consent to sterilization.

(b) Payments will be made for sterilization procedures and hysterectomies only if the following requirements were met:

1. The individual is at least 21 years old at the time consent is obtained;
2. The individual is not mentally incompetent or institutionalized;
3. The individual has voluntarily given informed consent;
4. At least 30 days, but not more than 180 days, have passed between the date of informed consent and the date of the sterilization, except in the case of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of a premature delivery or emergency abdominal surgery, if at least 72 hours have passed since he or she gave informed consent for the sterilization. In the case of premature delivery, the informed consent must have been given at least 30 days before the expected date of delivery;
5. The Medicaid agency obtained documentation showing that all these requirements were met. This documentation must include a consent form or an acknowledgment of receipt of hysterectomy information.

(c) Informed consent is considered to be given only if:

1. The person who obtained consent for the sterilization procedure offered to answer any questions the individual

may have concerning the procedure, provided a copy of the consent form, and provided orally all of the following information or advice to the individual to be sterilized:

i. Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment and without loss or withdrawal of any federally funded program benefits to which the individual might be otherwise entitled;

ii. A description of available alternative methods of family planning and birth control;

iii. Advice that the sterilization procedure is considered to be irreversible;

iv. A thorough explanation of the specific sterilization procedure to be performed;

v. A full description of the discomforts and risks that may accompany or follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic to be used;

vi. A full description of the benefits or advantages

vii. Advice that the sterilization will not be performed that may be expected as a result of the sterilization; for at least 30 days;

2. Suitable arrangements were made to insure that the information specified in paragraph 1 above was effectively communicated to any individual who is blind, deaf, or otherwise handicapped;

3. An interpreter was provided if the individual to be sterilized did not understand the language used on the approved consent form or the language used by the person obtaining consent;

4. The individual to be sterilized was permitted to have a witness of his or her choice present when consent was obtained;

5. The consent form requirements were met.
i. Content of the consent form. The consent form must be an exact replica of the federal form.

ii. Required signatures. The consent form must be signed and dated by:

- (1) The individual to be sterilized;
- (2) The interpreter, if one was provided;
- (3) The person who obtained the consent; and
- (4) The physician who performed the sterilization procedure.

Note: A copy of the consent form must be given to the individual.

6. Any additional requirement of State or local law for obtaining consent, except a requirement for spousal consent, was followed.

i. Informed consent may not be obtained while the individual to be sterilized is:

- (1) In labor or childbirth;
- (2) Seeking to obtain or obtaining an abortion; or
- (3) Under the influence of alcohol or other substances that affect the individual's state of awareness.

(d) Payments will be made for a hysterectomy when the completed Receipt of Hysterectomy Information Form is received by the Medicaid Contractor and the following requirements have been met:

1. A hysterectomy may not be performed solely for the purpose of rendering an individual permanently incapable of reproducing; or if there was more than one purpose to the procedure, would not be performed but for the purpose of rendering the individual permanently incapable of reproducing.

2. A hysterectomy on a female of any age may be performed when medically necessary, provided that the person who secured authorization to perform the hys-

terectomy has informed the individual and her representative, if any, orally and in writing, that the hysterectomy will render the individual permanently incapable of reproducing; and the individual or a representative must have signed a written acknowledgment of receipt of that information.

Note: There is no 30 day waiting period required before a medically necessary hysterectomy may be performed.

10:66-1.16 Sterilization

(a) Definitions include the following:

1. Sterilization means any medical procedure, treatment, or operation for the purpose of rendering an individual permanently incapable of reproducing.

2. Institutionalized individual means an individual who is involuntarily confined or detained, under a civil or criminal statute, in a correctional or rehabilitative facility, including a mental hospital or other facility for the care and treatment of mental illness; or confined under voluntary commitment, in a mental hospital or other facility for the care and treatment of mental illness.

3. Mentally incompetent individual means an individual who has been declared mentally incompetent by a Federal, State, or local court of competent jurisdiction for any purpose, unless the individual has been declared competent for purposes which include the ability to consent to sterilization.

(b) Payments will be made for sterilization procedures and hysterectomies only if the following requirements were met:

1. The individual is at least 21 years old at the time consent is obtained;

2. The individual is not mentally incompetent or institutionalized;

3. The individual has voluntarily given informed consent;

4. At least 30 days, but not more than 180 days, have passed between the date of informed consent and the date of the sterilization, except in the case of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of a premature delivery or emergency abdominal surgery, if at least 72 hours have passed since he or she gave informed consent for the sterilization. In the case of premature delivery, the informed consent must have been given at least 30 days before the expected date of delivery;

5. The Medicaid agency obtained documentation showing that all these requirements were met. This documentation must include a consent form or an acknowledgment of receipt of hysterectomy information.

(c) Informed consent is considered to be given only if:

1. The person who obtained consent for the sterilization procedure offered to answer any questions the individual may have concerning the procedure, provided a copy of the consent form, and provided orally all of the following information or advice to the individual to be sterilized:

i. Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment and without loss or withdrawal of any federally funded program benefits to which the individual might be otherwise entitled;

ii. A description of available alternative methods of family planning and birth control;

(Continued on Page 141)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

It includes ALL rules adopted from receipt of the last

individual Title updatings through February 15, 1979.

Since their last updates, the various State departments and agencies have adopted the following rules—which have been printed in the Register but are not yet included in current pages of the Code:

RULES NOT YET IN PRINT IN CODE:

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
AGRICULTURE — TITLE 2			
2:1-2.3	Amend functions of department units	R.1978 d.402	11 N.J.R. 2(b)
2:2	Amend disease control program	R.1978 d.402	11 N.J.R. 2(b)
2:2-2.15(b)	Amendments on limits of indemnities for brucellosis reactors	R.1978 d.302	10 N.J.R. 415(a)
2:3-1.1, 1.2	Amend interstate animal health certificates	R.1978 d.402	11 N.J.R. 2(b)
2:6-1.4, 1.8	Amend biologics	R.1978 d.402	11 N.J.R. 2(b)
2:6-1.9	Amend biologic product use	R.1978 d.428	11 N.J.R. 3(b)
2:7-1.5, 1.6	Repeal fee structure, service to poultry men	R.1978 d.402	11 N.J.R. 2(b)
2:8	Repeal administrative rules	R.1978 d.402	11 N.J.R. 2(b)
2:18	Repeal movement of plants, plant material	R.1978 d.402	11 N.J.R. 2(b)
2:20-2.1, 4.1	Repeal gooseberry planting prohibition; subcoccinella viginliqualourpunctata quarantine	R.1978 d.402	11 N.J.R. 2(b)
2:31	Repeal milk and cream grading	R.1978 d.402	11 N.J.R. 2(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.317	10 N.J.R. 415(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.367	10 N.J.R. 469(a)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.395	10 N.J.R. 526(b)
2:53-1.1(b)	Amend minimum milk prices	R.1978 d.402	11 N.J.R. 2(b)
2:53-1.1(b)	Amend announcement of milk prices	R.1979 d.34	11 N.J.R. 58(a)
2:53-1.2, 1.3	Amended schedules of milk prices	R.1978 d.318	10 N.J.R. 414(a)
2:54-2.6	Amendments to Federal Milk Marketing Order 4	R.1978 d.344	10 N.J.R. 468(b)
2:54-3.7	Amendments on suspension of portions of Federal Order 4	R.1978 d.343	10 N.J.R. 468(a)
2:54-3.7	Amendments to milk handling order	R.1978 d.396	10 N.J.R. 526(c)
2:71-1	Amend quality standards, shell eggs	R.1978 d.402	11 N.J.R. 2(b)
2:71-2.28	Amend charges for inspection or grading certification services and written agreements	R.1979 d.58	11 N.J.R. 117(a)
2:71-2	Amend fruits and vegetable standards	R.1978 d.402	11 N.J.R. 2(b)
2:71-4	Repeal poultry standards	R.1978 d.402	11 N.J.R. 2(b)
2:72	Amend license and bonding	R.1978 d.402	11 N.J.R. 2(b)
2:73-1	Repeal state seal: asparagus	R.1978 d.402	11 N.J.R. 2(b)
2:73-4 thru 6	Repeal state seal: white potatoes, poultry, turkeys	R.1978 d.402	11 N.J.R. 2(b)
2:74-1.4, 1.8, 1.13	Amend controlled atmospheric storage	R.1978 d.402	11 N.J.R. 2(b)

(Rules in the Code for Title 2 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 13.)

BANKING — TITLE 3

3:1-9	Amendments to home mortgage disclosure rules	R.1978 d.304	10 N.J.R. 416(b)
3:1-10	Amend restrictions on real property transactions	R.1979 d.55	11 N.J.R. 117(d)
3:6-2.1	Amend approved depositories for investments	R.1979 d.23	11 N.J.R. 58(b)
3:6-3.1	Repeal rule on notice of maturity on business suspensions	R.1978 d.370	10 N.J.R. 469(b)
3:7-4.3	Amendments on maturity for long-term time deposits	R.1978 d.290	10 N.J.R. 370(b)
3:8-3.1	Amend non-federal reserve members' reserves	R.1979 d.44	11 N.J.R. 117(b)
3:18-9	Amend secondary mortgage loan interest rate	R.1978 d.404	11 N.J.R. 4(b)
3:21	Rules on the credit union law	R.1979 d.54	11 N.J.R. 117(c)

(Rules in the Code for Title 3 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 12.)

CIVIL SERVICE — TITLE 4

4:1-5.16	Amendments on awarding counsel fees	R.1978 d.345	10 N.J.R. 469(c)
4:1-8.14	Amendments on action against prospective employees	R.1978 d.358	10 N.J.R. 469(d)
4:1-12.2	Amendments on promotional eligibility during leave to fill elective office	R.1978 d.392	10 N.J.R. 527(d)

(Rules in the Code for Title 4 include all adoptions prior to September 21, 1977—Transmittal Sheet No. 11.)

COMMUNITY AFFAIRS — TITLE 5

5:3	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:11-9.7	Amendments on tax abatements on added assessments	R.1978 d.369	10 N.J.R. 472(a)
5:14, 5:16, 5:20	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:26	Planned real estate development full disclosure	R.1978 d.403	11 N.J.R. 8(a)
5:30-2.5—2.7	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
2.9—2.19, 3.1			
5:30-3.4—3.8	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
5:30-5.1—5.11, 5.13, 6.1—6.4, 6.8—6.11, 7.1—7.9, 7.13, 8.1—8.5, 9.1—9.8, 10.1—10.11, 11.1—11.7	Repeal certain local finance rules	R.1979 d.16	11 N.J.R. 59(a)
5:30-13.4	Forms of certificate of sale for unpaid municipal liens	R.1979 d.40	11 N.J.R. 117(e)
5:30-13.5	Forms of certificate of search for municipal liens	R.1979 d.41	11 N.J.R. 117(f)
5:36	Amended rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:40, 5:43, 5:44, 5:61	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)
5:62	Delete rules on Handicapped Persons' Recreational Opportunities Act	R.1978 d.365	10 N.J.R. 470(b)
5:70	Repeal certain rules	R.1978 d.360	10 N.J.R. 470(a)

(Rules in the Code for Title 5 include all adoptions prior to October 1, 1978—Transmittal Sheet No. 11.)

EDUCATION — TITLE 6

6:3-1.21	Evaluation of tenured teaching staff members	R.1978 d.227	10 N.J.R. 319(d)
6:3-3.1 et seq.	Amendments on withdrawal from limited purpose regional school districts	R.1978 d.355	10 N.J.R. 473(b)
6:11-4.5	Amendments on intern certificates	R.1978 d.393	10 N.J.R. 531(b)
6:11-4.7	Amend county substitute certificate	R.1979 d.65	11 N.J.R. 120(b)
6:21-5.1 et seq. 6.1 et seq.	Amendments on school bus equipment specifications	R.1978 d.226	10 N.J.R. 319(c)
6:21-19.1(h)	Rule on school bus strobe warning lamps	R.1978 d.306	10 N.J.R. 418(c)
6:22-9.1 et seq., 10.1 et seq., 11.1 et seq.	Amendments on energy conservation	R.1978 d.356	10 N.J.R. 473(c)
6:22-13.3	Amendments on fire alarms and automatic fire detection	R.1978 d.357	10 N.J.R. 474(a)
6:28-1.1 et seq.	Amendments on special education	R.1978 d.277	10 N.J.R. 383(a)

(Rules in the Code for Title 6 include all adoptions prior to May 22, 1978—Transmittal Sheet No. 12.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:2	Amend rules of the Bureau of Parks	R.1979 d.18	11 N.J.R. 63(a)
7:6-1.34(c), 1.42(d)	Amendments regarding boating, diving and swimming	R.1978 d.368	10 N.J.R. 480(a)
7:6.6	Rules on watercraft noise control	R.1979 d.12	11 N.J.R. 63(d)
7:7E	Rules on coastal resource and development policies	R.1978 d.292	10 N.J.R. 384(a)
7:11-2	Amend rate for Delaware and Raritan Canal water	R.1979 d.32	11 N.J.R. 64(c)
7:11-4.4—4.12	Amend rate for Spruce Run-Round Valley Reservoirs	R.1979 d.31	11 N.J.R. 64(b)
7:11-4.11—4.32, 5.1—5.23	Amend Raritan Basin System water sales	R.1979 d.30	11 N.J.R. 64(a)
7:12-1.3(a)39.iii.	Amendment on condemnation of certain shellfish beds	R.1978 d.327	10 N.J.R. 425(b)
7:12-2.7	Amendments on shellfish harvest permits and relay program	R.1978 d.299	10 N.J.R. 422(a)
7:25-4	Amend non-game and exotic wildlife	R.1979 d.9	11 N.J.R. 63(b)
7:25-12.1	Amendments on sea clams	R.1978 d.416	11 N.J.R. 11(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.298	10 N.J.R. 421(a)
7:25-15.1	Amendments on expanded shellfish relay program	R.1978 d.326	10 N.J.R. 425(a)

7:25-16	Defining lines where fishing license is required	R.1978 d.295	10 N.J.R. 384(b)
7:27-9	Amendments on sulfur in fuels	R.1978 d.276	10 N.J.R. 383(c)
7:27-9	Amended effective date for amended rules on sulfur in fuels	R.1978 d.361	10 N.J.R. 479(c)
7:27-9	Amend effective date of sulfur in fuels	R.1979 d.10	11 N.J.R. 63(c)
7:28-21	Rules on analytical X-Ray installations	R.1979 d.64	11 N.J.R. 123(a)
7:29-2	Amend and recodify watercraft noise control	R.1979 d.12	11 N.J.R. 63(d)
7:50	Project review guide; Pinelands Environmental Council	R.1979 d.78	11 N.J.R. 123(b)
Temporary Rule	Rule on preservation of sea clam resources; closing certain waters	R.1978 d.328	10 N.J.R. 426(a)
Temporary Rule	Adopt 1979 Fish Code	R.1978 d.351	10 N.J.R. 479(b)

(Rules in the Code for Title 7 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

HEALTH — TITLE 8

8:15	Repeal no smoking in certain public places	R.1979 d.13	11 N.J.R. 66(c)
8:31-16.17	Amendments on reports to relate ancillary service charges with hospital case mix	R.1978 d.430	11 N.J.R. 16(d)
8:31-17	Adopt portion of 1979 SHARE guidelines	R.1978 d.374	10 N.J.R. 484(c)
8:31-28	Process and general criteria for certification of need and designation of regional services	R.1978 d.427	11 N.J.R. 16(b)
8:31-30	Uniform Construction Plan Review fees	R.1978 d.429	11 N.J.R. 66(b)
8:31A	Amend SHARE Manual	R.1978 d.399	10 N.J.R. 536(a)
8:31A-9.2	Rule on economic factor	R.1979 d.25	11 N.J.R. 67(a)
8:31A-10.7	Hospital reporting regarding patient case-mix	R.1979 d.26	11 N.J.R. 67(c)
8:33-1.4, 1.6	Amendments on HMO certificate of need	R.1978 d.431	11 N.J.R. 16(e)
8:34-1.27(b)	Amendments to continuing education for nursing home administrator	R.1978 d.423	11 N.J.R. 15(b)
8:39	Amendments to manual of standards for licensure of long-term-care facilities	R.1978 d.340	10 N.J.R. 430(e)
8:42-2	Amendments to standards for licensure of residential and in-patient drug treatment facilities	R.1978 d.373	10 N.J.R. 484(b)
8:43A	Amendments to standards for licensure of ambulatory care facilities	R.1978 d.338	10 N.J.R. 430(c)
8:43A	Amendments on drug abuse treatment services	R.1978 d.375	10 N.J.R. 485(a)
8:43A-1.48(b)1.	Ratification of emergency adoption	R.1978 d.398	10 N.J.R. 536(d)
8:43A-1.71	Standards for computerized axial tomography	R.1978 d.425	11 N.J.R. 15(d)
8:43B-3.6	Rules on pathological and infectious waste	R.1979 d.61	11 N.J.R. 130(a)
8:43B-6.4(c)	Amendments on medications and treatment prescribed by podiatrists	R.1978 d.337	10 N.J.R. 430(b)
8:43B-17	Standards for cardiac diagnostic and surgical centers	R.1978 d.424	11 N.J.R. 15(c)
8:43D-2.1	Uniform construction code plan review fees	R.1978 d.429	11 N.J.R. 16(c)
8:44-2	Rules on operation of clinical laboratories	R.1978 d.336	10 N.J.R. 430(a)
8:51-1.2, 1.3	Amendments to minimum standards of performance	R.1978 d.339	10 N.J.R. 430(d)
8:65-2.4(c)	Amend security of controlled dangerous substances	R.1979 d.72	11 N.J.R. 130(d)
8:65-2.4(g)	Amend distribution of special controlled dangerous substances	R.1979 d.70	11 N.J.R. 130(b)
8:65-2.5(e)	Amend security for special controlled dangerous substances	R.1979 d.73	11 N.J.R. 130(e)
8:65-4	Repeal quotas of controlled dangerous substances	R.1979 d.74	11 N.J.R. 130(f)
8:65-6.16	Amend triplicate order forms for controlled dangerous substances	R.1979 d.75	11 N.J.R. 131(a)
8:65-7.4(c)	Amend prescriptions for controlled dangerous substances	R.1979 d.71	11 N.J.R. 130(c)
8:65-7.11	Amend labeling of prescriptions	R.1979 d.76	11 N.J.R. 131(b)
8:65-7.14	Amendments on refilling prescriptions	R.1978 d.391	10 N.J.R. 536(b)
8:65-7.16	Amend labeling of controlled dangerous substances	R.1979 d.77	11 N.J.R. 131(c)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.2(b)4.	Control precursors of phencyclidine	R.1978 d.390	10 N.J.R. 536(b)
8:65-10.4, 10.5	Difenoxin in combination with atropine sulfate in Schedules IV and V	R.1978 d.426	11 N.J.R. 16(a)
8:70-1.1 et seq.	Rules on drug evaluation and acceptance criteria	R.1978 d.341	10 N.J.R. 430(f)
8:70-1.4(a)	Amendments on drug utilization and acceptance criteria	R.1978 d.422	11 N.J.R. 15(a)
Temporary rule	1979 Hospital rate guidelines	R.1978 d.399	10 N.J.R. 536(a)

(Rules in the Code for Title 8 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 10.)

HIGHER EDUCATION — TITLE 9

9:1-1.12, 9.1-6	Amendments on out-of-state institutions desiring to enter New Jersey	R.1978 d.335	10 N.J.R. 431(b)
9:7-2.9	Amend restrictions on student assistance grant amounts	R.1979 d.17	11 N.J.R. 68(b)
9:9-5.2	Amendments on eligibility for graduate insured loan program	R.1978 d.329	10 N.J.R. 431(a)
9:11-1.5, 1.9	Amend maximum income eligibility for program participants	R.1979 d.59	11 N.J.R. 131(d)
9:15	Graduate medical education program	R.1979 d.1	11 N.J.R. 68(a)

(Rules in the Code for Title 9 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 11.)

HUMAN SERVICES — TITLE 10

10:43-1.1 et seq.	Amendments on determination of mental deficiency/need for guardianship	R.1978 d.332	10 N.J.R. 444(d)
10:44-13.1 et seq.	Rules on community residences for mentally retarded and developmentally disabled	R.1978 d.333	10 N.J.R. 445(a)
10:44A-1.1 et seq.	Standards for licensed community residences for developmentally disabled	R.1978 d.330	10 N.J.R. 444(b)
10:45-1.1 et seq.	Amendments on provision of guardianship services	R.1978 d.331	10 N.J.R. 444(c)
10:48-1.1	Administrative appeals procedure	R.1979 d.62	11 N.J.R. 133(a)
10:49-2.1 et seq.	Rules on general provisions	R.1978 d.280	10 N.J.R. 399(a)
5.1 et seq., 6.1 et seq.			
10:50-1.1, 1.2, 2.6, 2.9	Amendments on transportation services	R.1978 d.297	10 N.J.R. 443(b)
10:51-1.9(e), 5.33(c)	Amend pharmacy services	R.1979 d.35	11 N.J.R. 132(b)
10:51-5.1 et seq., 6.1 et seq., 10:69A-4.3(c)	Amendments on pharmaceutical assistance to the aged	R.1978 d.183	10 N.J.R. 285(c)
10:52-1.2, 1.7	Amend sterilization	R.1979 d.63	11 N.J.R. 133(b)
10:54-1.20	Amend sterilization	R.1979 d.63	11 N.J.R. 133(b)
10:62-1.5, 2.2—2.4, 2.12	Vision Care Manual	R.1979 d.60	11 N.J.R. 132(c)
10:63-2.1 et seq.	Amended rules on long-term care facilities billing procedures	R.1978 d.216	10 N.J.R. 345(a)
10:66-1.16	Amend sterilization	R.1979 d.63	11 N.J.R. 133(c)
10:81-2.6, 2.21, 3.1, 3.11, 3.13	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.190	10 N.J.R. 286(a)
10:82-1.2(c)	Amend public assistance allowance standards for AFDC	R.1978 d.229	10 N.J.R. 346(b)
10:82-1.5, 1.7	Amendments on inclusion of 18-21 year-olds in AFDC-N	R.1978 d.191	10 N.J.R. 286(b)
10:82-2.13	Amend per capita table of companion cases	R.1978 d.314	10 N.J.R. 444(a)
10:82-2.19	Amendments on overpayment and underpayments	R.1978 d.218	10 N.J.R. 345(c)
10:82-3.2(b), 5.3(h)	Amend work training expenses in WIN and care of unwed mother in AFDC-N	R.1978 d.438	11 N.J.R. 75(a)
10:82-5.10(d)	Amendments on victims of domestic violence	R.1978 d.415	11 N.J.R. 17(c)
10:85-1.1, 1.3	Amendments on SSI recipients in immediate need of assistance	R.1978 d.420	11 N.J.R. 17(d)
10:85-1.1, 1.3, 2.1, 3.2, 4.6, 6.2, 6.3, 6.4, 10.1 et seq.	Amendments on legal settlements	R.1978 d.171	10 N.J.R. 285(b)
10:85-1.3, 2.1, 5.2, 6.2	Amendments on municipal funds subject to State matching	R.1978 d.217	10 N.J.R. 345(b)
10:85-3.1(e)1.i	Amendments on unmarried child's eligibility for assistance	R.1978 d.303	10 N.J.R. 443(d)
10:85-3.2(g)	Amend mandatory registration with employment service	R.1978 d.169	10 N.J.R. 256(a)
10:87	Amend Food Stamp Manual	R.1979 d.29	11 N.J.R. 76(a)
10:87-6.5, 6.42, 6.43	Amendments on restoration of lost benefits to zero purchase households	R.1978 d.324	10 N.J.R. 443(e)
10:87-7.10, 7.12, 7.14, 7.19, 7.20, 7.22, 7.25, 7.26, 7.27, 7.28, 7.29	Amendments on fair hearing process, food stamp manual	R.1978 d.223	10 N.J.R. 346(a)
10:87-7.12(a)3	Amend continuation of benefit during hearing	R.1978 d.439	11 N.J.R. 75(b)
10:87 Appendix D	Amend Food Stamp Manual	R.1978 d.440	11 N.J.R. 75(c)
10:94	1979 fiscal year plan for vocational rehabilitation	R.1978 d.300	10 N.J.R. 443(c)
10:94-3.13(1)	Amendments on fees for medical examinations	R.1978 d.212	10 N.J.R. 344(c)
10:94-4.35, 5.8	Amendments on living allowance deductions, Medicaid Only Manual	R.1978 d.296	10 N.J.R. 443(a)
10:100-1.23	SSI payment schedule	R.1978 d.261	10 N.J.R. 395(a)
10:109	Amendments on salary increases for CWA employees	R.1978 d.394	10 N.J.R. 553(a)
10:120-3.1 et seq.	Fair hearing guidelines	R.1978 d.347	10 N.J.R. 490(a)

(Rules in the Code for Title 10 include all adoptions prior to May 22, 1978—Transmittal Sheet No. 10.)

CORRECTIONS — TITLE 10A

10A:70-3.6(a)1.iii.	Repeal part of rule on parole date set	R.1978 d.397	10 N.J.R. 553(b)
10A:70-6.3(d)	Delete part of rule on certificate of parole	R.1978 d.371	10 N.J.R. 490(b)

(Rules in the Code for Title 10A include all adoptions prior to May 22, 1978—Transmittal Sheet No. 2.)

INSURANCE — TITLE 11

11:4-15.2(a)3	Amendments on alcoholism benefits in health insurance contracts	R.1978 d.419	11 N.J.R. 19(a)
11:5-1.27	Amendments on educational requirements for licensure	R.1978 d.271	10 N.J.R. 399(b)
11:5-1.27	Amend education requirements for licensure examination	R.1979 d.52	11 N.J.R. 142(b)
11:11-1.1	Title insurance agents' service fees	R.1978 d.291	10 N.J.R. 399(c)

(Rules in the Code for Title 11 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Maximum weekly benefit rates; unemployment compensation and temporary disability benefits	R.1978 d.282	10 N.J.R. 400(b)
12:15-1.4	Amended taxable wage base; unemployment compensation law	R.1978 d.281	10 N.J.R. 400(a)
12:15-1.5	Contribution rate of governmental entities and instrumentalities	R.1978 d.305	10 N.J.R. 445(b)
12:00 thru 12:73; 12:180	Delete rules on worker health and safety, seasonal workers and construction safety	R.1978 d.288	10 N.J.R. 400(d)
Temporary rule	Listing of prevailing wage rates for construction workers on public works projects	R.1978 d.377	10 N.J.R. 553(c)

(Rules in the Code for Title 12 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 9.)

LAW AND PUBLIC SAFETY — TITLE 13

13:1C-1.1	Confidentiality of records regarding Casino Control Act	R.1978 d.408	11 N.J.R. 23(a)
13:2-23.31	Amend employment of police officers	R.1979 d.67	11 N.J.R. 146(a)
13:4-12.7, 12.9	Amend time, place and costs of hearing	R.1978 d.436	11 N.J.R. 77(b)
13:20-10.1	Repeal rules on steering and suspension systems	R.1978 d.381	10 N.J.R. 557(b)
13:20-31	Amend alcohol countermeasures	R.1979 d.4	11 N.J.R. 78(b)
13:25-8	Amend motorized bicycles	R.1979 d.3	11 N.J.R. 78(a)
13:26	Transportation of bulk commodities	R.1978 d.278	10 N.J.R. 404(c)
13:30-8.7	Examination of candidates for licenses to practice dentistry	R.1978 d.366	10 N.J.R. 510(d)
13:33-1.24	Amend applications for examination	R.1979 d.66	11 N.J.R. 145(b)
13:33-1.42	Rule on identification tags	R.1979 d.69	11 N.J.R. 146(c)
13:35-3.1	Amendments on Federation licensing examination	R.1978 d.410	11 N.J.R. 23(b)
13:35-3.9	Termination of exemptions of physicians from licensure	R.1978 d.443	11 N.J.R. 77(c)
13:35-6.12	Amendments on release of patient records	R.1978 d.352	10 N.J.R. 510(a)
13:35-6.14	Standards for testing and diagnostic centers	R.1978 d.434	11 N.J.R. 76(b)
13:39-6.8	Record of pharmacist filling prescriptions	R.1979 d.68	11 N.J.R. 146(b)
13:44-2.11	Veterinarian advertising and solicitation	R.1978 d.382	10 N.J.R. 558(a)
13:42-1.3, 13:42-2, 3, 4, 5	Rules on personal conduct of licensees	R.1979 d.24	11 N.J.R. 78(d)
13:44-2.12	Records retention	R.1978 d.435	11 N.J.R. 77(a)
13:44-2.13	Temporary permit fee	R.1978 d.323	10 N.J.R. 447(a)
13:47A-25	Rules on corporation takeover bid disclosure law	R.1978 d.279	10 N.J.R. 405(a)
13:47B-1.20	Amend the National Bureau of Standards handbook H-44	R.1979 d.28	11 N.J.R. 78(c)
13:70-3.40	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(b)
13:70-14.17	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)
13:70-15.1, 15.2, 19.34, 19.35, 19.38	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:70-29.53	Amendments on trifecta wagering in harness racing	R.1978 d.270	10 N.J.R. 404(a)
13:71-5.18	Amendments on admission of minors	R.1978 d.353	10 N.J.R. 510(b)
13:71-9.1	Amendments on position of Chief State Veterinarian	R.1978 d.269	10 N.J.R. 403(c)
13:71-21.8, 21.9	Amendments on mandating deduction for drivers' fees	R.1978 d.354	10 N.J.R. 510(c)
13:71-23.2	Amendments on medication to control bleeding in racing	R.1978 d.275	10 N.J.R. 404(b)

(Rules in the Code for Title 13 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 12.)

PUBLIC UTILITIES—TITLE 14

ENERGY—TITLE 14A

14:17-18.1	Amended definition of classical system	R.1978 d.349	10 N.J.R. 514(a)
14:18-11.7(a), 11.10	Amendments on municipal hearings and procedures for cable television	R.1978 d.262	10 N.J.R. 405(b)

14A:3-1	Rules on energy conservation	R.1978 d.273	10 N.J.R. 405(c)
14A:3-1.4	Variations and exemptions	R.1979 d.11	11 N.J.R. 91(b)
14A:3-2	Amendments on energy conservation	R.1978 d.315	10 N.J.R. 447(b)
14A:4-1	Technical sufficiency for solar heating and cooling systems	R.1978 d.400	10 N.J.R. 563(a)
14A:5-1	Sales tax exemption standards for solar energy systems	R.1978 d.401	10 N.J.R. 563(b)

(Rules in the Code for Title 14 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 10.)
 (Rules in the Code for Title 14A include all adoptions prior to July 24, 1978—Transmittal Sheet No. 2.)

STATE — TITLE 15

(Rules in the Code for Title 15 include all adoptions to date—Transmittal Sheet No. 10.)

PUBLIC ADVOCATE — TITLE 15A

(Rules in the Code for Title 15A include all adoptions prior to March 20, 1978—Transmittal Sheet No. 1.)

TRANSPORTATION — TITLE 16

16:1-2	Amend issuance and sale of DOT public records	R.1978 d.433	11 N.J.R. 93(a)
16:25-12.1(a)2.	Amend utility relocations and adjustments; reimbursement	R.1979 d.43	11 N.J.R. 148(e)
16:26-1.1(c), 3.4(d), 3.8(b)	Amend traffic signal information and reimbursement highway lighting	R.1979 d.15	11 N.J.R. 94(c)
16:28-1.2(b)	Amendments on speed zones on parts of Route I-80	R.1979 d.53	11 N.J.R. 149(a)
16:28-1.7	Amend speed limits	R.1979 d.36	11 N.J.R. 148(a)
16:28-1.177	Speed limits on parts of Route U.S. 46	R.1978 d.386	10 N.J.R. 565(d)
16:28-1.180	Speed limits on parts of Route 180	R.1979 d.8	11 N.J.R. 94(b)
16:28-1.181	Amend speed limits	R.1979 d.36	11 N.J.R. 148(a)
16:28-1.182	Speed limits on parts of Route 53	R.1979 d.37	11 N.J.R. 148(b)
16:28-3.59, 3.97,	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.103	Restricted parking on Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.108, 3.109	Restricted parking on parts of Routes 28 and 27	R.1979 d.38	11 N.J.R. 148(c)
16:28-3.128	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-3.179 and 3.180	Restricted parking on parts of Routes 49, 72 and 28	R.1978 d.387	10 N.J.R. 566(a)
16:28-3.181	Restricted parking on parts of Route 94	R.1978 d.388	10 N.J.R. 566(b)
16:28-3.182, 3.183	Restricted parking on parts of Routes 33 and 79	R.1978 d.413	11 N.J.R. 40(a)
16:28-3.184	Route U.S. 206 in Hamilton Township, Mercer County	R.1978 d.380	10 N.J.R. 565(a)
16:28-3.185, 3.186	Amend restricted parking	R.1979 d.6	11 N.J.R. 93(b)
16:28-6.17, 6.18	No left turns on parts of Routes 71 and 23	R.1979 d.7	11 N.J.R. 94(a)
16:28-6.19	No left turns on parts of Route 35	R.1979 d.39	11 N.J.R. 148(d)
16:28-12.77	No right turns on red signals on parts of Route 57	R.1978 d.384	10 N.J.R. 565(b)
16:28-15.9, 15.11 to 13	Amendments on no passing zones on parts of Routes U.S. 206, N.J. 94, 23 and 31	R.1978 d.389	10 N.J.R. 566(c)
16:28-15.14 through 15.23	No passing zones on parts of various state highways	R.1978 d.414	11 N.J.R. 40(b)
16:28-16.2 and 16.3	Traffic control and parking on NJDOT property	R.1978 d.385	10 N.J.R. 565(c)
16:51-1.3	Amend exclusions; reduced fare transportation program	R.1979 d.57	11 N.J.R. 149(b)

(Rules in the Code for Title 16 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 12.)

TREASURY-GENERAL — TITLE 17

17:1-7.3, 8.3	Delete rules on administrative fees	R.1978 d.421	11 N.J.R. 52(a)
17:3-1.4(w)	Amend travel expense under election of a member-trustee	R.1978 d.444	11 N.J.R. 105(c)
17:7-1.4	Amendments on election of a prison officer to Pension Commission	R.1978 d.372	10 N.J.R. 520(a)
17:9-4.3(a)4.	Amend State Health Benefits Program	R.1978 d.441	11 N.J.R. 105(a)
17:9-2.3, 5.3, 5.8, 6.1, 7.4	Amend State Health Benefits Program	R.1978 d.442	11 N.J.R. 105(b)
17:10-1.9, 3.1	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:10-5.12, 5.14	Amend judicial retirement system	R.1978 d.405	11 N.J.R. 51(a)
17:16-5.5, 5.6	Amendments on classification of funds	R.1978 d.376	10 N.J.R. 520(c)
17:16-5.5	Amend rules of classification of funds concerning temporary reserve group	R.1979 d.19	11 N.J.R. 105(e)
17:16-32.6, 32.7	Amend Common Pension Fund A Rules: date and method of valuation	R.1979 d.20	11 N.J.R. 106(a)

(Continued from Page 134)

- iii. Advice that the sterilization procedure is considered to be irreversible;
- iv. A thorough explanation of the specific sterilization procedure to be performed;
- v. A full description of the discomforts and risks that may accompany or follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic to be used;
- vi. A full description of the benefits or advantages that may be expected as a result of the sterilization;
- vii. Advice that the sterilization will not be performed for at least 30 days;

- 2. Suitable arrangements were made to insure that the information specified in paragraph 1 above was effectively communicated to any individual who is blind, deaf, or otherwise handicapped;
- 3. An interpreter was provided if the individual to be sterilized did not understand the language used on the approved consent form or the language used by the person obtaining consent;
- 4. The individual to be sterilized was permitted to have a witness of his or her choice present when consent was obtained;
- 5. The consent form requirements were met.
 - i. Content of the consent form. The consent form must be an exact replica of the federal form.

17:16-35.6	Amend Common Trust Fund regarding date of valuation	R.1979 d.21	11 N.J.R. 106(b)
17:16-38.6	Amend date of valuation	R.1979 d.22	11 N.J.R. 107(a)
17:18-1.9	Amend form of petition of appeal	R.1978 d.407	11 N.J.R. 51(c)
17:19A	Amend barrier free design, public building	R.1979 d.33	11 N.J.R. 107(b)
17:20-7.3 to 7.7	Rules on suspension and revocation of lottery agent's licenses	R.1978 d.383	10 N.J.R. 566(d)
17:21-13.1	Amend Pick-It Lottery rules	R.1978 d.348	10 N.J.R. 519(a)
17:21-14	Holiday Sweepstakes Lottery	R.1978 d.417	11 N.J.R. 40(c)

(Rules in the Code for Title 17 include all adoptions prior to September 18, 1978—Transmittal Sheet No. 11.)

TREASURY-TAXATION — TITLE 18

18:7	Amend Corporation Business Tax Act	R.1979 d.45	11 N.J.R. 150(b)
18:8	Amend Financial Business Tax Law	R.1979 d.46	11 N.J.R. 151(a)
18:9-2.2, 2.3, 2.4, 3.5	Amendments on Personal Property Tax	R.1978 d.321	10 N.J.R. 457(c)
18:12-6	Amendments on tax abatement on added assessments	R.1978 d.287	10 N.J.R. 407(c)
18:12-7	Amendments on the homestead tax rebate	R.1978 d.411	11 N.J.R. 51(d)
18:12-7.12(b)	Extend filing date for homestead rebate tax claim	R.1978 d.406	11 N.J.R. 51(b)
18:12A-1.6	Amendments on petitions of appeal	R.1978 d.325	10 N.J.R. 457(d)
18:12A-1.6(e), 1.9(h)	Amend county boards of taxation	R.1979 d.14	11 N.J.R. 105(d)
18:22	Amend public utility corporations	R.1979 d.47	11 N.J.R. 151(b)
18:23	Amend railroad property tax	R.1979 d.48	11 N.J.R. 151(c)
18:23A	Amend tax maps	R.1979 d.49	11 N.J.R. 151(d)
18:24-22.2, 22.3	Amendments on floor covering and Sales and Use Tax	R.1978 d.320	10 N.J.R. 457(b)
18:24-26	Sales and use tax exemption; solar energy devices and systems	R.1978 d.285	10 N.J.R. 407(a)
18:26	Amend transfer inheritance tax	R.1979 d.50	11 N.J.R. 151(e)
18:26-11.8, 11.23	Amendments on transfer inheritance tax	R.1978 d.286	10 N.J.R. 407(b)
18:30	Amend capital gains and other unearned income tax	R.1979 d.51	11 N.J.R. 151(f)
18:35-1.9	Federal securities; taxable status; Gross Income Tax Act	R.1978 d.284	10 N.J.R. 406(f)
18:35-1.10	Withholding; Gross Income Tax	R.1978 d.319	10 N.J.R. 457(a)
18:35-1.11	Time for filing information returns	R.1979 d.56	11 N.J.R. 152(a)

(Rules in the Code for Title 18 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

OTHER AGENCIES — TITLE 19

19:4-6.28	Amendments to official zoning map	R.1978 d.359	10 N.J.R. 522(e)
19:8-1.1, 2.9(b)	Amendments on loitering on the Parkway	R.1978 d.257	10 N.J.R. 408(b)
19:8-1.9(b)12.	Amendments on towing passenger vehicles by campers	R.1978 d.378	10 N.J.R. 568(b)
19:8-3.1	Amendments on tolls and exact change toll lanes	R.1978 d.379	10 N.J.R. 569(a)
19:9-1.9(a)24	Amendments concerning double-saddlemount vehicles	R.1978 d.412	11 N.J.R. 53(b)
19:9-4.2(b)	Amendments to fees for photographs of accident sites on Turnpike	R.1978 d.258	10 N.J.R. 408(c)
19:41-4.3	Amendments on application procedures (durational residency provisions with regard to employers)	R.1978 d.363	10 N.J.R. 522(c)
19:44-1.1, 4.1, 5.1	Amendments on gaming schools	R.1978 d.364	10 N.J.R. 522(d)
19:47-1.2, 1.4, 1.5	Amendments to rules of game for craps	R.1978 d.346	10 N.J.R. 522(a)
19:47-2.3, 2.5	Amend rules of game relating to blackjack	R.1979 d.2	11 N.J.R. 108(c)
19:48	Rules on exclusion of persons from casinos	R.1978 d.362	10 N.J.R. 522(b)

(Rules in the Code for Title 19 include all adoptions prior to July 24, 1978—Transmittal Sheet No. 11.)

ii. Required signatures. The consent form must be signed and dated by:

- (1) The individual to be sterilized;
- (2) The interpreter, if one was provided;
- (3) The person who obtained the consent; and
- (4) The physician who performed the sterilization procedure.

Note: A copy of the consent form must be given to the individual.

6. Any additional requirement of State or local law for obtaining consent, except a requirement for spousal consent, was followed.

i. Informed consent may not be obtained while the individual to be sterilized is:

- (1) In labor or childbirth;
- (2) Seeking to obtain or obtaining an abortion; or
- (3) Under the influence of alcohol or other substances that affect the individual's state of awareness.

(d) Payments will be made for a hysterectomy when the completed Receipt of Hysterectomy Information Form is received by the Medicaid Contractor and the following requirements have been met:

1. A hysterectomy may not be performed solely for the purpose of rendering an individual permanently incapable of reproducing; or if there was more than one purpose to the procedure, would not be performed but for the purpose of rendering the individual permanently incapable of reproducing.

2. A hysterectomy on a female of any age may be performed when medically necessary, provided that the person who secured authorization to perform the hysterectomy has informed the individual and her representative, if any, orally and in writing, that the hysterectomy will render the individual permanently incapable of reproducing; and the individual or a representative must have signed a written acknowledgment of receipt of that information.

Note: There is no 30 day waiting period required before a medically necessary hysterectomy may be performed.

An order adopting these amendments was filed and became effective on February 15, 1979, as R.1979 d.63 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

INSURANCE

THE COMMISSIONER

Proposed New Rules Concerning Cancellation of Automobile Insurance Coverages

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29C-6 et seq. and 39:6A-1 through 6B-1, proposes to adopt a new rule, to be cited as N.J.A.C. 11:3-7.8, concerning the effective date of cancellation for nonpayment of premium of automobile insurance coverages.

Full text of the proposal follows:

N.J.A.C. 11-3-7.8 Cancellation of automobile coverages for nonpayment of premium

(a) This rule applies to all automobile policies delivered or issued for delivery in this State, insuring a single individual or husband and wife resident of the same household, as named insured, and under which the insured vehicles therein designated are of the following types only:

1. A motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers, nor rented to others; or

2. Any other 4-wheel motor vehicle with a load capacity of 1,500 pounds or less which is not customarily used in the occupation, profession or business of insured, other than farming or ranching, provided, however, that this rule shall not apply to any policy insuring more than 4 automobiles, or to any policy covering garage, automobile sales agency, repair shop, service station or public parking place operation hazards.

(b) The effective date of the cancellation of a policy for nonpayment of premium shall be not earlier than 10 days prior to the last full day for which premium received by the company prior to the date of preparation of the cancellation notice, would pay for coverage on a pro rata basis, in calculating the effective date of the cancellation as provided in this section, the premium applicable to the coverages provided by the policy and the premium received by the company at the time cancellation notice was prepared shall be the premium used for the calculation and determination of such effective date.

(c) Cancellation for nonpayment of premium does not include cancellation at the request of an insured under a power of attorney granted to a premium finance company.

(d) No cancellation notice shall be mailed prior to 30 days in advance of its stated effective date.

(e) This rule shall not apply to deposits accompanying New Jersey Automobile Insurance Plan applicants which are insufficient under approved Plan rules.

(f) This rule shall be effective for all cancellation notices sent on policies issued or renewed with an effective date on and after 120 days from the date of adoption of this rule.

A public hearing will be held Thursday, March 29, 1979 at 10:00 A.M. at the Department of Insurance, 201 East State Street, Trenton, New Jersey 08625.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before March 28, 1979 to:

Naomi LaBastille
Special Assistant to Commissioner
Dept. of Insurance
P.O. Box 1510
201 East State Street
Trenton, New Jersey 08625

The Commissioner of Insurance may thereafter adopt rules concerning this subject without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(b)

INSURANCE

REAL ESTATE COMMISSION

Amendments Concerning Educational Requirements for Licensure Examination

On February 6, 1979, Joan Haberle, Secretary Director

of the Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-10.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:5-1.27 concerning alcoholism benefits in health insurance contracts as proposed in the Notice published November 9, 1978 at 10 N.J.R. 498(c).

An order adopting these amendments was filed and became effective on February 8, 1979 as R. 1979 d.52.

Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Amendments to Division's Rules

Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law & Public Safety, pursuant to authority contained in N.J.S.A. 33:1-3, 12, 12.38, 23, 23.1, 25, 26, 32, 39, 39.2, 74, 79, 93 and 93.10, proposes to revise the current rules in Chapter 2, Division of Alcoholic Beverage Control, Title 13 of the New Jersey Administrative Code.

The proposed revisions concern transfers, renewals and applications for municipal licenses, discriminatory trade practices, advertising and marketing, brand registration, wholesale and retail price posting, credit, required and public records.

The general purpose of the revisions as a whole is to conform Division rules to contemporary business practices and antitrust principles and to implement certain recommendations made by the intra-departmental task force to study the alcoholic beverage industry.

Copies of the full text of the proposed revisions may be obtained by writing to:

Joseph H. Lerner, Director
Division of Alcoholic Beverage Control
International Plaza, Rte. 1 & 9
Newark, New Jersey 07114

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to the Director at the above address. If, based upon the written statements or arguments it is deemed necessary to hold public hearings, notice of such hearings will be published in the New Jersey Register.

The Director, upon his own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Joseph H. Lerner
Director
Division of Alcoholic Beverage Control
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Amendments Concerning Bus Drivers

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10.1 and 39:5-30, proposes to amend N.J.A.C. 13:21-14.1 et seq. concerning bus drivers.

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

SUBCHAPTER 14. BUS DRIVERS

13:21-14.1 Definitions

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

["Special bus driver and school bus driver license" means a special license, issued by the Director of Motor Vehicles, to drive vehicles, commonly known as buses, with a carrying capacity of more than six passengers, for the transportation of passengers for hire, except taxicabs, hotel buses and omnibuses used for the transportation of passengers in interstate or foreign commerce. This license is also valid for the transportation of children to or from school pursuant to N.J.S.A. 18:14-8 through 18:14-12.]

["Special bus driver license" means a special license issued by the Director of Motor Vehicles to drive vehicles, commonly known as buses, with a carrying capacity of more than six passengers, for the transportation of passengers for hire, except taxicabs, hotel buses and omnibuses used for the transportation of passengers in interstate or foreign commerce, or any bus used to transport children to or from school pursuant to N.J.S.A. 18:14-8 through 18:14-12.]

"Bus" means any omnibus, as defined in N.J.S.A. 39:1-1, with a carrying capacity of more than six passengers; any motor vehicle, other than one used for the transportation of family members or a group of employees to and from a place of employment by means commonly referred to as "carpooling", having a carrying capacity of more than twelve passengers, excluding the driver, and used for the intrastate transportation of passengers not for hire; and any "school bus" as defined in N.J.S.A. 39:1-1. The term "bus" shall exclude taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce.

Delete text of N.J.A.C. 13:21-14.2 and insert new language as follows:

13:21-14.2 Special bus license requirement

Every driver of a bus, as defined in section 1 (Definitions) of this subchapter, shall be specially licensed as a bus driver in accordance with the provisions of N.J.S.A. 39:3-10.1.

Delete text of N.J.A.C. 13:21-14.3 and insert new language as follows:

13:21-14.3 Grace period for newly-designated bus drivers

Drivers of any bus, as defined in section 1 (Definitions) of this subchapter, which previously could have been driven without a special bus driver license, shall obtain the special bus driver license no later than April 30, 1979.

Delete text of N.J.A.C. 13:21-14.4 and insert new language as follows:

13:21-14.4 Bus driver licensing regulations

(a) Applicants for bus driver licenses shall submit an application as prescribed. Applicants shall be at least 18 years of age, having a minimum of three years driving experience previously, be of good character and physically fit and possess a valid New Jersey State driver license. Fingerprinting will be required.

(b) Examinations may be conducted to determine driving ability, familiarity with the mechanism of the vehicle, knowledge of the motor vehicle laws of the State of New Jersey and adequate visual capabilities.

(c) The Director shall not issue a bus driver license, or shall revoke or suspend the bus driver license of any person when it is determined that the applicant or holder of such license has:

1. A driving record which established revocation or suspension for operating a motor vehicle while under the influence of intoxicating liquor, narcotics or habit-forming drugs; for operating a motor vehicle while impaired by alcohol; or, for leaving the scene of an accident which resulted in personal injury or death; or

2. Twelve or more current points under the point system; or

3. A record of at least three motor vehicle accidents within one year preceding the date of application; or

4. Failed to notify his employer of any conviction for motor vehicle violations within five days after such conviction; or

5. Committed a misstatement of fact or withheld material information on application; or

6. Failed to submit proof of continuing physical fitness, good character and driver experience every 24 months. (Proof of physical fitness shall be in the form of a satisfactory medical report submitted by a New Jersey licensed physician); or

7. Failed to notify the Division of Motor Vehicles and employer immediately of any medical condition which may affect the ability to operate a motor vehicle safely; or

8. Failed to pass the prescribed driving test; or

9. Failed to satisfactorily complete a written examination proving adequate knowledge of the New Jersey motor vehicle laws and regulations and safe driving practices; or

10. Failed to submit renewal application within one year of the expiration of his last valid bus driver license; or

11. Failed to meet the medical and physical qualifications set forth in the regulations of United States Department of Transportation, Bureau of Motor Carrier Safety, 49 C.F.R. 391.41, effective January 1, 1971, and as thereafter amended; or

12. A criminal record which is disqualifying. The phrase "crime or other offense" as used hereinafter shall include crimes, disorderly persons offenses or petty disorderly persons offenses as defined in the "New Jersey Code of Criminal Justice" and any offenses defined by any other statute of this State. A driver has a disqualifying record if:

i. He has been convicted of, or forfeited bond or collateral upon, any of the following:

(1) An offense involving the manufacture, transportation, possession, sale or habitual use of a "controlled dangerous substance" as defined in the "New Jersey Controlled Substances Act".

(2) A crime or other offense involving deviate or illicit social behavior such as rape, incest, sodomy or carnal abuse;

(3) A crime or other offense involving the use of force or the threat of force to or upon property, such as armed robbery, assault and arson;

(4) Any crime or other offense indicative of bad moral character;

(5) He fails to notify the Division of Motor Vehicles that he has been arrested for, charged with, indicted for, convicted of, or forfeited bond or collateral upon any crime or other offense within 14 days after the date of such event.

13. In the absence of a conviction, the Director shall refuse to issue or shall revoke or suspend the bus driver license of any person arrested for, charged with, or indicted for any crime or other offense if the Director determines that such person is of bad character or is morally unfit to retain the privilege of holding a bus driver license, or is a potential danger to his passengers or to other motorists or to himself.

(d) If sufficient and reasonable grounds are established at a hearing, the Director may, not inconsistent with N.J. S.A. 39:3-10, waive any portion or portions of this subchapter. Applicants seeking such waivers must, prior to a hearing, submit to the Director a request for such waiver and the basis of such request.

Delete text of N.J.A.C. 13:21-14.6 and insert new language as follows:

13:21-14.6 Drivers of empty buses

Any person having reason to drive a bus not being used for the transportation of persons need not be specially licensed in accordance with section 2 (Special bus license requirement) of this subchapter.

Delete text of N.J.A.C. 13:21-4.7 and 14.8 and mark subsections reserved.

Interested persons may present statements or arguments in writing relevant to the proposal on or before March 28, 1979 to:

John A. Waddington, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles may thereafter adopt rules concerning this subject without further notice.

John A. Waddington, Director
Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF MEDICAL EXAMINERS

Proposed Amendments on Requirements For Issuing a Prescription and Generic Drugs

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq., proposes to amend the rule setting forth requirements for prescriptions to include notice of generic drug availability to patients by a person possessing a plenary license to practice medicine and surgery or a podiatrist.

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

13:35-6.6 Requirements for issuing a prescription

(a) Physicians and podiatrists who issue prescriptions for medication shall advise all patients by adequate notice, such as but not limited to a sign or pamphlet in the waiting room of the practitioners office, that a request of the practitioner may be made by the patient to substitute a generic drug for any prescribed medication.

(b) [(a)] Physicians and podiatrists shall provide the following information on all prescriptions:

- 1. Full name, age and address of patient;
2. Prescriber's full name, address, telephone number and proper degree designation as appears on prescriber's license;
3. Prescriber's BNDD number when required for the dispensing of controlled substances. (Controlled Substance Act of 1970);
4. Date of prescriptions;
5. Name, strength and quantities of drug or drugs to be dispensed;
6. Adequate instruction for the patient (P.R.N. or "as directed" alone is not sufficient);
7. Number of refills permitted or time limit for refills or both;
8. Signature of prescriber;
9. When preprinted prescription blanks are not available the full name of the prescriber must be printed or stamped in block letters under the signature of prescriber;
10. Every prescription blank shall be imprinted with the words "substitution permissible" and "do not substitute" and every prescriber shall clearly sign or initial the selected option for each individual prescription.

[10.] 11. In no instance shall a physician or podiatrist sign a blank prescription form which does not conform with the above standards.

(c) [(b)] Failure to comply with this ruling will subject the physician to disciplinary sanction in accordance with the Medical Practice Act.

This rule shall expire five (5) years after the date such rule becomes effective.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed amendment on or before March 30, 1979 to:

New Jersey State Board of Medical Examiners
28 West State Street - Room 914
Trenton, New Jersey 08608
Telephone: (609) 292-4843

The State Board of Medical Examiners upon its own motion or at the instance of any interested party may thereafter adopt the proposed amended rule substantially as set forth without further notice.

Edwin H. Albano
President, Board of Medical Examiners
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPTOMETRISTS

Proposed Amendments to Fee Schedules

Stanley J. Oleniacz, President of the Board of Optome-

trists in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:12-1 et seq., proposes to adopt amendments to the rules concerning fee schedules.

Full text of the rule is as follows:

13:38-5.1 General provisions

(a) The following fees shall be charged by the Board:

- 1. Biennial renewal fee — active [license] certificate [\$ 40.00] \$ 50.00
2. Biennial renewal fee — non-active [license] certificate [25.00] 35.00
3. Biennial renewal fee — branch office [license] certificate [75.00] 100.00
4. Change of address fee — active or non-active [5.00] 15.00
5. Transfer fee — non-active to active [20.00] 25.00
6. Application for re-examination — candidates who have had a New Jersey non-active [license] certificate for five years or more [25.00] 50.00
7. Application for examination—new applicants [50.00] 150.00
8. New branch office [license] certificate 50.00
9. Penalty for late renewal of any [license] certificate [25.00] 50.00
10. [License] Certification by endorsement—Reciprocity 100.00
11. Duplicate wall [license] certificate 15.00
12. Wall [license] certificate — new [licentiates] registrants [20.00] 50.00
13. Letter of certification [10.00] 25.00

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Jan Flanagan, Secretary
New Jersey State Board of Optometrists
1100 Raymond Boulevard, Room 502
Newark, New Jersey 07102
Telephone: (201) 648-2012

The State Board of Optometrists may thereafter adopt rules concerning this subject without further notice.

Stanley J. Oleniacz
President, Board of Optometrists
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Amendments Concerning Applications for Examination

On December 12, 1979, Robert S. Hillman, President of the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41.1 et seq., adopted amendments to N.J.A.C. 13:33-1.24 concerning applications for examination as proposed in the Notice published November 9, 1978 at 10 N.J.R. 503(a).

An order adopting these amendments was filed and

became effective on February 15, 1979 as R.1979 d.66.
Howard H. Kestin
Director
Office of Administrative Law

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Amendments Concerning Employment Of Police Officers

On February 7, 1979, Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:2-23.31 concerning the employment of police officers as proposed in the Notice published December 7, 1978 at 10 N.J.R. 557(a).

Take notice that the proposed amendments to N.J.A.C. 13:2-23.17 and 13:2-24.1(a)2. were not adopted herein and are still being considered for adoption.

An order adopting these amendments was filed and became effective on February 15, 1979 as R.1979 d.67.

Howard H. Kestin
Director
Office of Administrative Law

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PHARMACY

Rules on Record of Pharmacist Filling Prescriptions

On January 9, 1979, the Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 13:39-6.8, concerning the record of pharmacist filling prescriptions as proposed in the Notice published November 9, 1978 at 10 N.J.R. 504(b).

An order adopting these rules was filed and became effective on February 15, 1979 as R.1979 d.68.

Howard H. Kestin
Director
Office of Administrative Law

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Rule on Identification Tags

On December 12, 1978, Robert S. Hillman, President of

the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-41 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 13:33-1.42, concerning identification tags as proposed in the Notice published November 9, 1978 at 10 N.J.R. 503(b).

An order adopting this rule was filed and became effective on February 15, 1979 as R.1979 d.69.

Howard H. Kestin
Director
Office of Administrative Law

(d)

ENERGY

THE COMMISSIONER

Proposed Amendments on the Regulation and Control of the Sale of Motor Gasoline During an Energy Emergency

Joel R. Jacobson, Commissioner of the Department of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq. and on behalf of the Division of Energy Planning and Conservation, proposes to amend N.J.A.C. 14A:2-3.1 et seq. concerning the regulation and control of the sale of motor gasoline during an energy emergency.

This proposal amends the rules which were adopted by the Department on November 18, 1977 (9 N.J.R. 592(b)) concerning the regulation and control of the sale of motor gasoline. The amendments require retail dealers of motor gasoline to (1) display flags to notify the public of the availability of motor gasoline for sale and (2) post the hours during which such retail dealers shall be selling motor gasoline to members of the general public. The proposal prohibits retail dealers from giving preferential treatment to any customer and requires that sales of motor gasoline be made on a first-come, first-served basis.

This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 003-79-03.

Copies of the 7 pages of the full text of the proposal may be obtained or made available for review by contacting the person indicated below.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 6, 1979 to:

Steven J. Picco
Assistant Commissioner
Department of Energy
101 Commerce Street
Newark, New Jersey 07102

The Department of Energy may thereafter amend N.J.A.C. 14A:2-3.1 et seq. substantially as proposed without further notice subject to N.J.S.A. 52:27F-25 where applicable. However, in the event that the Commissioner finds that there exists or impends an energy supply shortage of a dimension which endangers the public health, safety, or welfare in all or any part of the State and the Governor proclaims by executive order a state of energy emergency, the Department may amend N.J.A.C. 14A:2-3.1 immediately without further notice to the public.

Joel R. Jacobson
Commissioner
Department of Energy

(a)

ENERGY

THE COMMISSIONER

Proposed Amendments Concerning The Maintenance Requirements For Oil-Fired Heating Units

Joel R. Jacobson, Commissioner of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq. and on behalf of the Division of Energy Planning and Conservation, proposes to amend N.J.A.C. 14A:3-3.6 concerning the maintenance requirements for oil-fired heating units.

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

14A:3-3.6 Maintenance requirements

(a) All oil-fired units subject to the provisions of this subchapter shall be maintained annually to meet the requirement specified in N.J.A.C. 14A:3-3.4.

1. All oil fired units shall be adjusted to obtain optimum efficiency consistent with combustion characteristics indicated by a smoke number not in excess of #1 smoke on an approved smoke scale;

2. Where the oil-fired unit cannot be maintained to meet the minimum efficiency rating as set forth in N.J.A.C. 14A:3-3.4, the fuel supplier, heating contractor or person who is providing the maintenance shall notify the owner of the premises that the unit cannot meet the efficiency rating recommended by the Department. A copy of the notice stating the efficiency rating achieved shall be [filed with the Department on forms prescribed by the Department] kept on file at his place of business by the fuel supplier, heating contractor or person who provided the maintenance service. Such notices shall be made available, upon request, for inspection by officials of the Department of Energy during normal business hours; and,

3. The fuel supplier, heating contractor or person shall furnish the owner with conservation information pertaining to fuel savings of energy efficient units. This information shall be in the form of brochures, booklets and/or pamphlets approved by the Department. Each fuel supplier, heating contractor or person shall furnish the Department with a copy of the written material it provides the owner upon failure of the unit to meet the recommended efficiency rating.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 6, 1979 to:

Steven J. Picco
Assistant Commissioner
Department of Energy
101 Commerce St.
Newark, N.J. 07102

The Department of Energy may thereafter adopt rules concerning this subject without further notice subject to N.J.S.A. 52:27F-25 where applicable.

Joel R. Jacobson
Commissioner
Department of Energy

(b)

ENERGY

THE COMMISSIONER

Proposed Repeal of Rules Concerning Air Conditioner and Heat Pump Energy Efficiency Ratios

Joel R. Jacobson, Commissioner of the Department of Energy, pursuant to authority of N.J.S.A. 52:27F-1 et seq. and on behalf of the Division of Energy Planning and Conservation, proposes to repeal N.J.A.C. 14A:3-10.1 et seq. concerning air conditioner and heat pump energy efficiency ratios.

This proposal would repeal rules adopted by the Department of Energy on May 4, 1978 (10 N.J.R. 261(d)) prescribing minimum energy efficiency ratios for air conditioners and heat pumps sold in New Jersey after January 1, 1979. The air conditioner and heat pump regulation has been preempted pursuant to Section 327(b) of the Energy Policy and Conservation Act (42 U.S.C. §6297(b)) as amended by Section 424(a) of the National Energy Conservation Policy Act, P.L. 95-619. (See the Notice of Preemption of Regulation Concerning Air Conditioner and Heat Pump Efficiency Ratios published in this issue of the Register.)

Full text of the proposal follows:

Subchapter 10 of Chapter 3 of Title 14A of the New Jersey Administrative Code, N.J.A.C. 14A:3-10.1 et seq., is repealed.

This proposal is known within the Department of Energy and should be referred to in correspondence with the Department as Docket No. DOE 004-79-03.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 6, 1979, to:

Steven J. Picco
Assistant Commissioner
Department of Energy
101 Commerce Street
Newark, New Jersey 07102

The Department of Energy may thereafter repeal rules substantially as proposed concerning this subject without further notice subject to N.J.S.A. 52:27F-25 where applicable.

Joel R. Jacobson
Commissioner
Department of Energy

(c)

ENERGY

THE COMMISSIONER

Notice of Preemption of Regulations Concerning Air Conditioner and Heat Pump Efficiency Ratios

Take notice that Joel R. Jacobson, Commissioner of Energy, has issued the following Notice concerning the preemption of regulations concerning air conditioner and heat pump efficiency ratios:

Pleased be advised that subchapter 10 of the Energy

Conservation Regulations, N.J.A.C. 14A:3-10.1 et seq., concerning air conditioner and heat pump energy efficiency ratios has been preempted pursuant to Section 327(b) of the Energy Policy and Conservation Act (42 U.S.C. §6297 (b)) as amended by Section 424(a) of the National Energy Conservation Policy Act, P.L. 95-619.

On May 4, 1978, (10 N.J.R. 261(d)), the New Jersey Department of Energy adopted a regulation prescribing minimum energy efficiency ratios for air conditioners and heat pumps to be sold in New Jersey after January 1, 1979.

On November 9, 1978, the National Energy Conservation Policy Act became law. Section 327(b) of the Energy Policy and Conservation Act (42 U.S.C. §6297(b)) as amended by Section 424(a) of the National Energy Conservation Policy Act provides in part:

(2) If a State regulation is prescribed after January 1, 1978, which establishes an energy efficiency standard or other requirement respecting energy use or energy efficiency of a type (or class) of covered products and which is not superseded by subsection (a)(2), then such State regulation is superseded . . .

The New Jersey air conditioner and heat pump regulation was adopted after January 1, 1978. Therefore, the regulation is preempted pursuant to the above section and will not be enforced by the Department of Energy. Manufacturers and retailers of air conditioners and heat pumps do not have to comply with the regulation in any way.

This Notice is published as a matter of public information.

Howard H. Kestin
Director
Office of Administrative Law

TRANSPORTATION—See also page 156

(a)

TRANSPORTATION

THE COMMISSIONER

Amendments to Speed Limits

On January 30, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-1.7 and 16:28-1.181 concerning speed limits on parts of Route 161 and Rising Sun Square Road in Bordentown Township as proposed in the Notice published January 4, 1979 at 11 N.J.R. 23(c).

An order adopting these amendments was filed and became effective on January 31, 1979 as R.1979 d.36.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TRANSPORTATION

THE COMMISSIONER

Rule on Speed Limits

On January 30, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Ad-

ministrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-1.182, concerning speed limits on parts of Route 53 as proposed in the Notice published January 4, 1979 at 11 N.J.R. 23(d).

An order adopting this rule was filed and became effective on January 31, 1979 as R.1979 d.37.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TRANSPORTATION

THE COMMISSIONER

**Amendments on Restricted Parking
On Parts of Routes 28 and 27**

On January 30, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, 39:4-139 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 16:28-3.108 and 16:28-3.109 concerning restricted parking on parts of Routes 28 and 27 as proposed in the Notice published January 4, 1979 at 11 N.J.R. 24(a).

An order adopting these amendments was filed and became effective on January 31, 1979 as R.1979 d.38.

Howard H. Kestin
Director
Office of Administrative Law

(d)

TRANSPORTATION

THE COMMISSIONER

**Rule on No Left Turns
On Parts of Route 35**

On January 30, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 16:28-6.19, concerning no left turns on parts of Route 35 as proposed in the Notice published January 4, 1979 at 11 N.J.R. 24(b).

An order adopting this rule was filed and became effective on January 31, 1979 as R.1979 d.39.

Howard H. Kestin
Director
Office of Administrative Law

(e)

TRANSPORTATION

THE COMMISSIONER

**Amendments Concerning Utility
Relocations and Adjustments
Regarding Reimbursement Basis**

On February 5, 1979, Russell H. Mullen, Assistant Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1-1 et seq., 40:62-35 et seq., 48:7-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to

N.J.A.C. 16:25-12.1(a)2. concerning the reimbursement basis regarding utility relocations and adjustments.

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

16:25-12.1(a)2. Existing publicly owned utilities located on the [street] public right of way [of any incorporated town or city, and which right of way was not part of, or on, the State highway system at the time of the installation or construction of the utilities] shall be considered eligible for reimbursement.

An order adopting these amendments was filed and became effective on February 5, 1979 as R.1979 d.43 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(a)

**TRANSPORTATION
THE COMMISSIONER**

**Emergency Amendments Concerning
Speed Zones on Route I-80**

On February 8, 1979, Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments, to be cited as N.J.A.C. 16:28-1.2(b), concerning speed zones on parts of Route I-80.

Full text of the adoption follows:

16:28-1.2(b) In accordance with the provisions of N.J.S.A. 39:4-98, the speed limits under Regulation LS-73-3 are hereby revised to provide a 45 mph speed limit for east-bound traffic from White Meadow Road (Milepost 37.3) to Franklin Road (Milepost 39.0) to be effective for a period of four months or until the rough pavement has been corrected.

An order adopting these amendments was filed and became effective on February 8, 1979 as R.1979 d.53 (Exempt, Emergency Rule). Take notice that these amendments shall expire on June 8, 1979.

Howard H. Kestin
Director
Office of Administrative Law

(b)

**TRANSPORTATION
THE COMMISSIONER**

**Emergency Amendments on Exclusions
Regarding Reduced Fare Transportation Program**

On February 13, 1979, Robert Keith, Assistant Commissioner of Transportation, pursuant to authority of N.J. S.A. 27:1A-6 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to N.J.A.C. 16:51-1.3 concerning exclusions regarding the reduced fare transportation program.

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

16:51-1.3 Exclusions

Handicapped and senior citizens are not permitted to ride at a reduced fare on intrastate and interstate school, charter, demand activated, special or excursion motor bus or rail passenger services[.]. [and that portion of a trip which is on a regularly scheduled route for which a transfer is used.]

An order adopting these amendments was filed and became effective on February 13, 1979 as R.1979 d.57 (Exempt, Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(c)

TREASURY

DIVISION OF PENSIONS

**PRISON OFFICERS' PENSION FUND
Proposed Amendment Concerning the
Suspension of Pension Checks**

Anthony P. Ferrazza, Secretary of the Prison Officers' Pension Fund Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:7-19 proposes to amend N.J.A.C. 17:7-1.8 concerning the suspension of pension checks.

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

17:7-1.8(a)2. [If a widow fails to timely file the annual statement with the fund affirming that she has not remarried;] If a widow, widower, parent or guardian of a minor child(ren) fails to file a certificate of eligibility which is normally mailed to such beneficiaries on an annual basis;

Interested persons may present statements or arguments in writing relevant to the proposal on or before March 28, 1979 to:

Anthony P. Ferrazza, Secretary
Prison Officers' Pension Fund Commission
Division of Pensions
20 West Front Street
Trenton, New Jersey 08625

The Prison Officers' Pension Fund Commission may thereafter adopt the rule concerning this subject without further notice.

Anthony P. Ferrazza, Secretary
Prison Officers' Pension Fund Commission
Division of Pensions
Department of the Treasury

(d)

TREASURY

DIVISION OF TAXATION

**Proposed Amendments Concerning
The Motor Fuels Tax Act**

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of

N.J.S.A. 54:39-1 et seq., proposes to amend various sections in Chapters 18, 19 and 20 in Title 18 of the New Jersey Administrative Code concerning the Motor Fuels Tax Act.

These amendments mainly concern the clarification and updating of such rules as a result of the review of the rules undertaken in accordance with the provisions of Executive Order 66 (1978) regarding the sunset aspects of certain administrative rules.

Copies of the 49 pages of full text of this proposal may be obtained from or made available for review by contacting:
Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08646

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to the Division of Taxation at the above address.

The Department of the Treasury may thereafter adopt rules concerning this subject without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

HEALTH BENEFITS COMMISSION

Notice on Health Maintenance Organization Criteria

Take notice that William J. Joseph, Secretary of the State Health Benefits Commission in the Department of the Treasury, has issued the following Notice concerning Health Maintenance Organization criteria.

Full text of the Notice follows:

HEALTH MAINTENANCE ORGANIZATION CRITERIA

A Health Maintenance Organization in accordance with Federal and State laws can be accepted under the State Health Benefits Program, but subject to the following conditions:

1. It is certified by the State Health Department, assisted by the Insurance Department.
2. Its rates are approved by the State Commissioner of Health and reviewed and certified by the Commissioner of Insurance.
3. Coverage includes supplemental coverage providing for major medical benefits paralleling those of the traditional program in accordance with accepted prevailing HMO practices of providing these services.
4. The Commission approves a waiver of the annual enrollment periods to give the organization full opportunity to contact all State and local government employers and the eligible employees in the area covered by the HMO (and only such employees) in order to present them with the information concerning the HMO alternative. It must be understood, however, the coverage will not be extended to any employee in any specific HMO area until such time as this educational program has been completed, so that all employees will be enrolled on the same effective date. This will allow for the establishment of the

necessary administrative machinery in order to certify the rates, the additional deductions from salary, where necessary, and explain to employers, personnel officers, and payroll clerks the necessary administrative machinery to make the option available not only to all present employees but to new employees in the future.

i. After the initial educational program, the annual enrollment period will be the opportunity to alter coverage from the traditional program to the HMO option, or vice versa, and this will encompass the 30-day period during which an educational program can be activated for all eligible employees.

5. During the presentation to groups of employees, no management or union representative should appear in order to coerce or influence employees into or out of HMOs. Employees must be able to make an informed decision on their own.

6. The Office of the Secretary shall review and approve the material to be used in each HMO area and this will therefore require that the booklet be tailored to the particular HMO, as distinguished from groups of HMOs. The rates will become part of the booklet (and if a separate sheet is necessary, such sheet must accompany each booklet) so that it is clear what the employer, State or local, will be paying and what the employee will be required to pay based on the different types of coverage. The employee's deductions should be stipulated as bi-weekly (State) or monthly (local employers).

7. The rates will be subject to change only once a year and at the same time each year coincident with the change in rates for the traditional program.

8. Employees will be permitted to continue HMO participation into retirement.

9. All members of the family must have the same coverage so that the employee's decision to participate in an HMO pertains not only to his own coverage but to that of his family.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 17 of the New Jersey Administrative Code.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TREASURY

DIVISION OF TAXATION

Amendments Concerning the Corporation Business Tax Act

On February 6, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:10A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to various sections in Chapter 7 of Title 18 of the New Jersey Administrative Code concerning the Corporation Business Tax Act substantially as proposed in the Notice published January 4, 1979, at 11 N.J.R. 40(d) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of the Treasury.

The substantive changes were made to N.J.A.C. 18:7-8.13 and 18:7-11.16.

An order adopting these amendments were filed and became effective on February 6, 1979 as R.1979 d.45.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TREASURY

DIVISION OF TAXATION

Amendments Concerning the Financial Business Tax Law

On February 6, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:10B-22 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:8-1.1 et seq. concerning the Financial Business Tax Law as proposed in the Notice published January 4, 1979 at 11 N.J.R. 41(a).

An order adopting these amendments was filed and became effective on February 6, 1979 as R.1979 d.46.

Howard H. Kestin
Director
Office of Administrative Law

(b)

TREASURY

DIVISION OF TAXATION

Amendments Concerning Public Utility Corporations

On February 6, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:30A-49 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:22-1.1 et seq. concerning public utility corporations as proposed in the Notice published January 4, 1979 at 11 N.J.R. 41(b).

An order adopting these amendments was filed and became effective on February 6, 1979 as R.1979 d.47.

Howard H. Kestin
Director
Office of Administrative Law

(c)

TREASURY

DIVISION OF TAXATION

Amendments on the Railroad Property Tax

On February 6, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:29A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:23-1.1 et seq. concerning the railroad property tax as proposed in the Notice published January 4, 1979 at 11 N.J.R. 43(a).

An order adopting these amendments was filed and became effective on February 6, 1979 as R.1979 d.48.

Howard H. Kestin
Director
Office of Administrative Law

(d)

TREASURY

DIVISION OF TAXATION

Amendments Concerning Tax Maps

On February 6, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:1-15 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:23A-1.1 et seq. concerning tax maps as proposed in the Notice published January 4, 1979 at 11 N.J.R. 44(a).

An order adopting these amendments was filed and became effective on February 6, 1979 as R.1979 d.49.

Howard H. Kestin
Director
Office of Administrative Law

(e)

TREASURY

DIVISION OF TAXATION

Amendments Concerning Transfer Inheritance Tax

On February 6, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:26-1.1 et seq. concerning the transfer inheritance tax as proposed in the Notice published January 4, 1979 at 11 N.J.R. 46(a).

An order adopting these amendments was filed and became effective on February 6, 1979 as R.1979 d.50.

Howard H. Kestin
Director
Office of Administrative Law

(f)

TREASURY

DIVISION OF TAXATION

Amendments Concerning Capital Gains and Other Unearned Income Tax

On February 6, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:8B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 18:30-1.1 et seq. concerning capital gains and other unearned income tax as proposed in the Notice published January 4, 1979 at 11 N.J.R. 49(a).

An order adopting these amendments was filed and became effective on February 6, 1979 as R.1979 d.51.

Howard H. Kestin
Director
Office of Administrative Law

(a)

TREASURY

DIVISION OF TAXATION

Emergency Rule Concerning Filing of Information Returns

On February 8, 1979, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54A:8-6(c) and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning information returns to be supplied to the Division of Taxation by all filers of form 1099 with the Federal Internal Revenue Service.

Full text of the adoption follows:

18:35-1.11 Time for filing information returns

The time for filing of information returns to be supplied to the Division of Taxation by all filers of form 1099 with the Federal Internal Revenue Service is extended to February 28, 1979.

An order adopting this rule was filed and became effective on February 8, 1979 as R.1979 d.56 (Exempt Emergency Rule).

Howard H. Kestin
Director
Office of Administrative Law

(Other Agencies)

(b)

ECONOMIC DEVELOPMENT AUTHORITY

Proposed Rules on Payment of Prevailing Wages in Authority Projects

The New Jersey Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-5, proposes to adopt new rules concerning the payment of prevailing wages to workers employed in the construction of projects financed with the assistance of the Authority.

Full text of the proposal follows:

CHAPTER 241. AUTHORITY PROJECTS

SUBCHAPTER 1. PAYMENT OF PREVAILING WAGES

12:241-1.1 Definitions

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

"Authority" means the New Jersey Economic Development Authority in but not of Department of Labor and Industry.

"Construction contract" shall mean any contract or subcontract for construction, reconstruction, demolition,

alteration, or repair work, or maintenance work, undertaken in connection with a Project and paid for in whole or in part with funds received through the assistance of the Authority.

"Executive Director" means the Executive Director of the Economic Development Authority.

"Prevailing wage rate" means the prevailing wage rate established by the Commissioner of the New Jersey Department of Labor and Industry from time to time in accordance with the provisions of N.J.S.A. 34:11-56.30 for the locality in which the Project is located.

12:241-1.2 Payments of prevailing wages in projects receiving assistance

Every recipient of assistance from the Authority for Projects, as defined in N.J.S.A. 34:1B-3, as a condition for receipt of such assistance, shall in all construction contracts in the amount of \$2,500 or more, require that wages paid to workers employed in the performance of the construction contracts be not less than the prevailing wage rate for such work.

12:241-1.3 Assurances required

(a) Every recipient of assistance from the Authority shall deliver a certificate to the Authority (or designated agent for the Authority), upon completion of the project, signed by an authorized representative of the recipient, representing and confirming that:

1. It has complied and has caused its contractors and subcontractors to comply with the requirements of section 2 of this subchapter and attaching true copies of all such construction contracts with contractors and subcontractors; or

2. That it has not entered into any construction contracts subject to the provisions of section 2 of this subchapter.

12:241-1.4 Contract provisions required

(a) Each recipient of assistance from the Authority shall in all construction contracts in the amount of \$2,500 or more require that:

1. Contractors and subcontractors permit the Authority, or its designated agent, complete access to payroll records and other records for purposes of determining compliance with the provisions of this subchapter;

2. Contractors and subcontractors keep accurate records showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed in connection with the performance of the contract and to preserve such records for two years from the completion date of the project.

12:241-1.5 Executive Director to enforce compliance

The Executive Director may require applicants for Authority assistance and recipients of Authority assistance to make such additional representations to the Authority and to enter into such covenants and agreements with the Authority that are necessary to carry out the purposes of this subchapter. The Executive Director shall take such steps as are necessary to ensure compliance with this subchapter.

12:241-1.6 Effective date

The provisions of this subchapter shall apply to all projects for which financial assistance initially has been authorized by a resolution of the members of the Authority adopted on or after March 1, 1979; projects authorized by such official action of the members of the Authority prior to March 1, 1979, shall be exempt from the provisions of this subchapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Robert S. Powell, Jr.
Executive Director
N.J. Economic Development Authority
John Fitch Plaza
Trenton, N.J. 08625

The N.J. Economic Development Authority may thereafter adopt rules concerning this subject without further notice.

Robert S. Powell, Jr.
Executive Director
N.J. Economic Development Authority

(a)

CASINO CONTROL COMMISSION

Proposed Amendments Concerning Application Procedures for Casino Hotel Facilities

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend N.J.A.C. 19:41-2.1 through 19:41-2.3 and adopt new rules, cited as N.J.A.C. 19:41-2.4 through 19:41-2.7, concerning application procedures for casino hotel facilities.

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

19:41-2.1(a)2. That the proposed facilities comply in all respects with all requirements of the Act and the regulations of the Commission;

3. That the proposed facilities comply in all respects with all requirements of the master plan and zoning ordinances of Atlantic City;

4. That the proposed facilities comply in all respects with all requirements of the Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.);

[4.] 5. That the patron market is adequate; and,

[5.] 6. That the proposal will not adversely affect overall environmental, economic, social, demographic or competitive conditions or natural resources of either Atlantic City or this State.

19:41-2.2 The hotel

(a) No casino license shall be issued unless the casino shall be located within an approved hotel which conforms in all respects to all facilities requirements of the Act and unless, in accordance with sections 1, 6, 27, 70, 83, 98, 100, 103 and 136 of the Act and the regulations of the Commission, such approved hotel:

...

19:41-2.2(a)6. Contains a single casino room of a minimum of 15,000 square feet and of not greater than the maximum square feet set forth in the Act, conforming in all respects to the entrance and visibility requirements set forth in the Act, and the facilities of which are arranged to promote maximum patron comfort, optimum casino operation security and an atmosphere of social graciousness;

19:41-2.2(a)11. Contains such facilities in the ceiling of the casino room commonly referred to as an "eye-in-the-sky" appropriate to permit direct overhead visual surveillance of all gaming therein; provided, however, that the Commission may exempt from this requirement any

casino room in any building existing as of December 15, 1977, the effective date of this provision, in any instance in which it is satisfied that same contains an acceptable approved alternative and that such an exemption would not be inimical to the policy of this Act and of the regulations of the Commission; and,

12. Contains facilities suitable for all family, cabaret and pub entertainment requirements.

19:41-2.3(a) Upon the petition of any person who owns, has a contract to purchase or construct, leases or has an agreement to lease any building or site located within the limits of Atlantic City and who intends to and is able to complete a proposed casino hotel facility therein or thereon, the Commission may in its discretion make a declaratory ruling as to whether or not the conformance of the proposed casino hotel facility to any of the facilities requirements of the Act and the regulations of the Commission has been established by clear and convincing evidence.

19:41-2.3(b) It shall be the affirmative responsibility of each such petitioner to file all information, documentation and assurances material to the requested declaratory ruling in such form as is required of an applicant for a casino license, which may include the filing of a completed "casino hotel facility statement".

19:41-2.3(e) No petition for a declaratory ruling shall be considered by the Commission unless the petitioner shall first have paid in full a fee of not less than \$5,000 and in any such further amount as the Commission may, in its discretion, deem reasonable, proper and appropriate in relation to the operating expenses of the Commission and the Division in considering the petition.

19:41-2.4 Policy requiring superior quality and favoring completely newly constructed convention hotel complexes

The restoration of Atlantic City as the Playground of the World and the major hospitality center of eastern United States, by permitting a limited number of licensed casino rooms in major Atlantic City convention hotel complexes as an integral element thereof as a unique urban redevelopment tool, will best be accomplished by a policy which assures that every aspect of every convention hotel complex to which the privilege of a casino license is extended is of a superior and first class quality and by a further policy which fosters, encourages, prefers and favors completely newly constructed facilities as opposed to rehabilitated facilities as convention hotel complexes to which the privilege of a casino license may most appropriately be extended.

19:41-2.5 Minimum standards for reconstruction of existing buildings and facilities

(a) Any existing building or facility, whether incorporated into an approved hotel as part of a convention hotel complex or otherwise, for which the privilege of a casino license is sought shall be reconstructed in conformance with the following minimum standards which may be applied with flexibility to any aspect of any such existing building or facility which already meets a higher standard of safety or quality:

1. Any such reconstructed existing building or facility shall be architecturally and functionally integrated with any and all newly constructed facilities both externally and internally so as to result in the entire convention hotel complex becoming a single building to the extent required by and in keeping with the policy of the Act;

2. All completely new furnishings and decorations shall be provided throughout all sleeping units and all public space within the entire convention hotel complex;

3. All completely new windows and window frames shall be provided throughout any such existing building or facility older than twenty years;

4. As to the interior of any such existing building or facility:

i. All new floor coverings shall be provided throughout all sleeping units and all public space;

ii. All new plumbing, lighting and other fixtures and fittings shall be provided throughout all sleeping units and all public spaces within any such existing building or facility older than twenty years;

iii. All interior walls, partitions, doors and doorframes shall be completely repainted or provided with new covering and, in any such existing building or facility older than twenty years, shall be completely replaced;

iv. All ceilings shall be completely restored and repainted or provided with new covering;

v. A completely new sprinkler system shall be provided throughout; and,

vi. All completely new elevator, heating, ventilation, air-conditioning, electrical and plumbing systems and all completely new components of such systems shall be provided throughout any such existing building or facility older than twenty years;

5. A completely new roof shall be provided for any such existing building or facility older than twenty years; provided, however, that the Commission may give due consideration to any architecturally, culturally or historically significant aspects of its existing roof;

6. All exterior walls of any such existing building or facility older than twenty years shall be completely replaced or covered; provided, however, that the Commission may give due consideration to any architecturally, culturally or historically significant aspects of its existing exterior walls;

7. In any such existing building or facility newer than twenty years, no windows, window frames, plumbing, lighting or other fixtures, and fittings, interior walls, partitions, doors and doorframes, elevator, heating, ventilation, air-conditioning, electrical or plumbing systems or components thereof, roof, or exterior walls shall be retained rather than completely replaced with new unless same are of a superior and first class quality.

19:41-2.6 Declaratory rulings as to reconstructed facilities

(a) The chairman may in his discretion refuse to accept for filing or process any application for a casino license involving other than a completely newly constructed convention hotel complex unless and until the Commission by declaratory ruling shall have determined both that the proposed reconstruction conforms to the minimum standards contained in section 5 of this subchapter and that extending the privilege of one of the limited number of casino licenses to the proposed convention hotel complex would further the policies of the Act and the Commission.

(b) The Commission shall, in determining whether or not extending the privilege of a casino license to the said proposed convention hotel complex would further the policies of the Act and the Commission, consider the following factors:

1. the age, structural soundness and any architectural, cultural or historical significance of the existing building or facility;

2. the extent to which the proposed convention hotel

complex exceeds the minimum facilities requirements contained in the Act and the regulations of the Commission and whether or not it contains any special features or characteristics;

3. the adequacy of financial resources associated with the proposal to enable both the complete construction of the proposed convention hotel complex and the full operation of the convention hotel and casino;

4. the estimated capital investment in direct construction costs, in gaming and non-gaming related furniture, fixtures, and equipment costs, in indirect construction costs and in site acquisition costs;

5. the size and location of the site of the proposed convention hotel complex;

6. the probable time within which construction would be likely to commence and be completed and within which convention hotel and casino operations would be likely to commence and the probable overall economic impact of the proposal;

7. an overall comparison of the proposed convention hotel complex with all other known existing or proposed Atlantic City casino hotel facilities;

8. the aesthetic and architectural suitability of the proposed convention hotel complex;

9. that, in essence, the overall environmental, economic, social, demographic, competitive and natural resource conditions in both Atlantic City and this state are evolving, developing, dynamic and continually changing conditions by their very nature and must be evaluated as of the probable issuance dates both of any such declaratory ruling as to the proposed convention hotel complex and of a casino license to the proposed convention hotel complex;

10. whether the issuance of any such declaratory ruling in favor of the proposed convention hotel complex or of a casino license to the proposed convention hotel complex would best serve and further the policy of redeveloping and restoring Atlantic City in a planned and orderly manner and to the highest possible degree as the Playground of the World and the major hospitality center of the Eastern United States; and,

11. any other factor deemed by the Commission to be relevant and material to its determination.

19:41-2.7 Duty to maintain and operate a superior quality facility

Every casino licensee shall have a continuing duty to maintain and operate its entire convention hotel complex as a facility of a superior and first class quality, to submit the said complex to periodic inspections by the Commission and to promptly comply with all requirements and directives of the Commission relating to the maintenance and operation of the said complex as a facility of a superior and first class quality.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to:

Joseph P. Lordi
Chairman
Casino Control Commission
329 West State St.
Trenton, N.J. 08625

The New Jersey Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
N.J. Casino Control Commission

(a)

CASINO CONTROL COMMISSION

Proposed Amendments Concerning License Requirements

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to amend N.J.A.C. 19:43-1.2 concerning license requirements.

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

19:43-1.2 License requirements

[The general rules relating to casino service industry license requirements are set forth in N.J.A.C. 19:41-1.2. Additional rules relating to casino service industry license requirements for gaming schools are set forth in N.J.A.C. 19:44-2.1 et seq.]

(a) No enterprise shall, on a regular or continuing basis, provide goods or services directly related to casino or gaming activity to a casino licensee, its employees or agents unless licensed in accordance with sections 92a and b of the Act.

1. The following enterprises shall be required to be licensed as casino service industry enterprises in accordance with the above cited sections:

i. Any form of enterprise which manufacturers, supplies or distributes devices, machines, equipment, items or articles specifically designed for use in the operation of a casino or needed to conduct a game including, but not limited to, roulette wheels, roulette tables, big six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, gaming chips, gaming plaques, slot tokens, card dealing shoes and drop boxes; and,

ii. Any form of enterprise which provides maintenance, service or repair pertaining to devices, machines, equipment, items, or articles specifically designed for use in the operation of a casino or needed to conduct a game; and,

iii. Any form of enterprise which provides service directly related to the operation, regulation or management of a casino including, but not limited to, schools teaching gaming and either playing or dealing techniques, casino security enterprises, casino credit collection enterprises; and,

iv. Such other goods or services determined by the Commission to be so utilized in or incident to gaming or casino activity as to require licensing in order to contribute to the integrity of the gaming industry in New Jersey.

(b) No enterprise shall, on a regular or continuing basis, provide goods or services not included in subsection (a) and not directly related to casino or gaming activity to a casino licensee, its employees or agents unless licensed in accordance with sections 92c and d of the Act which enterprise shall include but not be limited to suppliers of alcoholic beverages, food and non-alcoholic beverages, garbage handlers, vending machine providers, linen suppliers, maintenance companies, shopkeepers located within the approved hotel, and limousine services contracting with casino licensees.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979, to:

Joseph P. Lordi
Chairman
Casino Control Commission
329 West State St.
Trenton, N.J. 08625

The New Jersey Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
N.J. Casino Control Commission

(b)

CASINO CONTROL COMMISSION

Proposed Rules on \$1.00 Metal Tokens For Use in Slot Machines

Joseph P. Lordi, Chairman of the New Jersey Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning equipment pertaining to the issuance and use of \$1.00 metal tokens by casino licensees for use in slot machines.

Full text of the proposal follows:

19:46-1.33 Issuance and use of tokens

(a) A casino licensee may, with the approval of the Commission, issue \$1.00 metal tokens designed for use in its slot machines provided that such tokens:

1. Clearly identify the name and location of the casino issuing them;

2. Clearly state the face value of the token;

3. Contain a statement to the effect that such tokens are acceptable only at the casino issuing them;

4. Contain the statement "Not Legal Tender";

5. Are not deceptively similar to any coin of the United States or a foreign country;

6. Are of a size or shape or have other characteristics which will physically prevent their use to activate lawful vending machines or other machines designed to be operated by coins of the United States, except slot machines;

7. Are not manufactured from a three-layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core;

8. Comply with either of the following specifications:

i. Measure 1.469 inches in diameter and .105 inches in thickness, to within a tolerance of plus or minus .010 of an inch, with any reeds or serrations on the periphery not to exceed 150.

ii. Measure 1.077 inches in diameter and .074 inches in thickness, to within a tolerance of plus or minus .010 of an inch, with any reeds or serrations on the periphery not to exceed 100.

(b) No casino licensee shall issue or cause to be utilized in its casino any tokens unless and until such tokens are approved by the Commission. In requesting approval of such tokens, a casino licensee shall first submit to the Commission a detailed schematic of its proposed token which shall show the front, back and edge of such token, its diameter and thickness and any logo, design and wording to be contained thereon all of which shall be depicted on such schematic as they will appear, both as to size and location, on the actual token. Once the design schematics are approved by the Commission, no token shall be issued or utilized until and unless a sample of such token is also submitted and approved by the Commission.

(c) The Commission shall have the discretion to with-

draw approval of the use of tokens by a casino licensee upon his determination that United States coins of the particular denomination are available in sufficient quantities in the State of New Jersey without payment of a premium or for other cause deemed by him to warrant withdrawal of such approval.

(d) Tokens issued by a casino licensee shall:

1. Only be issued for use in the casino of such licensee and only be sold by such licensee at the request of its patrons and shall not be given as change in any other transaction;

2. Only be redeemed by such licensee from its patrons and shall not be knowingly redeemed from any non-patron source;

3. Not be knowingly accepted, exchanged, used or redeemed, in any gaming or non-gaming transaction, by any other licensee, except that such other licensee may redeem at its cashier's cage foreign tokens upon the representation of a patron that such tokens had been received from the payout chutes of slot machines on the premises or been purchased from an employee of such licensee working on the premises.

(e) Notwithstanding the provisions of subsection (d) of this section, a casino licensee shall redeem promptly its own genuine tokens from other casino licensees upon the representation that such tokens were unknowingly or inadvertently accepted, were unavoidably received in slot machines through patron play or were redeemed from patrons pursuant to subsection (d) 3. of this section.

(f) Each casino licensee shall redeem promptly from its patrons its own genuine tokens, by cash or by check dated the day of such redemption on an account of the casino licensee as requested by the patron, except when the tokens were obtained or being used unlawfully.

(g) Each casino licensee shall prominently and conspicuously post in its casino signs notifying patrons that "It is a violation of Federal law to use tokens issued by this casino outside these premises or to use tokens issued by another casino here."

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979, to:

Joseph P. Lordi
Chairman
N.J. Casino Control Commission
329 West State St.
Trenton, N.J. 08625

The N.J. Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
N.J. Casino Control Commission

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedule of Charges For Daily Parking Rates at Public Parking Garage at World Trade Center

On January 4, 1979, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges for daily parking rates at the public parking garage at the World Trade Center.

Full text of the adoption follows:

RESOLVED, that the Schedule of Charges for daily parking at The World Trade Center, adopted by the Committee at its meeting on May 3, 1973, be and the same is hereby revised effective March 1, 1979, as follows:

Up to 1 hour	\$2.50
Up to 2 hours	3.50
Up to 3 hours	4.50
Up to 4 hours	5.50
Maximum to Close	6.50

All rates include 6% New York State Parking Receipts Tax.

The foregoing rates shall not apply to special operations, functions, events or uses or users or to time periods other than normal business days; and be it further

RESOLVED, that the Executive Director be and he hereby is authorized to revise the Schedule of Charges from time to time as he deems appropriate.

An order adopting these revisions was filed on February 2, 1979 as R.1979 d.42 (Exempt, Exempt Agency).

Howard H. Kestin
Director
Office of Administrative Law

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Permits Allowing Use or Occupancy Of State-Owned Railroad Property

Louis J. Gambaccini, Commissioner of Transportation, pursuant to authority of N.J.S.A. 2:7-1 et seq. and 27:1A-16, proposes to adopt new rules concerning permits which allow the use or occupancy of State-owned railroad property.

The proposed rules concern definitions and short terms; permit applications; permit conditions; fee schedule; application fees; permit fees, general conditions; permit fees, transverse occupation; permit fee, longitudinal occupations; and permit fees for short term use or occupancy. Such rules, if adopted, will be cited as N.J.A.C. 16:41-16.1 et seq.

Copies of the 17 pages of the full text of this proposal may be obtained from or made available for review by contacting:

Charles L. Meyers
Administrative Practice Officer
N.J. Department of Transportation
1035 Parkway Avenue
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 28, 1979 to the Department of Transportation at the above address.

The Department of Transportation may thereafter adopt rules concerning this subject without further notice.

Louis J. Gambaccini
Commissioner
Department of Transportation

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

SOMERSET TO GET GOLF COURSE

Governor Brendan Byrne recently approved a \$1.02 million Green Acres grant to the Somerset County Park Commission for acquisition of a 12-acre golf course in Greenbrook and Warren Townships.

Byrne said the park commission will match the grant, funded through the State Department of Environmental Protection, to cover the total \$2.04 million cost of the project.

The site, presently the Warren Brook Country Club, is located off Warrenville Road near the heavily-developed commercial and residential areas of Plainfield and U.S. Route 22.

LABOR ECONOMISTS REPORT AUGUST HIRING PICK-UP

Private sector hiring picked up in New Jersey during August, following two months when job expansion was pretty much limited to Federally-funded summer jobs for youths in government agencies and nonprofit organizations.

After allowing for normal seasonal changes, there were over-the-month employment gains in manufacturing, construction and all major service industries, according to the October report of the Division of Planning and Research in the Department of Labor and Industry.

These increases, plus the continued impact of summer jobs programs under the Comprehensive Employment and Training Act, raised employment to another record high. The State's unemployment rate remained unchanged from July at 7.6 per cent, however, and was up fractionally from 7.4 per cent in May and June. This reflects the fact that the pace of employment growth has moderated in recent months, except for the temporary bulge of summer jobs for young people.

Despite a reduced rate of expansion since the spring, employment growth in New Jersey has been quite substantial over the past year. Nonfarm wage and salary jobs have increased 94,400 since August 1977, reaching a record seasonally adjusted total of 2,964,400.

Total resident employment — a more comprehensive measure that includes agricultural, domestic, and self-employed workers — has climbed 87,000 over the same period to a record 3,158,000.

N.J. 10th IN MILITARY CONTRACTS

New Jersey attracted more than \$1.1 billion worth of prime military contracts in 1977, the tenth highest amount in the nation, according to the Pentagon.

The breakdown of contracts, as reported by the State Department of Labor and Industry, showed awards of \$452 million from the Navy, \$258 million from the Air Force, \$214 million from the Army and \$215 million from the Department of Defense.

Of the \$52.7 billion awarded nationally, New Jersey received 2.7 per cent. California led the nation with 22.1 per cent. Nearly half (41.7 per cent) of the contracts went to five states—California, Texas, Missouri, Virginia and Washington.

TRANSPORTATION TAKES OVER

REGULATION OF BUS AND RAIL CARRIERS

Commissioner Louis J. Gambaccini announced that the responsibility for the regulation and inspection of rail and bus carriers now performed by the Board of Public Utilities will be transferred to the Department of Transportation on January 1, 1979.

These changes are effective under the Reorganization Plan which was signed by Governor Byrne on September 18, 1978.

Under the present law, the Commuter Operating Agency of the Department controls the fares, schedules and routes of the 21 bus carriers which receive state subsidies while responsibility for safety inspection of these carriers rests with the Board of Public Utilities.

Under the reorganization, the Department will be responsible for rail and bus carrier safety inspections.

A new office under Assistant Commissioner for Public Transportation Robert A. Keith will be responsible for assuming the new regulatory duties. Approximately 400 carriers are involved.

"By regulation of all carriers, there will be new opportunity to develop more efficient services now that one agency will be responsible for both subsidized and non-subsidized carriers," the Commissioner said.

BYRNE ANNOUNCES SEWERAGE GRANTS

Governor Brendan Byrne announced the award of six sewerage facilities grants totaling \$231,460 in four counties—Atlantic, Mercer, Ocean and Somerset.

The State funds were made available by the Clean Waters Bond Act of 1976 and are administered through the Department of Environmental Protection (DEP). The grant awards are for eight percent of the cost of the projects. The Federal Environmental Protection Agency (EPA) provides 75 percent of the cost and the municipalities 17 percent.

In Somerset County, a \$139,460 grant was awarded to the Somerset Raritan Valley Sewerage Authority for the construction of additional secondary treatment facilities and an outfall. The project will increase the secondary treatment capacity from five million gallons per day to 10 million gallons.

In Atlantic County, two grants were awarded to the Atlantic County Sewerage Authority for the preparation of wastewater facilities plans. A \$48,872 grant will be used to develop plans for the construction of wastewater treatment facilities to serve the Lower Great Egg Harbor River region including the built-up areas of Mays Landing and Hamilton Township. Another grant of \$11,600 will be used for plans to determine the necessary sewerage facilities to serve the Mullica-Upper Great Egg Harbor region.

In Mercer County, a grant of \$25,912 was awarded to the Upper Millstone Water Management Study Group for the preparation of a wastewater facilities plan for the Upper Millstone watershed. The planning area includes portions of East Windsor Township, Cranbury Township, Hightstown Borough, Millstone Township and Monroe Township.

The Hopewell Township Municipal Utilities Authority was awarded a \$3,160 grant to prepare plans for the design of wastewater treatment facilities in the Delaware River watershed area of the township.

In Ocean County, a \$2,456 grant was awarded to the Borough of Bay Head to conduct an infiltration analysis of the borough's sewage collection system.

RENOVATION OF NEWARK'S PENN STATION

Governor Brendan Byrne and U.S. Secretary of Transportation Brock Adams announced that USDOT's Northeast corridor Rail Improvement Program (NECIP) has awarded the renovation design contract for Newark Penn Station and expects to award a contract for the replacement of nine escalators at the station by the first week in January.

The improvements to the 45-year-old Penn Station, which is located in the heart of downtown Newark, represent a multi-million dollar program to be funded by the federal government and the Port Authority of New York and New Jersey, which is committed to paying half the cost of the new escalators. A half-million dollar painting program at the station platform areas is already underway and will be completed next July.

"The modernization of Newark Penn Station, a major station on the Northeast Corridor and the most heavily used station in New Jersey, has been one of my transportation priorities and is critically important to our state," said the Governor.

"We are pleased by the progress being made toward that goal which I have pursued along with Congressman Peter Rodino and other members of the New Jersey Congressional Delegation," Byrne said.

The \$1.1 million design contract has been awarded to Vollmer-Liebowitz/Bodouva Associates, a joint venture. Construction is projected to begin on the station in 1980.

The federal agency has also received a bid from Westinghouse Corporation for replacement of the nine escalators, which have been subject to breakdowns and out of service on and off for the past ten years. NECIP expects to complete final negotiations and award the contract by the first week in January, according to Secretary Adams. The projected completion date for the replacement project is 12 to 15 months.

GOVERNOR MOVES TO ACQUIRE

CRITICAL PINELANDS AREAS

Following passage in Washington last month of the National Parks and Recreation Act, Gov. Brendan Byrne said he was particularly grateful for the sections dealing with the Jersey Pinelands, which he had urged Congress to support.

The Pinelands National Reserve section authorizes up to \$3 million for planning and another \$23 million for the acquisition of ecologically critical areas in the Pinelands.

It also calls for the Governor to create a planning agency for the million-acre area and authorizes the U.S. Department of Interior to contribute 75 per cent of the costs of lands acquired by the State.

The 15-member planning body will consist of seven gubernatorial appointments, seven named by county freeholders and one representative of the Department of Interior.

The Governor already has requested that the Pinelands Review Committee previously appointed by him discuss with county and local officials the impact and implementation of the new legislation. The committee is chaired by Craig Yates.

"The Review Committee's year-long study should enable this new Federally-supported planning entity to be able to move more quickly," he noted.

The State's 25 per cent matching share of land acquisition funds will come from the \$10 million of Green Acres funds dedicated by the Governor for Pinelands acquisitions.

PHYSICIANS' MALPRACTICE

INSURANCE DECREASING

Trenton — State Insurance Commissioner James J. Sheeran said that the cost of physicians' and surgeons' malpractice insurance, like hospital insurance, has started to come down.

Sheeran said that he has approved a rate revision for the New Jersey Medical Inter-Insurance Exchange of New Jersey, the company formed by the Medical Society of New Jersey in 1977, that includes an overall average 8.3 per cent decrease in premiums.

In addition, Sheeran said, he has approved a revision filed by the Health Care Insurance Exchange, a company formed by the New Jersey Hospital Association in 1976, which reduces by varying percentages the rates for doctors employed by hospitals and insured under the hospitals' own malpractice policies.

The commissioner pointed out that these decreases for doctors follow a reduction in 1978 in the cost of malpractice insurance for hospitals—a decrease of 27 per cent for those insured by the St. Paul Fire & Marine Insurance Company and of 67 per cent for those insured by the HCIE.

Although the reasons for the trend toward lower rates for malpractice insurance are complex, generally changes in the reserving practices of the companies to reflect only actual rather than projected losses have contributed significantly to the decline.

The 8.3 per cent decrease for the Inter-Insurance Exchange is an average and the amount of decrease will vary by class of physician from zero to 24.3 per cent.

About half of the 5,415 doctors insured by the Inter-Insurance Exchange will have their premiums reduced while premiums for the rest will remain the same.

The rates for the specialists who now pay the most for their insurance—neurosurgeons—are among those that will remain the same. For \$1 million/\$3 million coverage, they pay \$17,412 a year.

The largest decrease—24 per cent—will go to retired physicians, whose premium for full coverage will drop from \$959 a year to \$726.

The premium for general practitioners who perform minor surgery will drop from \$3,105 to \$2,420, a decrease of 22 per cent.

The average premium for all classes will decrease from \$5,104 to \$4,679. The new rate schedule is effective February 1 for renewals and retroactive to January 1 for new business.

In the case of doctors and residents employed by hospitals, there will be variations among hospitals in the amounts by which premiums decrease, depending upon the number and kinds of specialists and residents.

As an example, the HCIE cited a hospital with 127 doctors, 43 of them residents, which is paying a premium of \$400,751 under current rates. Under the revised schedule, there will be an overall decrease in premium to \$375,409, a decrease of 6.3 per cent.

The HCIE rates will be retroactive to January 29, 1977 and the hospitals will be entitled to a credit or refund of premiums paid in the last two years. The amount of each refund will not be determined until each of the 78 hospitals insured by HCIE has been rated.

When the new rate schedule for hospital insurance, as distinct from insurance for their professional employees, was approved by Commissioner Sheeran, it also was made retroactive to 1977 and produced a refund of about \$3.5 million.

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FIVE CODE TITLES UPDATED

Mailing was completed last month for the September 18, 1978 and October 1, 1978 update for five Titles of the New Jersey Administrative Code.

Titles included were 5—Community Affairs, 8—Health, 9—Higher Education, 16—Transportation and 17—Treasury-General.

If subscribers have not received this update within two weeks, they should contact the Division of Administrative Procedure, 10 North Stockton Street, Trenton, New Jersey 08608 or phone: (609) 292-6060.

BYRNE NOTES PROGRESS IN REVITALIZING STATE'S CITIES

Governor Brendan Byrne declared last month that New Jersey has developed one of the most advanced and intensive urban programs in the country.

Speaking before the Regional Plan Association in Newark, he said, "I am proud of the record we have already made to restore the vitality of our older and poorer communities.

"Indeed, I feel it is no exaggeration to state that New Jersey in the past four years has taken more significant actions on the State level to restore our cities and towns than any other state in the nation."

Byrne made the statement in connection with the release of a comprehensive inventory of state urban programs and recommendations for future urban efforts. The report, "An Assessment of New Jersey's Urban Programs," was prepared by the Cabinet Committee on Urban Policy.

Byrne noted that the 1976 tax reform program has lowered property taxes in urban aid municipalities by 11 per cent, when homestead rebates are taken into account.

The Governor said the State will continue to build on the past urban record by acting as a catalyst for combined, coordinated efforts by private sector and public agencies.

"We must lead, organize and direct the massive effort which the private sector must make to help government restore our aging cities and towns," Byrne said.

"My program for the revitalization of our communities will focus on a partnership between government and the private sector which will utilize our best resources and people," he added.

"We can generate enthusiasm, jobs and even dollars by identifying the problem, bringing people together and generally using the clout of public office toward the ultimate goal of restoring the economic and social viability of our communities," said Byrne.

Among the Governor's proposals is a plan to convene a working conference of urban experts to devise specific programs and projects for specific cities on a block-by-block basis.

He also said he would consolidate State agency efforts in a concentrated strategy for individual neighborhoods and blocks and will direct the state Economic Development Authority to give first priority in its programs to distressed communities.

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