

# NEW JERSEY



# REGISTER

## IN THIS ISSUE "INDEX OF ADOPTED RULES"

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# REORGANIZATION PLAN

## OFFICE OF THE GOVERNOR

Governor Thomas H. Kean

### Notice of Reorganization Plan for the Division of the State Museum and the New Jersey Historical Commission

Take notice that, on January 31, 1983, Governor Thomas H. Kean issued the following Reorganization Plan which transfers the Division of the State Museum and the New Jersey Historical Commission from the Department of Education to the Department of State.

REORGANIZATION PLAN OF THE DIVISION  
OF THE STATE MUSEUM  
NEW JERSEY HISTORICAL COMMISSION  
FUNCTIONS WITHIN THE DIVISION  
OF THE STATE LIBRARY  
FROM THE DEPARTMENT OF EDUCATION  
TO THE DEPARTMENT OF STATE

The Division of the State Museum, in the Department of Education, together with all its functions, powers and duties, pursuant to N.J.S.A. 18A:73-1 et seq. and the New Jersey Historical Commission, in the Department of Education, together with all its functions, powers and duties, pursuant to N.J.S.A. 18A:73-21 et seq. are hereby transferred to the Department of State. All powers exercised by the Commissioner of Education, the State Board of Education and the State Librarian in direct supervision of the Division of the State Museum and New Jersey Historical Commission, are hereby transferred to the Department of State and shall be executed by the Secretary of State or his designee.

The New Jersey State Museum, as presently organized, under N.J.S.A. 18A:73-1 et seq. performs among other things the traditional functions of collecting, exhibiting and interpreting in the areas of natural history, archaeology/ethnology and fine arts in America with a New Jersey/Eastern United States focus. Long-term exhibitions utilize loan materials in conjunction with collection materials to treat timely issues, historic movements or events, and contemporary expression. Both long-term and short-term exhibits are

interpreted through publications and through programs designed for school groups and the general public. Outreach activities include traveling exhibits, specimen loans and a film loan service.

The New Jersey State Museum pursuant to N.J.S.A. 18A:73-2 is a Division which consists of a Director and an Advisory Council and such other personnel as the Commissioner of Education deems necessary for its administration. This Advisory Council within the Division of the State Museum is called the Advisory Council of the State Museum and consists of five members appointed by the Governor. Under the reorganization, all who currently are members of the Advisory Council of the State and the Director of the State Museum shall continue according to their respective terms of office. The duties and functions of the Advisory Council of the State Museum and the Director of the State Museum shall remain the same upon the Reorganization.

The New Jersey Historical Commission, as presently organized under N.J.S.A. 18A:73-21 et seq. is responsible among other things for advancing public knowledge of the history of New Jersey. To do this, it sponsors public programs, research projects, publications and commemorative observances and grant-in-aid programs for scholars, teachers and local historical organizations. It offers information and assistance to public and private organizations and individuals. In furtherance of its aims, the Commission is empowered by statute to seek and receive funds other than State appropriations.

The New Jersey Historical Commission pursuant to N.J.S.A. 18A:73-22 currently has twelve members, two members from the Senate, two members from the Assembly, six citizens appointed by the Governor, confirmed by the Senate, the State Librarian and the chief of the Office of Historical Preservation of the Department of Environmental Protection.

The New Jersey Historical Commission pursuant to this Reorganization shall be reconstituted as a Division within the Department of State and will be composed of thirteen members rather than twelve members. The additional member will be the Secretary of State. The thirteen members are:

a. The Secretary of State or his designee, the State Librarian or his designee, and the Chief of the Office of Historical Preservation of the Department of Environmental Protection;

b. Six citizens of the State to be appointed by the Governor with the advice and consent of the Senate, all to whom shall be chosen by reason of their expertise in New Jersey history and qualified by academic achievement or professional affiliation, who shall serve for terms of three years and until the appointment and qualification

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## 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, and twice-monthly since November 1981.

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of their successors;

c. Two members of the Senate to be appointed by the President thereof, and two members of the General Assembly to be appointed by the Speaker thereof. No more than one of the Senate and Assembly members shall be members of the same political party. Anyone appointed pursuant to subsection c. shall serve as a member of the Commission until the expiration of his term as Senator or Assemblyman as the case may be, during which he was appointed.

This transfer will add the Secretary of State as a member of the Historical Commission. This will effectuate the purpose of this Reorganization Act and will effect better management in the Executive branch. The Secretary of State in her role as the main supervisor and coordinator of all the cultural and historical entities located within the Department of State should be part of the Historical Commission.

The purpose of this Reorganizational Plan will be to further concentrate the cultural and heritage functions of the State in a single department. Recently, the State Council on the Arts was transferred from the Department of Education to the Department of State. The Office of Ethnic Affairs is currently located within the Department of State.

This proposed transfer of the Historical Commission and the State Museum will enable the Division of the State Museum and the Historical Commission to work more closely and coordinate programs with the State Council on the Arts and the Ethnic Advisory Council. This will assure more comprehensive oversight and will enable the State to better coordinate its own financing. Also, a transfer of these entities to the Department of the State will promote a greater sharing of expertise of the officials of State government concerned with cultural and historical programs.

In accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c.203 (c.52:14C-2), I find and declare that this transfer and reorganization is necessary and will do the following:

1. It will promote better execution of the laws, and more effective management of the Executive branch and its Departments, because many cultural entities will be located within one Department rather than two Departments which is the current organization.

2. It will reduce expenditures and promote economy because there will be a sharing of expertise of the officials of State government concerned with cultural and historical programs.

3. It will increase the efficiency of the operation of the Executive to a better extent insofar as there will be a greater sharing of expertise within one Department.

4. It will group and coordinate functions of the Executive as nearly as may be by virtue of the fact that the cultural programs will be located within one Department.

5. Consequently, it will eliminate overlapping and duplication of effort by locating these cultural entities within one Department.

All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies. All transfers directed by this Reorganization Plan, unless otherwise provided for herein, shall be effective pursuant to the "State Agency Transfer Act", P.L. 1971, c.375 (c.52:14D-1, et seq.).

A copy of this Reorganization Plan was filed on January 31, 1983, with the Secretary of State and the Office of Administrative Law and is published herein pursuant to N.J.S.A. 52:14C-4(c), to become effective on April 2, 1983, unless disapproved by the Legislature.

Take notice that this Reorganization Plan, if not disapproved, has the force of law and will be printed and published in the annual edition of the public laws by the Secretary of State but the text of this Executive Order will not be codified in the New Jersey Administrative Code.

# RULE PROPOSALS

## CIVIL SERVICE

(a)

### CIVIL SERVICE COMMISSION

#### Layoffs and Demotions

**Proposed New Rules: N.J.A.C. 4:1-24.1 and 24.3 through 24.12**

**Proposed Repeal: N.J.A.C. 4:1-16.1 through 16.5, 4:2-16.1 and 16.2, and 4:3-16.1 and 16.2**

Authorized By: Civil Service Commission, Eugene J. McCaffrey, Sr., President.

Authority: N.J.S.A. 11:5-1a, 11:15-9, 11:15-10, 11:22-10.1, 11:22-10.2, 11:26D-1.

Expiration Date: February 16, 1983.

The above proposals which appeared in the the February 16, 1982 New Jersey Register as PRN 1982-77 at 14 N.J.R. 184(a) expired on February 16, 1983. The original proposals were made in response to requests from employees and employers for clearer, more comprehensive layoff and demotion rules and reflected the Department of Civil Service's policy of eliminating redundancy and overregulation by revising existing rules and incorporating the former Civil Service subparts, now published as N.J.A.C. 4:2 and 4:3, into N.J.A.C. 4:1.

Subsequent to publication of the proposals, a public hearing was held to elicit public comments. The wealth of information garnered from the testimony coupled with the extensive written responses required thorough study and consideration. The Department of Civil Service reviewed all of the information that was presented and determined that the proposed rules should be allowed to expire and new rules drafted incorporating many of the comments and suggestions. Thus, the department is presently working on rules that it anticipates will be ready for filing in the near future.

(b)

### CIVIL SERVICE COMMISSION

#### Separations and Demotions Request for Reemployment

**Proposed Amendment: N.J.A.C. 4:1-16.13**

Authorized By: Civil Service Commission, Peter J. Calderone, Assistant Commissioner.

Authority: N.J.S.A. 11:1-7(a) and (d), 11:5-19, 11:6-2(e), 11:22-10.4.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983.

These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director  
Division of Appellate Practices  
and Labor Relations  
CN 312  
Trenton, NJ 08625

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

This proposal is known as PRN 1983-91.

The agency proposal follows:

#### Summary

N.J.A.C. 4:1-16.13 delineates the rights to which an employee is entitled if s/he resigns in good standing or retires and subsequently seeks reemployment. The proposed amendment, which is a result of recent legislation (P.L. 1981, c. 439) concerning reemployment lists, permits a former police officer, or higher ranking police official, to request reinstatement and have his/her name placed on a police reemployment list. The jurisdiction in which the former police officer served must recommend that the individual be reinstated and may require that the individual pass appropriate medical and psychological examinations. This rule, in compliance with the statute, carries no age limit nor does it restrict the period of time after resignation within which an individual may be reinstated.

#### Social Impact

The amendment, in compliance with the applicable legislation, will affect municipal police officers and higher ranking police officials who retire or resign in good standing and later seek to return to their former positions. The absence of limitations has a positive impact on both employee and employer since it provides the employee with greater opportunity for reinstatement and provides the employer with a larger pool of available qualified persons.

#### Economic Impact

The proposed amendment will result in considerable savings to appointing authorities. When the appointing authority reappoints an employee who has already completed the Police Training Commission requirement, it is not burdened with the costly training of new recruits. The rule change will produce some economic benefits for the Department of Civil Service because the Division of Examinations will save the cost of reexamining individuals seeking to return to former police positions.

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

4:1-16.13 Request for reemployment

(a) A permanent employee who has resigned in good standing or who has retired may, within two years of his/her resignation or retirement, request consideration of reemployment by indicating his/her availability for reemployment to the appointing authority from which s/he had resigned or retired.

**(b) In local government services, a police officer, or person with a higher title in the police services, who has retired or resigned in good standing, may at any time request reemployment with the appointing authority from which s/he had resigned or retired.**

1. Upon the recommendation of the appointing authority, the person's name shall be placed on a police reemployment list.

2. Persons seeking reinstatement may be required to pass appropriate medical and psychological examinations.

[(b)](c) A permanent employee who had been placed on disability retirement [by the Division of Pensions] may, within two years from the date the Division of Pensions determines that the retiree is no longer disabled, request that his/her name be placed on the regular reemployment list.

[(c)](d) Upon recommendation of the appointing authority, the employee shall have his/her name placed on a regular reemployment list for the class title from which s/he had resigned or retired. No name shall remain on the regular reemployment list beyond two years from the date of resignation, retirement or the date the Division of Pensions determines that a pensioner is no longer disabled.

[(d)](e) Seniority determinations for an employee reemployed from a regular or police reemployment list shall begin as of the date of reemployment, except that when determining the order of layoff or demotion, ties of equal seniority will be broken by consideration of the period of permanent employment prior to the break in service.

[(e)](f) An employee reemployed from a regular reemployment list shall serve in the class title to which returned for four months in State service or three months in local government service before the Department of Civil Service will approve either a transfer or a leave of absence, except a leave of absence for personal illness, including maternity, without pay may be approved.

(a)

## CIVIL SERVICE COMMISSION

### Hours of Work Inclement Weather Emergency Policy for State Employees

**Proposed New Rule: N.J.A.C. 4:1-18.5**

**Proposed Repeal: N.J.A.C. 4:2-18.1**

Authorized By: Civil Service Commission, Peter J. Calderone, Assistant Commissioner.

Authority: N.J.S.A. 11:5-1a, 11:1-7a and 11:14-1.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director  
Division of Appellate Practices  
and Labor Relations  
CN 312  
Trenton, NJ 08625

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

This proposal is known as PRN 1983-90.

The agency proposal follows:

#### Summary

As part of the Department of Civil Service's ongoing recodification project, N.J.A.C. 4:2-18.1 is being repealed and the pertinent substance incorporated into N.J.A.C. 4:1-18.5. The rules provide for procedures to be followed in case of inclement weather. N.J.A.C. 4:2-18.1 details internal emergency procedures while

stating that each agency "shall be responsible for developing internal emergency procedures". N.J.A.C. 4:1-18.5 includes the procedures to effect inclement weather action but delegates the development of internal procedures to each individual agency.

#### Social Impact

This is strictly a procedural rule and has no social impact.

#### Economic Impact

This is a procedural rule that will have no economic impact.

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

**4:1-18.5 Inclement weather emergency policy (State)**

**(a) This section is applicable only to State service.**

**(b) The Governor or a designee shall determine when inclement weather warrants the implementation of emergency procedures such as early release of employees, the closing of offices and the late opening of offices. The Governor's designee or the President of the Civil Service Commission shall notify all State departments when emergency procedures are to be implemented.**

**(c) Each State department shall ensure that essential services are maintained. They shall designate a coordinator who shall be responsible for:**

**1. Communicating instructions to designated staff to ensure that all department employees are advised of the emergency procedures;**

**2. Advising the Governor's press office of regional openings, closings, etc.;**

**3. Assuring that all employees are provided with a phone number to call regarding implementation of these emergency procedures and a listing of the radio stations which will broadcast information concerning the implementation of State emergency procedures.**

**(d) Employees who are required to work to maintain essential services while others are excused pursuant to these emergency procedures shall be given priority for release for the next emergency.**

4:2-18.1 [Inclement weather emergency policy] **(Reserved)**

[(a) The Governor or his designee shall determine if emergency procedures due to inclement weather shall be implemented. This determination applies to all departments, agencies and institutions. Emergency procedures may be early release of employees, closings and late openings.

(b) Designated representatives of the Governor or the President of the Civil Service Commission shall notify all department heads of a determination to implement emergency procedures.

(c) Each State department, agency or institution shall be responsible for developing internal emergency procedures. Internal emergency procedures must include:

1. The maintenance of essential services;

2. Notification of field offices;

3. Notification of clientele through radio, television or other media. (i.e., notifying the public that motor vehicle stations will be closing or that State colleges will be closing);

4. The designation of a coordinator to:

i. Receive inclement weather early closing determinations;

ii. Communicate instructions to a descending chain of command in order to insure that all department employees are notified of the early release;

iii. Forward to the Governor's press office information concerning regionalized openings/closings, etc.

(d) In order to equitably administer these procedures, each department, agency or institution should insure that those employees who, due to the need for maintaining essential services, are not released early or must report to work during an inclement weather emergency will be given priority for early release or not to report for work during the next emergency.

(e) Employees will be notified through inserts in their payroll

checks of appropriate telephone numbers to call and the radio stations which will broadcast information about State emergency procedures.]

(a)

## CIVIL SERVICE COMMISSION

### Performance Evaluation and Employee Training Tuition Aid Program

**Proposed New Rule: N.J.A.C. 4:1-20.9**  
**Proposed Repeal: N.J.A.C. 4:2-20.9**

Authorized By: Civil Service Commission, Peter J. Calderone, Assistant Commissioner.  
Authority: N.J.S.A. 11:1-7a, 11:5-1a and 11:6-2e.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone, Director  
Division of Appellate  
Practices and Labor Relations  
Department of Civil Service  
CN 312  
Trenton, NJ 08625

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

This proposal is known as PRN 1983-92.

The agency proposal follows:

#### Summary

In keeping with Department of Civil Service policy of writing all rules in plain English and incorporating them into N.J.A.C. 4:1, N.J.A.C. 4:1-20.9, Tuition Aid Program, is being proposed to replace N.J.A.C. 4:2-20.9. The formulation and administration of a tuition aid program has been and will remain the responsibility of the appointing authority. However, the amendment will allow appointing authorities broader discretion to develop, implement and monitor tuition aid programs. Since each department has the pertinent information needed to determine whether a tuition aid program can or should be implemented and the extent, breadth and allocation of such a program, it is believed that the primary responsibility for conducting each tuition aid program should be at the department level. Equitable application of the programs will be ensured since all departments are bound by New Jersey statutes and rules prohibiting discrimination. The Department of Civil Service will oversee and monitor tuition aid programs.

#### Social Impact

The social impact of N.J.A.C. 4:1-20.9 will depend upon the requirements formulated by the appointing authorities.

#### Economic Impact

N.J.A.C. 4:1-20.9 will not create any economic impact. Economic and budgetary factors will control the extent of tuition aid programs.

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

#### 4:1-20.9 Tuition aid program (State)

(a) This section applies only to State service.

(b) The tuition aid program provides tuition assistance or

reimbursement to employees who attend accredited educational institutions primarily on their own time subject to the limitations of this rule and the availability of funds. The intent of the program is to fulfill the needs of the agency sponsoring the aid and State government as a whole. Each agency shall determine its needs and disburse available funds to employees engaged in a course appropriate to meeting the predetermined needs.

(c) An appointing authority shall prepare a tuition aid program at the beginning of each fiscal year. In preparation of a tuition aid program, affirmative action responsibilities shall be considered. The program shall include criteria for:

1. Employee eligibility which is limited to full time, permanent employees. Exceptions may be granted on a case by case basis by the Department of Civil Service. Agencies may establish additional criteria for determining eligibility.

2. Internal application procedure;

3. Maximum amount of aid available per person not to exceed \$500.00 or the cost of six credits, whichever is greater, per semester or educational program;

4. Acceptable academic grade for reimbursement;

5. Eligible costs; and

6. A procedure to notify employees of approval or disapproval.

(d) Payment or reimbursement will be made only after evidence of satisfactory completion of the course as defined by the appointing authority's program is submitted to the agency's fiscal office with evidence of tuition payment to the educational institution.

(e) At the start of each fiscal year, agencies shall submit to the Department of Civil Service blanket Staff Training Requests which meet the above criteria. Any requests outside the criteria shall be submitted on a separate Staff Training Request within the time frames specified on the request form. The Department of Civil Service in conjunction with the Department of Treasury may grant exceptions.

(f) A tuition aid program shall be submitted for approval to the Department of Civil Service one month prior to implementation. The approved tuition aid program must be posted in conspicuous locations in the agency and shall include the name, telephone number and location of the individual responsible for administering the program.

(g) The appointing authority's training officer, or the individual responsible for training, shall develop and implement an equitable tuition aid plan and shall review the program each year to insure that it is consistent with current agency goals. Revisions to the program must be submitted for approval to the Department of Civil Service one month prior to implementation.

(h) The appointing authority shall submit a quarterly report to the Department of Civil Service within 30 days from the start of each succeeding quarter. The report shall include the following information:

1. Names and titles of employees receiving aid;

2. Amount of aid for each employee per semester or education program;

3. Semester enrolled, course name, credits, grade received; and

4. Affirmative action data.

(i) The appointing authority is subject to audit by the Department of Civil Service to ensure compliance with the provisions of this rule, the agency's tuition aid program, and any other statutes or rules which affect the program. If at any time an agency does not comply with the above provisions, Civil Service reserves the right to suspend the agency's autonomy in disbursing tuition aid until the irregularities are resolved.

4:2-20.9 [Tuition Aid] (Reserved)

[(a) "Tuition Aid" means a program of tuition reimbursement or assistance for employees who attend established educational institutions of their own choosing and primarily on their own time

**PROPOSALS****CIVIL SERVICE**

for formal academic credit within the limitations of these regulations and funds available for such programs.

(b) Departments and agencies should:

1. Establish a planned program for granting tuition aid designed to:

- i. Be of direct benefit to the department or agency and the State;
- ii. To improve employee performance and;
- iii. To facilitate career development.

2. Pay in whole or in part tuition and/or other costs attendant to out-service education as defined in N.J.A.C. 4:2-20.4(f), and in this section.

3. Establish uniform guidelines for selection, application, control and remuneration, in accordance with procedures defined in this section.

(c) The standards set forth herein should define parameters for tuition aid. Individual departments may, at their own discretion, set policies within the parameters so prescribed.

(d) Departments may, for example, require an academic average higher than the minimum standard N.J.A.C. 4:2-20.4(f) or a department may limit reimbursement to less than the authorized 15 credits in a fiscal year (N.J.A.C. 4:2-20.15).

(e) All full-time employees in the classified and unclassified service who have completed one year of satisfactory service at the time of registration, are eligible to receive tuition aid.

(f) Objectives:

1. To enable individual employees to increase their knowledge, enhance their skills and/or improve their performance in order to contribute more effectively to the programs and services of the departments and agencies of New Jersey State Government.

2. To provide a means for assisting State Government in attracting, retaining and developing its human resources.

(g) Each department and agency is responsible for developing and implementing its own planned program for tuition aid as defined in the standards prescribed in these regulations. Such programs should include the following written components, which shall be available to all employees in that organization:

1. Minimum criteria for selection;
2. Procedures for application;
3. Conditions and method of payment or reimbursement;
4. Binding agreements upon participants;
5. Names, titles, addresses of employees administering the program;
6. Provision to ensure participants' compliance with program regulations;
7. Allowable exceptions to regulations.

(h) Each department or agency shall obtain approval of its tuition aid program from the Department of Civil Service in advance of the program's implementation.

(i) Each Department or agency shall obtain approval from the Department of Civil Service of amendments to and changes in its plan in advance of implementation of such changes.

(j) The department training officer should be responsible for approving or disapproving requests for tuition aid subject to the following:

1. Availability of funds;
2. Recommendation of the applicant's supervisor and division head;
3. Conditions, limitations and priorities of these regulations and/or the department or agency training plan;
4. Eligibility of candidate(s).

(k) Each department shall develop uniform and specific criteria for selection of employees to receive tuition aid and notify the Department of Civil Service of these criteria through filing of its tuition aid plan N.J.A.C. 4:2-20.9(g),

(l) Each department or agency shall obtain authorization for remuneration for each participant in the program in accordance with the standards governing expenditures for training as specified in this section and N.J.A.C. 4:1-20.14(g)(i). Such requests must be submitted to the Department of Civil Service on a Staff Training Request (CS-94) no less than two weeks prior to enrollment.

Request (CS-94) no less than two weeks prior to enrollment.

(m) A department may not authorize remuneration for tuition and other costs when:

1. Such education and/or training may be obtained through State or other resources at a lesser cost;
2. The employee is eligible to receive remuneration for such education and/or training through scholarships or assistance other than that available from the department;
3. Such education and/or training is not of direct value to the State and/or department;
4. Such education and/or training is not related to the duties and responsibilities prescribed for the position in which the employee is incumbent.

(n) The following employees are ineligible for tuition aid:

1. Employees on temporary status;
2. Employees with less than one year of service at the time of registration;
3. Employees whose last performance evaluation is less than "satisfactory";
4. Employees who are pursuing education which is not directly related to the duties and responsibilities prescribed for the position in which they are incumbent;
5. Employees who are receiving or are eligible to receive scholarship and/or tuition assistance through the school in which he/she is in attendance and/or through other public or private agency resources;
6. Employees on part-time status.

(o) Departments may pay in whole or in part appropriate costs attendant to the employee's education.

(p) Employees must maintain no less than an academic average consistent with the minimum acceptable standards established by school in which he/she is enrolled in order to be eligible for reimbursement.

(q) As a condition of accepting and receiving tuition aid, the employee should agree in writing to remain in the employ of the sending department for no less than one month for each month he/she received tuition aid to a maximum of two years; or to reimburse the sending department on the same basis.

(r) Reimbursement of tuition and other eligible related costs should be made upon presentation by the employee of:

1. Official evidence of satisfactory completion of the course(s) of study for which the employee was originally approved;
2. Receipted invoices for those eligible costs;
3. A signed statement by the employee attesting to the fact that he/she did not receive tuition or scholarship assistance from the school or other sources in addition to those provided by the department;

(s) An employee accepted for tuition aid may withdraw from the program in which he/she is enrolled, with prejudice or sanctions imposed by the sending department; however, in so doing he/she should waive the right to any reimbursement for tuition, registration or other related costs.

(t) Termination:

1. An employee who terminates employment with the sending department prior to completion of the education and/or training should waive entitlement to tuition aid;
2. Repayment may be made at a rate and in a manner agreed to by the department and employee.

(u) Travel:

1. Reimbursement for travel expenses incurred in the use of public transportation or private vehicles may be made only if an employee is directed to attend courses by the sending agency;
2. State owned vehicles may be used only for travel to and from the educational site when an employee is directed to enroll in an educational program by his/her employing agency.

(v) The department may authorize modification of work schedules in order to permit an employee to attend education programs (for which the employee is receiving tuition aid). When modification of work schedules is not practical, the sending agency may grant up to four hours per week to the employees to attend instruction.

(w) Remuneration for any candidate's tuition and other related costs shall not exceed 15 credit hours or the equivalent in any fiscal year.]

## ENVIRONMENTAL PROTECTION

(a)

### DIVISION OF WATER RESOURCES

#### Water Supply Allocation Procedures for Determining, Assessing and Collecting Payments for Water Diversion

#### Proposed New Rule: N.J.A.C. 7:19-4

Authorized By: Robert E. Hughey, Commissioner,  
Department of Environmental Protection.  
Authority: N.J.S.A. 58:1A-1 et seq., specifically 58:1A-4(4), 58:2-1 et seq. and 13:1B-3.  
DEP Docket No.: 007-83-01.

**Public hearings** concerning this proposal will be held at the following times and locations:

March 30, 1983  
10:00 A.M.  
Wayne Council Chambers  
Wayne Municipal Building  
Valley Road  
Wayne, New Jersey

March 31, 1983  
10:00 A.M.  
Labor Education Center  
Room 159  
Rutgers University  
Ryderson Lane  
New Brunswick, New Jersey

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Administrator  
Water Supply and Watershed Management  
Administration  
Division of Water Resources  
CN 029  
Trenton, NJ 08625

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

This proposal is known as PRN 1983-104.

The agency proposal follows:

#### Summary

The proposed new rule was made necessary by the passage of the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq., and the abolition of the Water Policy and Supply Council. This left the Department without any procedures for establishing and collecting the annual charges required to be paid by any person diverting water from streams or lakes with outlets for the purpose of public water

supply, or from subsurface, wells or percolating water supplies obtained by exercise of the State's right of eminent domain. This payment is referred to as the excess diversion charge. Each public water supply is given a "free allowance" equal to the 100 gallons per day for each inhabitant as shown by the census of 1905, or the amount legally diverted on June 17, 1907.

The minimum charge levied is \$1.00 per million gallons. When the public water supply reduces stream flows below certain passing flow requirements, an additional charge of up to \$9.00 per million gallons is imposed. The proposed rules describe the procedures by which essential data is gathered, by which free allowances are computed, and by which the additional charges for violating passing flows are determined.

The Department depends on public water supplies to provide data on their daily diversions. The United States Geological Survey provides daily stream flow data in streams where certain passing flows must be maintained. The Department makes the calculations, which it certifies to the State Comptroller, who in turn bills the public water supplies through the Bureau of Collections and Licensing.

The public water supply may appeal excess diversion charges, and the Department must attempt to resolve any differences. If no agreement is reached, the appeal will be heard by an Administrative Law Judge, who shall make a recommendation to the Commissioner for a final decision.

Excess diversion charges not paid by July 1st are referred to the Attorney General for collection.

#### Social Impact

The proposed rule will have a negligible social impact in that it merely formalizes a procedure that has evolved since 1907, and which has been the subject of several court decisions which have upheld the law and the implementation of that law. In the past, operations under N.J.S.A. 58:2-1 et seq., were supervised by the Water Policy and Supply Council. With the passage of the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq., in 1981 and the elimination of the Council, these rules are proposed to insure fair and uniform procedures by the Department.

#### Economic Impact

The economic impact of this proposal will be negligible under normal weather conditions. The \$1.00 per million gallons charge is a minimal part of the \$200 to \$400 per million gallon charge for potable water delivered to the user. During drought periods, the practice of the Council was to reduce passing flow requirements, or to adjust the maximum rate charged for violating the passing flows. This resulted in a reduction of excess diversion charges on the order of \$200,000 per year.

These rules contain no automatic provisions for adjusting rates during droughts. However, during an emergency declared by the Governor pursuant to the Water Supply Management Act, N.J.S.A. 58:1A-4, the Department may amend these rules to adjust rates in a manner appropriate to the emergency. The economic impact will be on the order of 10 cents per water user. The cost to the State for computing and collecting these charges is on the order of \$20,000 per year.

#### Environmental Impact

The proposed rules have a positive environmental impact in that they discourage withdrawals which would cause stream flows of less than the passing flows established earlier by permit conditions, by court order or by legislative grants. The resources so generated assist the State in the execution of its water supply management activities, and in the maintenance by the United States Geological Survey (USGS) gaging stations on critical stream.

**Full text** of the proposal follows.

**SUBCHAPTER 4. PROCEDURES FOR DETERMINING, ASSESSING AND COLLECTING PAYMENTS FOR WATER DIVERSION**

**7:19-4.1 Scope and authority**

This subchapter shall constitute the Department's procedural rules for determining, assessing and collecting the payments required by N.J.S.A. 58:2-1 et seq. for the diversion of waters of streams or lakes for the purpose of public water supply and the procedures for payment for subsurface, well or percolating water supplies obtained by use of the State's right of eminent domain.

**7:19-4.2 Construction**

(a) These rules shall be liberally construed to permit the Department to discharge its statutory functions pursuant to N.J.S.A. 58:2-1 et seq.

(b) The Commissioner may amend, repeal or rescind this subchapter from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

**7:19-4.3 Definitions**

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

"Act" means N.J.S.A. 58:2-1 et seq.

"Commissioner" means the Commissioner of the Department of Environmental Protection or his designated representative.

"Department" means the New Jersey Department of Environmental Protection.

"Divert" or "diversion" means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

"Division" means the Division of Water Resources of the Department of Environmental Protection.

"Excess diversion" means the amount of water diverted from streams and lakes with outlets for the purpose of public water supply in excess of the free allowance.

"Fee" means the amount charged each person for its annual excess diversion or for the diversion of water from subsurface, well or percolating water supplies, where the State's right of eminent domain was used to condemn the water supply.

"Free allowance" means the amount of water diverted from stream and lakes with outlets for the purpose of public water supply in excess of a total amount equal to 100 gallons daily for each inhabitant of the municipality or municipalities supplied, as shown by the census of 1905, or in excess of such greater amount being legally diverted on June 17, 1907.

"Passing flow requirements" means the volume of water required to be maintained at a selected point to promote water quality conditions after consideration of the needs of downstream users.

"Person" means any individual, corporation, company, partnership, firm, association, owner or operator of a water supply facility, political subdivision of the State and any state.

"Public water supply" means a water supply providing piped water to the public for human consumption.

"Purveyor" means any person operating a public water supply system.

"Water" means any surface or groundwater in the State used for public water supply.

**7:19-4.4 Applicability**

(a) These rules apply to all persons who divert waters of streams or lakes with outlets for the purpose of public water supply, and who divert a total amount in excess of 100 gallons of water daily for each inhabitant of the municipality or municipalities supplied, as shown by the census of 1905, or in excess of such greater amount legally diverted on June 17, 1907.

(b) These rules apply to diversions from wells or ponds fed mostly from percolating groundwaters, where those waters are diverted from sources of supply which were obtained by exercising the State's right of eminent domain.

(c) These rules shall not apply to water diverted within the corporate limits of a municipality for manufacturing and fire purposes only, and returned without pollution to the stream from which it was taken within said corporate limits.

**7:19-4.5 Diversion reporting requirements**

(a) All persons diverting water shall report the quantity diverted each month to the:

Water Allocation Office  
Division of Water Resources  
CN 029  
Trenton, New Jersey 08625

(b) These reports shall be submitted on a quarterly basis and are due by:

1. April 15;
2. July 15;
3. October 15; and
4. January 15.

**7:19-4.6 Schedule for calculating and making payment of the amount due pursuant to the Act**

(a) The Department shall calculate each diverter's excess diversion fee in accordance with the methodology set forth in N.J.A.C. 7:19-4.7 and certify the amount due from each diverter to the State Comptroller of New Jersey each year.

(b) The State Comptroller, through the Bureau of Collections and Licensing, shall notify each diverter of the amount it owes the State and the date on which payment is due.

(c) Payments shall be payable to the State of New Jersey and mailed by the due date to:

Bureau of Collections and Licensing  
CN 402  
Trenton, New Jersey 08625

**7:19-4.7 Calculation of fees**

(a) The Department shall segregate from the quarterly diversion reports those portions of the total diversion from surface water for the purpose of public water supplies subject to the charges authorized by the Act.

1. The Department shall use the diversion report of the supplier of water in cases where there is a difference between the supplier's and recipient's report on the quantity of water diverted.

(b) The Department shall obtain from the United States Geological Survey the daily stream flow records for the applicable year for those gaging stations downstream of the surface water diversion points for public water supplies.

(c) The Department shall determine for each purveyor or the amount of water diverted in excess of the free allowance set forth in N.J.A.C. 7:19-4.9.

1. Where more than one purveyor serves a municipality entitled to a free allowance, the free allowance shall be allocated in proportion to each purveyor's share of the total diversion going to that municipality during the year.

(d) The total diversion by each purveyor less the free allowance, and adjustments thereto, shall be subject to the excess diversion fee.

1. The excess diversion fee shall be fixed at not less than \$1.00 nor more than \$10.00 per million gallons in excess of the free allowance.

i. The minimum charge of \$1.00 per million gallons of water shall apply on those days when the passing flow requirement below the point of diversion is maintained.

ii. The maximum charge of \$10.00 per million gallons of water shall apply on those days when the passing flow below the point of diversion is zero.

iii. The rate of charge for any day in which the passing flow

requirement is not maintained shall be computed in accordance with the following formula:

$$\text{Daily charge} = \left[ 1.00 + 9.00 \left( 1 - \frac{\text{ADF}}{\text{PFR}} \right) \right] \times (\text{TF})$$

ADF = average daily passing flow in stream

PFR = passing flow requirement

TF = total daily flow in millions of gallons subject to the excess diversion fee

(e) The passing flow requirements which apply in these calculations include but are not limited to the following:

Purveyor	Gaging Station	Minimum Flow (cubic feet per second)
Commonwealth Water Co.		
Passaic River	Passaic River at Chatham	116
Canoe Brook	Canoe Brook near Summit	2.12
Passaic River at Madisonville	Passaic River near Millington	10.7
Elizabeth Water Co.		
Raritan River	Min. flows maintained by N.J. Water Authority	
Hackensack River		
Hackensack River	Hackensack River at New Milford	12.9
Saddle River	Saddle River at Lodi	13.9
Two Bridges	Passaic River	143.3
(except when Passaic Valley Water Commission is diverting at Two Bridges, in which case minimum flow will be 27.2 cfs).		
City of Jersey City	Rockaway River	23.0 <sup>1</sup>

<sup>1</sup>Subject to adjustment when flows in Beaver Brook at the outlet of Split Rock Pond are less than 1.5 cfs.

Middlesex Water Co.		
Robinson's Branch of Rahway River	Rahway River at Rahway	4.2
Raritan River	Min. flow maintained by N.J. Water Authority	
Monmouth Consolidated Water Supply Co.		
Swimming River	Swimming River near Red Bank	9.4
Jumping Brook	Jumping Brook near Neptune	1.16
Shark River	Shark River near Neptune	1.9
Newark Water Dept.		
	Pequannock River at Macopin	12.3
City of New Brunswick	Lawrence Brook at Westons Mill	8.7
North Jersey District Water Supply Commission	Wanaque River at Wanaque	15.5 <sup>1</sup>

<sup>1</sup>Subject to reduction by the amount of flows into reservoir at Awosting less than 4.6 cfs

Ramapo River at Pompton Lakes	61.9
Passaic River	143.3
(except when Passaic Valley Water Commission is diverting at Two Bridges, in which case minimum flow will be 27.2 cfs).	

Passaic Valley Water Commission		
Pompton River	at Pompton Plains	92.8
Passaic River	at Little Falls	89.0
Passaic River	at Two Bridges	27.2
Rahway Water Dept.		
Rahway River	at Rahway	7.9
Elizabethtown Water Co.		
Upper Cold Brook	near Pottersville	0.6
City of Trenton		
Delaware River	at Trenton	1,131.1
New Jersey Water Co.		
Brass Castle Creek	near Washington	0.44

(f) Where the minimum required flow is not specified above, it shall be fixed by the Department based on an amount equal to the average daily flow for the driest month, as shown on existing records or in lieu thereof, 125,000 gallons for each square mile of unappropriated watershed above the point of diversion. The flows computed on the basis of 125,000 gallons per day per square mile shall be in addition to flows from any appropriated watershed above the point of diversion.

7:19-4.8 Payment for diversions from wells or percolating water supplies

In cases where the State's right of eminent domain is exercised for the condemnation of well or percolating water supplies, the purveyor shall be charged a fee of \$1.00 per million gallons of water diverted from such sources.

7:19-4.9 Free allowance determination

(a) The Department shall determine the free allowance each purveyor is entitled to in accordance with the following:

1. Each purveyor shall be granted an allowance of 100 gallons daily for each inhabitant of the municipality or municipalities supplied, as shown by the census of 1905; or

2. The amount, in excess of the amount specified in 1. above, that the purveyor was legally diverting on June 17, 1907.

(b) Where any purveyor diverts from more than one source at the same time, for the purpose of computing the excess diversion fee, the free allowance shall be allocated proportionately to each source.

(c) The free allowance for each purveyor listed in (d) below shall be changed in the event the sources of the supply for a community are changed.

(d) The Department has determined the following free allowances, in accordance with (a) above, for the following purveyors:

Purveyor/ Diversion	Points of Diversion	Free Allowance (million gallons)
Commonwealth Water Co.	Canoe Brook/ Passaic River	782.889
Commonwealth Water Co.	Madisonville	64.423
Elizabethtown Water Co.	Millstone River and Raritan River	
Somerville Water Co.		472.067
Highland Park		26.061

**PROPOSALS**

**HEALTH**

Elizabethtown Division		154.395
Plainfield Division		826.614
City of Elizabeth		2,208.579 <sup>1</sup>
Hackensack Water Co.		9,153.47 <sup>2</sup>
	Hackensack River	
	Saddle River	
	Hirschfeld Brook	
	Sparkill Brook	
Jersey City Water Dept.	Rockaway River	16,542.946
Middlesex Water Co.	Robinson's Branch	639.006
	Rahway River	
	Raritan River	
Monmouth Consolidated Water Company	Swimming River	1,090.946
	Jumping River	16.813
	Shark River	140.615
	Pequannock River	
Newark Water Department		
Newark and Belleville		3,228.208*
Bloomfield		425.882
North Jersey District Water Supply Comm.	Wanaque River	
	Ramapo River	
	Two Bridges	
Passaic Valley Water Commission		6,542.735*
Montclair, Kearny, Glen Ridge, Bayonne and East Newark		
City of Newark		2,825.940
City of Elizabeth		10,340.048
City of New Brunswick	Lawrence Brook	2,208.579
New Brunswick and Milltown		957.445
Passaic Valley Water Commission	Passaic River, Little Falls; Passaic River, Two Bridges	6,542.735*
Rahway Water Dept.	Rahway River	555.397
Elizabethtown Water Company		
Potterville	Upper Cold Brook	None
City of Trenton	Delaware River	4,923.850
New Jersey Water Co. Co.	Brass Castle Creek	125.232

<sup>1</sup>Subject to Allocation

<sup>2</sup>May include credits for releases to DeForest Reservoir

7:19-4.10 Changes in procedure for determining excess diversions

During an emergency declared by the Governor pursuant to the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq., the Department may amend the above procedures with public notice, in accordance with the emergency powers set forth in the Water Supply Management Act.

7:19-4.11 Appeal procedure

(a) Any party aggrieved by the Department's determination of its excess diversion fee may appeal the determination by submitting a letter requesting a hearing to the Department before March 20 or 30 days after receipt of the bill whichever is later.

(b) For 30 days following receipt of the request for a hearing the Department shall attempt to settle the dispute by conducting such proceedings, meetings and conferences as deemed appropriate.

(c) If such efforts at settlement fail the Department shall file the request for a hearing with the Office of Administrative Law.

(d) The hearing shall be held before an Administrative Law Judge and in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(e) The decision by the Commissioner, based on the hearing record and the recommendations of the Administrative Law Judge shall be the final administrative decision of the Department.

7:19-4.12 Procedure on nonpayment of fee

The State Comptroller shall certify the names of and amounts due from delinquent diverters as of July 1 each year to the Attorney General for collection of the amount due, except for those fees stayed on appeal.

**HEALTH**  
**(a)**

**DIVISION OF HEALTH FACILITIES EVALUATION**

**Long-Term Care Facilities Standards for Licensure**

**Proposed Repeal: N.J.A.C. 8:30, 8:37, and 8:39**

**Proposed New Rule: N.J.A.C. 8:39**

Authorized By: Allen N. Koplin, M.D., M.P.H., Acting Commissioner, Department of Health (with Approval of Health Care Administration Board).

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

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-105.

The agency proposal follows:

**Summary**

The current Manual of Standards for Licensure of Long-Term Care Facilities, N.J.A.C. 8:39, will expire on June 19, 1983, pursuant to the "sunset" provisions of the Executive Order No. 66 (Governor Byrne, 1978) which mandates the five-year automatic expiration of a regulation. The Manual of Standards for Nursing Homes, N.J.A.C. 8:30, and the Manual of Standards for Intermediate Care Facilities, N.J.A.C. 8:37, will also expire on June 19, 1983, pursuant to N.J.A.C. 8:39-1.35.

Prior to January 1, 1979, N.J.A.C. 8:30 and N.J.A.C. 8:37 were used to license all long-term care facilities in the State of New Jersey and since that date have been used to license long-term care facilities of 45 or fewer beds. The current Manual of Standards for Licensure of Long-Term Care Facilities, N.J.A.C. 8:39, became operative on January 1, 1979, and has been used to license all other long-term care facilities since that date.

The intent of the Department of Health and of the Health Care Administration Board in having different regulations apply to long-term care facilities of different sizes was to allow the smaller facilities additional time to comply with N.J.A.C. 8:39. In the interim, the Department of Health reviewed each of the three manuals of standards and found the content and intent of N.J.A.C. 8:30 and N.J.A.C. 8:37 to be similar to N.J.A.C. 8:39. Since the smaller facilities have now had sufficient time to comply with most provisions of N.J.A.C. 8:39, the three manuals of standards have been combined into one manual which is applicable to all long-term care facilities regardless of the number of beds. The combination of three manuals into one manual will ensure greater consistency in the provision of care to patients in all long-term facilities.

The proposed new rules, N.J.A.C. 8:39, were developed by incorporating pertinent standards from the three existing manuals and establishing a new section applicable only to facilities of 45 or fewer beds which allows the smaller facilities to deviate from the requirements of certain regulations. Such deviation was deemed appropriate for smaller facilities which would be unduly burdened by the management and operational aspects required of larger facilities. Upon adoption of the new rules, N.J.A.C. 8:30, N.J.A.C. 8:37 and 8:39 will be repealed.

The proposed new rules have been simplified and written in more specific language to make the regulations more functional, workable, and realistic. The proposed new rules contain technical and logistical changes, based on the Department's past experience, which will not jeopardize the health and safety of the patients. However, these changes do not alter the basic philosophy of the current manuals. The required qualifications and experience of staff and staffing patterns have not been changed. The amendments added to the current manuals from time to time have been incorporated into the appropriate sections of the proposed new rules. Editorial changes have been made to make the manual more cohesive, lucid, and precise.

The proposed new rules contain the following sections: Definitions and/or Qualifications, Licensure Procedure, General Requirements, Governing Authority, Administration, Patient Care Policies, Medical Services, Nursing Services, Pharmaceutical Services, Dietary Services, Rehabilitation Services, Social Services, Patient Activities Services, Dental Services, Laboratory, Radiological, and Diagnostic Services, Patient Rights, Medical Records, Patient Care Statistics, Discharge Planning, Evaluation, Infection Prevention and Control, Housekeeping, Sanitation, and Safety, Emergency Services and Procedures, Construction, Additional Requirements, and Facilities of 45 or Fewer Beds.

The current N.J.A.C. 8:39 also contains these sections, with the exception of the new section for Facilities of 45 or Fewer Beds. In addition, the current N.J.A.C. 8:39 contains a section regarding Financial Data which has been deleted from the proposed new rules since the fiscal reporting requirement has been replaced by a separate statutory requirement.

N.J.A.C. 8:30 contains the equivalent sections of the proposed new rules with the exception of Definitions, Social Services, Dental Services, Laboratory, Radiological, and Diagnostic Services, Patient Rights, Patient Care Statistics, Discharge Planning, Evaluation, and Infection Prevention and Control. N.J.A.C. 8:37 contains the equivalent sections of the proposed new rules with the exception of Dental Services, Laboratory, Radiological, and Diagnostic Services, Patient Rights, Patient Care Statistics, Discharge Planning, Evaluation, and Infection Prevention and Control. While specific sections of proposed N.J.A.C. 8:39 are lacking in N.J.A.C. 8:30 and N.J.A.C. 8:37, they can be found in the general content and intent of the regulations.

A summary of the major changes in the proposed new rules, N.J.A.C. 8:39, follows:

The definition of Nursing Unit was revised to eliminate the reference to 60 or fewer patients on one floor, thus allowing a more flexible approach in interpreting the standard to mean that a unit can encompass more or less than 60 beds. Patient care will not be

jeopardized since the Department of Health retains the right to approve the unit size.

The proposed new rules expand the requirement for the governing authority to delineate their powers and duties; allow a greater flexibility in appointing members to various facility committees; limit verbal and telephone orders for patient care to emergency situations, but extend the time period for the physician to countersign such orders to seven days; and allow the facility to develop specific policies and procedures for the frequency and appropriateness for the use of restraints.

Health care professionals have been given more freedom to initiate their own course of action for patient care. For example, earlier requirements regarding the time frame of 30, 60, and 90 days for the reassessment of patient needs were deleted. Requirements for adhering to specific and rigid time schedules for visits to patients, review and revision of various patient care plans, medical care plans, progress notes and reassessments of the patient were deleted in most instances and revised, allowing the professional caring for the patient flexibility and freedom in caring for the patient according to the patient's needs. Patient care will not be jeopardized since the health care professional is responsible for making judgements, establishing individual patient schedules based upon the patient's needs, and documenting the schedules in the patient's medical record. The standard for documenting all conferences with physicians and other personnel was also deleted.

The Pharmaceutical Services section of the existing manual was completely revamped and divided into two sections. Standards for nursing care services relating to pharmaceutical services have been moved to the Nursing Services section, thus enhancing and expediting patient care services. No substantive changes were made in this section based upon the philosophy and content of the original sections.

The discharge planning section was revised requiring only an annual review of the patient discharge plan if the patient is expected to remain in the facility for life.

The requirement for a specific infection control committee was deleted, allowing the facility flexibility to develop, implement and enforce an infection control program.

In the Housekeeping, Sanitation, and Safety section, the standard requiring a specific housekeeping supervisor was broadened to allow flexibility as to how this service is managed and operated and assigning responsibility to the administrator. Another standard in the Housekeeping, Sanitation, and Safety section was revised requiring facilities to dispose of solid and liquid waste in a manner approved not only by the Department of Health, but, in addition, by the New Jersey State Department of Environmental Protection.

Certain items of emergency equipment and the specific locations of emergency equipment were deleted. Facilities will be required to maintain one bag-valve-mask-resuscitator in the facility, rather than in each nursing unit.

In order to improve patient safety and fire protection, the proposed new rules for construction of new facilities require a comprehensive smoke detection system connected to the central alarm system of the facility, while existing facilities will be required to equip each patient bedroom with a smoke detector. Additional changes were made in the Construction and Additional Requirements sections. The proposed new rules eliminate outdated fire regulations now imposed on facilities. These revised standards require that facilities constructed after January 1, 1983, comply with the 1981 edition of the Life Safety Code of the National Fire Protection Association (NFPA), which is considered a less costly method of meeting the requirements with no reduction in safety. The Standards were also rewritten to provide that any facility which meets the requirements of the 1967 or 1973 edition of the Life Safety Code of the National Fire Protection Association (NFPA) will be considered to be in compliance with the revised requirements.

### Social Impact

The proposed new rules will be applicable to all long-term care facilities in the State, thus eliminating the need for three separate manuals of licensure standards. Providers of care in long-term facilities will use only one manual which will be easier to read and understand. Since the manual will be more convenient and more practical to use it will facilitate the care being provided to patients and thus help to ensure better quality of care in long-term care facilities. Questions from providers of care in long-term care facilities regarding standards and interpretation of standards should be more easily answered because only one manual need be consulted. The proposed manual, due to its flexibility, will give more initiative to health care professionals to provide quality care to patients in the long-term care facilities.

The enforcement and interpretation of the licensure regulations by employees of the Department of Health will be simplified because only one manual, instead of three, will be used. The survey process to determine the facility's compliance with licensure regulations will be simplified because only one manual will be used by the surveyors. The survey process will, therefore, be more efficient and cost-effective. The surveyors will save time in writing reports since only one manual will be referred to in citing deficiencies. Likewise, time will be saved in preparing materials in order to conduct hearings. The combination of three manuals into one manual will be more convenient and practical to use on a day-to-day basis.

Because of the flexibility of the proposed new rules, staff of long-term care facilities will be better utilized. For example, the facility will have more freedom in appointing staff members and consultants to various facility committees, thus allowing some staff members and consultants to provide direct patient care rather than attend committee meetings. The elimination of the infection control committee will save additional staff and consultant time which can be used to provide direct patient care at no increase in cost. The decrease in the documentation required on the patient's medical record will further save staff time. More flexible policies regarding the use of restraints and the countersigning of verbal and telephone orders save additional time. The staff time saved because of the flexibility of the proposed new rules will allow for better and more efficient utilization of staff and will expedite patient care, thus having a direct social impact upon the consumer.

The proposed standards for fire safety are considered to be less costly methods of meeting requirements with no reduction in patient safety.

### Economic Impact

The flexibility of the proposed new rules and the elimination of unnecessary and duplicative regulations is expected to increase the cost-effectiveness of providers of long-term care. Staff and consultants will be better utilized since more time will be given to direct patient care and less time to attending committee meetings. Therefore, quality patient care will be enhanced at no increase in cost. The deletion of the requirement for a housekeeping supervisor may have an economic impact on those facilities that do not need this position. The proposed requirement for fewer pieces of emergency equipment in the facility will save the cost of maintaining and replacing such equipment without affecting patient care and safety since experience has shown that emergency equipment does not need to be duplicated in each nursing unit.

Since physicians and other health care professionals will not have to follow a mandated schedule for seeing patients in long-term care facilities but will have the responsibility of determining the necessity for and frequency of patient visits, this proposed change may ultimately result in substantial cost savings. The entire deregulation process is expected to reduce the cost of providing care to patients since the providers will have more opportunity to be creative and imaginative.

It is anticipated that the fire safety revisions will not require additional expenditures by existing facilities. Existing facilities that

complied with an earlier edition of the Life Safety Code would be considered as meeting the proposed regulations, thus relieving those facilities of the need for additional expenditures without any adverse effect on patient safety. New facilities would be subject to the 1981 edition of the Life Safety Code, which will minimize cost by offering more alternatives for meeting the specific requirements. The proposed requirement for a smoke detector in every patient bedroom will have an economic impact on the facilities which must purchase and install the smoke detectors.

An additional economic impact will be felt by both the patients and the public if they wish to purchase a copy of the revised standards from the Department of Health. Since the Department of Health currently charges \$7.00 for each manual, an individual purchasing the new manual would realize a savings of \$14.00 since he/she would need to purchase only one manual instead of three manuals. Because of the lower price of the revised standards, they will be more accessible to the patients and the public and may, therefore, be more widely used in the State. The Department of Health will realize substantial savings in printing costs since only one manual will be printed instead of three manuals.

The rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 8:30, 8:37 and 8:39, as supplemented by the New Jersey Register.

Full text of the proposed new rule follows.

## MANUAL OF STANDARDS FOR LICENSURE OF LONG-TERM CARE FACILITIES

**AGENCY NOTE:** This manual contains the standards for licensure of long-term care facilities in New Jersey.

Facilities of 45 or fewer beds shall have the option of complying with N.J.A.C. 8:39-26 (Subchapter 26), which is applicable only to facilities of 45 or fewer beds.

## CHAPTER 39 LONG-TERM CARE FACILITIES

### SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

#### 8:39-1.1 Definitions and/or qualifications

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

"Administrator" shall mean a person who is licensed by the New Jersey State Department of Health.

"Ancillary nursing personnel" shall mean unlicensed workers employed to assist licensed nursing personnel as defined below, who have completed a training course approved by the Department, and/or are certified by the Department.

"Available" shall mean ready for immediate use (pertaining to equipment); capable of being reached (pertaining to personnel).

"Business hours" shall mean a time period established by the facility, as defined in its policy manual.

"Bylaws" shall mean a set of rules adopted by the facility for governing its operation. (A charter, articles of incorporation, and/or a statement of policies and objectives is an acceptable equivalent.)

"Care plan" (nursing, dietary, rehabilitation, social service, patient activities) shall mean a written plan documenting an assessment of the individual patient, short- and long-term goals, and care and treatment to be provided. Each service that the patient receives shall initiate the development and implementation of its own care plan at the time of the patient's admission. The care plan for each service becomes part of the total patient treatment plan and may be incorporated into one document rather than appearing as separate documents. If the patient does not need a specific service, as determined by the patient assessment, a care plan is not needed for that service.

"Charge nurse" shall mean a person who is licensed in the State of New Jersey as:

1. A registered professional nurse; or
2. A practical (vocational) nurse who is a graduate of a school of practical (vocational) nursing approved by the New Jersey State Board of Nursing or the New Jersey State Department of Education; and
3. Has at least one year of full-time, or full-time equivalent, experience in nursing supervision and/or nursing administration in a health care facility; or if a registered professional nurse, has at least one year of full-time, or full-time equivalent, experience in rehabilitative or geriatric nursing.
4. An unlicensed or foreign nurse with a work letter or permit shall not function as charge nurse.

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

"Clinical note" shall mean a written, signed, and dated notation by each member of the health care team who renders a service to the patient, including a description of signs and symptoms, treatments and/or drugs given, the patient's reaction, and any changes in physical or emotional condition. Clinical notes are written into the patient's medical record the day service is rendered.

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

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

"Conspicuously posted" shall mean placed at a location accessible to and seen by patients and the public.

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

"Controlled dangerous substances" shall mean drugs subject to the Controlled Substances Act of 1970 (Title II, Public Law 91-513) and the New Jersey Controlled Dangerous Substances Act of 1971.

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

"Dentist" shall mean a person who is licensed by the New Jersey State Board of Dentistry.

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

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

1. Is registered or eligible for registration by the Commission on Dietetic Registration of the American Dietetic Association; or
2. Has a bachelor's degree from a college or university with a major in foods, nutrition, food service or institution management, or the equivalent course work for a major in the subject area; and has completed a dietetic internship accredited by the American Dietetic Association or a dietetic traineeship approved by the American Dietetic Association; or has one year full-time, or full-time equivalent, experience in nutrition and/or food service management in a health care facility; or
3. Has a master's degree plus six months of full-time, or full-time equivalent, experience in nutrition and/or food service management in a health care facility; and
4. Participates annually in continuing dietary education.

"Director of nursing services" shall mean a registered professional nurse licensed in the State of New Jersey who has at least two years of full-time, or full-time equivalent, experience in nursing supervision and/or nursing administration in a health care facility; and who has education and/or experience in such areas as rehabilitative or geriatric nursing and participates annually in continuing nursing education.

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

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

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

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

"Documents" shall mean written records, plans, manuals, reports, and policies and procedures.

"Drug administration" shall mean a procedure in which a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such procedures. The complete procedure of administration includes removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), verifying it with the prescriber's orders, giving the individual dose to the patient, seeing that the patient takes it (if oral), and recording the required information, including the method of administration.

"Drug dispensing" shall mean a procedure entailing the interpretation of the original or direct copy of the prescriber's order for a drug or a biological and, pursuant to that order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological to a patient or a service unit of the facility, in conformance with the rules and regulations of the New Jersey State Board of Pharmacy.

"Epidemic" shall mean the occurrence or outbreak in a facility of one or more cases of an illness in excess of normal expectancy for that illness, and derived from a common or propagated source.

"Food service supervisor" (dietetic service supervisor) shall mean a person who:

1. Is a dietitian; or
2. Is a graduate of a dietetic technician or dietetic assistant training program approved by the American Dietetic Association; or
3. Is a graduate of a course, approved by the New Jersey State Department of Education, providing 90 or more hours of classroom instruction in food service supervision, and has one year of full-time, or full-time equivalent, experience as food service supervisor in a health care facility, with consultation from a dietitian; or
4. Has training and experience in food service supervision and management in a military service equivalent to the programs listed in 2 or 3 above.

"Full-time" shall mean a time period of not less than 35 hours, established as a full working week by the facility, as defined in its policy manual.

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

"Guardian" shall mean a person, appointed by a court of competent jurisdiction, who shall have the right to manage the financial affairs and protect the rights of any patient of the facility who has been declared a mental incompetent. In no case shall the guardian of a patient of the facility be affiliated with the facility, its operations, or personnel, unless ordered by the court.

"Health care facility" shall mean a facility so defined in Chapters 136 and 138, P.L. 1971, Health Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto.

"Job description" shall mean a written specification developed for each position in the facility, containing the qualifications, duties and responsibilities, and accountability required of employees in

that position.

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

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

"Long-term care facility" shall mean a facility or a distinct part of a facility which is licensed by the New Jersey State Department of Health to provide health care under medical supervision and continuous nursing care for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption. A long-term care facility shall provide health care and services to individuals who do not require the degree of care and treatment which a hospital provides, but who because of their physical or mental condition require continuous nursing care and services above the level of room and board. A long-term care facility shall provide services including at least room and board and medical, nursing, pharmaceutical, dietary, rehabilitation, social, patient activities, dental, and laboratory, radiological, and diagnostic services for patients.

"Medical director" shall mean a person who is a physician, as defined below.

"Medical portion of the patient treatment plan" shall mean a written plan initiated and implemented at the time of the patient's admission, which includes the diagnosis, assessment of the patient's physical and mental capabilities and limitations, orders for medication, treatment, diet, and special needs for the patient's health or safety, rehabilitation potential, plans for discharge, and the frequency with which the patient shall be seen by the physician.

"Medical record" shall mean all records in the facility which pertain to the patient, including radiological films.

"Medical record practitioner" shall mean a person who:

1. Is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART) by the American Medical Record Association; or

2. Is a graduate of a school of medical record science accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the Council on Education of the American Medical Record Association.

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

"Nosocomial infection" shall mean an infection acquired by a patient while in the facility.

"Nursing supervisor" shall mean a registered professional nurse who has two years of full-time, or full-time equivalent, experience in nursing supervision and/or nursing administration in a health care facility.

"Nursing unit" shall mean a continuous area, on one floor approved by the Department, which includes rooms housing patients. In facilities of 45 or fewer beds, a nursing unit may be on one or more floors, as approved by the Department.

"Occupational therapist" shall mean a person who:

1. Is a graduate of an occupational therapy curriculum accredited by the Committee on Allied Health Education and Council on Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association; or

2. Is eligible for certification by the American Occupational Therapy Association as an occupational therapist.

"Occupational therapy assistant" shall mean a person who has completed a training program approved by the American Occupational Therapy Association for occupational therapy assistants, or who is eligible for certification by the American Occupational Therapy Association.

"Optometrist" shall mean a person who is licensed by the New Jersey State Board of Optometrists.

"Patient" shall mean a person who is under medical care and treatment in the facility. A patient may be classified as:

1. Ambulant: A person who has the ability to walk on level surfaces and to negotiate stairs and ramps independently of human assistance or supervision, using the following mechanical devices or aides when necessary: prosthesis, brace, cane, or handrail;

2. Nonambulant: A person who is bedfast, chairfast, or who can sit in, but not propel, a wheelchair;

3. Semi-ambulant: A person who:

i. Can walk assisted by crutches only, or on level surfaces independently, but needs human assistance or supervision when negotiating stairs; or

ii. Can move from place to place by using a walker or by propelling a wheelchair; or

iii. Needs human assistance or supervision for walking on level surfaces.

"Patient activities consultant" shall mean a person who:

1. Is a therapeutic recreation specialist, as defined by the National Therapeutic Recreation Society; or

2. Is an occupational therapist; or

3. Is a recreation administrator certified by the New Jersey State Board of Recreation Examiners and who has at least two years of full-time, or full-time equivalent, experience in a patient activities program in a health care facility.

"Patient activities coordinator" shall mean a person who:

1. Has a bachelor's degree from an accredited college with a major in recreation, occupational therapy, or a field related to recreation, such as art, music, physical education, group work, or sociology; or

2. Has an associate's degree in recreation and two years of full-time, or full-time equivalent, experience in recreation for the aged, handicapped, or retarded; or

3. Has a high school diploma or equivalency certificate and two years of full-time, or full-time equivalent, experience in a social or recreational program within the last five years, one year of which was full-time in a patient activities program in a health care facility, and has completed at least 36 hours of classroom training, approved by the Department, in activities programming; or

4. Is certified by the New Jersey State Board of Recreation Examiners as a recreation administrator or recreation supervisor; or

5. Is an occupational therapy assistant.

"Patient treatment plan" shall mean a written plan, initiated and implemented upon the patient's admission, and coordinated and maintained by the nursing service with documentation of joint planning by all other services the patient receives and the participation of the patient and/or the next of kin and/or sponsor and/or guardian. The plan shall include an assessment of the individual patient, short- and long-term goals, and care and treatment to be provided. Each service that the patient receives shall develop its own portion of the patient treatment plan (care plan); the individual care plans and discharge plans for each service the patient receives shall become part of the total patient treatment plan and may be incorporated into one document rather than appearing as separate documents. The patient treatment plan shall be kept current and available to all personnel providing patient care, and shall be included in the patient's medical record at the time of discharge. If the patient does not need a specific service, as determined by the patient assessment, a care plan is not needed for that service.

"Pharmacist" shall mean a person who is registered by the New Jersey State Board of Pharmacy.

"Pharmacist consultation sheet" shall mean an individual patient record included in the medical record, containing pertinent information regarding the monthly review of the patient's drug regimen by the staff pharmacist or consultant pharmacist, laboratory tests, dietary requirements, physician's and nurse's clinical notes, physician's orders, and progress notes, in order to monitor potential adverse drug reactions, allergies, drug interactions, contraindications, rationality, drug evaluation, and laboratory test modifications. The pharmacist shall review and sign the pharmacist consultation sheet, including the drug regimen, at

least every 30 days.

"Physical therapist" shall mean a person who is registered by the New Jersey State Board of Medical Examiners, and who:

1. Has graduated from a physical therapy curriculum approved by the Committee on Allied Health Education and Council on Accreditation of the American Medical Association in collaboration with the American Physical Therapy Association; or

2. Prior to January 1966:

i. Was admitted to membership by the American Physical Therapy Association; or

ii. Was admitted to registration by the American Registry of Physical Therapists; or

iii. Graduated from a physical therapy curriculum in a four-year college or university approved by a state department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a state examination for licensure as a physical therapist; or

iv. Had two years of full-time, or full-time equivalent, experience as a physical therapist and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the United States Public Health Service; or

v. Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time, or full-time equivalent, experience in the treatment of illness or injury through the practice of physical therapy, in which the therapist rendered services upon the order and under the direction of attending and referring physicians; or

3. If trained outside the United States prior to December 31, 1977:

i. Graduated after 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

ii. Meets the requirements for membership in a member organization of the World Confederation for Physical Therapy; and

iii. Has acquired one year of full-time, or full-time equivalent, experience under the supervision of an active member of the American Physical Therapy Association; and

iv. Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

"Physical therapy assistant" shall mean a person who is registered by the New Jersey State Board of Medical Examiners.

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

"Podiatrist" shall mean a person who is licensed by the New Jersey State Board of Medical Examiners.

"Positive tuberculin reactor" shall mean a person who has had a Mantoux tuberculin skin test with five tuberculin units of purified protein derivative and has a skin reaction to the test of 10 or more millimeters of induration.

"Progress note" shall mean a written, signed, and dated notation by a member of the health care team (excluding ancillary personnel) summarizing information about medical or health care provided and the patient's response to it.

"Reality orientation" shall mean a system to orient the patient to his/her environment in relation to time, place, and person, so that the patient is given the opportunity to become aware of who and where he/she is, and of the time, day, month, and year.

"Reasonable hour" shall mean any time between the hours of 8:00 A.M. and 8:00 P.M. daily.

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

"Restorative nursing" shall mean nursing duties concerned with the self-care activities of daily living, including, but not limited to, positioning, exercise, transfer activities, ambulation, gait training, dressing and undressing, eating, toileting, and personal hygiene and grooming.

"Restraint" shall mean a physical device or chemical (medication) used to limit, restrict, or control patient movements.

"Shift" shall mean a time period established as a full working day

by the facility, as defined in its policy manual.

"Signature" shall mean at least the first initial and full surname and title (for example, R.N., L.P.N., D.D.S., M.D.) of a person, legibly written with his/her own hand.

"Social work designee" shall mean a person with a bachelor's degree in social sciences, or a high school graduate with four years of full-time, or full-time equivalent, social service experience in a health care facility. One year of experience may be substituted for each year of college.

"Social worker" shall mean a person who has a master's degree in social work from a graduate school of social work accredited by the Council on Social Work Education, and at least one year of full-time, or full-time equivalent, social work experience in a health care facility.

"Speech pathologist or audiologist" shall mean a person who:

1. Meets the requirements for education and experience for a Certificate of Clinical Competence in the appropriate area (speech pathology or audiology) granted by the American Speech and Hearing Association; or

2. Meets the educational requirements for certification and is in the process of accumulating the required supervised experience.

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

"Staff orientation plan" shall mean a written plan for the orientation of each new employee to the duties and responsibilities of the service to which he/she has been assigned, as well as to the personnel policies of the facility. Each service shall provide an orientation for each new employee, to begin no later than the first day of employment.

"Sterilization" shall mean a process of destroying all microorganisms, including those bearing spores.

"Stop order" shall mean a written, signed, and dated statement by a physician mandating the cessation of a written order (except those orders indicated in N.J.A.C. 8:39-6.2.(c)8).

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

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

"Unit dose drug distribution system" shall mean a system in which drugs are delivered to the patient areas in single unit packaging. Each patient shall have his/her own medication tray labeled with his/her name and location in the facility. Each medication shall be individually wrapped and labeled with the generic and trade names and strength of the drug, lot number or reference code, expiration date, dose, and manufacturer's name, and ready for administration to the patient. Cautionary instructions shall appear on the patient's record of medication, and the system shall include provisions for noting additional information, such as special times or routes of administration. Delivery and exchange of patient medication trays shall occur promptly, and at least one exchange of patient medication trays shall occur daily. The number of doses for each patient shall be sufficient for a maximum of 48 hours.

"Unit record system" shall mean a system of filing the medical record as one unit, in one location within the facility.

SUBCHAPTER 2. LICENSURE PROCEDURE

8:39-2.1 Certificate of Need

(a) According to Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto, a health care facility shall not be instituted, constructed, expanded, or licensed to operate except upon application for and receipt of a Certificate of Need issued by the Commissioner.

(b) Application forms for a Certificate of Need and instructions for completion may be obtained from:

Review and Comment Program  
 Division of Health Planning and  
 Resources Development  
 New Jersey State Department of Health  
 CN 360  
 Trenton, NJ 08625

8:39-2.2 Application for licensure

(a) Following acquisition of a Certificate of Need, any person, organization, or corporation desiring to operate a facility shall make application to the Commissioner for a license on forms prescribed by the Department. Such forms may be obtained from:

Licensing, Certification and Standards  
 Division of Health Facilities Evaluation  
 New Jersey State Department of Health  
 CN 367  
 Trenton, NJ 08625

(b) The Department shall charge a nonrefundable fee for the filing of an application for licensure of a health care facility and for the annual renewal of the license in accordance with the following:

Number of Beds	Fee
1-99	\$100.00
100-199	200.00
200-299	300.00
300-399	400.00
400-999	500.00

(c) Any person, organization, or corporation considering application for license to operate a facility shall make an appointment for a preliminary conference at the Department with the Licensing, Certification and Standards Program.

8:39-2.3 Newly constructed or expanded facilities

(a) The application for license for a new facility shall include written approval of final construction of the physical plant by:

Health Facilities Construction and  
 Monitoring Program  
 Division of Health Planning and  
 Resources Development  
 New Jersey State Department of Health  
 CN 360  
 Trenton, NJ 08625

(b) A final on-site inspection of the construction of the physical plant shall be made by representatives of the Health Care Facilities Construction and Monitoring Program and the Health Facilities Inspection Program, to verify that the building has been constructed in accordance with the final architectural plans approved by the Department.

(c) Any health care facility with a construction program, whether a Certificate of Need is required or not, shall submit plans to the Health Facilities Construction and Monitoring Program of the Department for review and approval prior to the initiation of any work.

8:39-2.4 Surveys and temporary license

(a) When the written application for licensure is approved and the building is ready for occupancy, a survey of the facility by representatives of the Health Facilities Inspection Program of the Department shall be conducted to determine if the facility meets these standards.

1. The facility shall be notified in writing of the findings of the survey, including any deficiencies found.

2. The facility shall notify the Health Facilities Inspection Program of the Department when the deficiencies, if any, have been corrected, and the Health Facilities Inspection Program will schedule one or more resurveys of the facility prior to occupancy.

(b) A temporary license may be issued to a facility when the following conditions are met:

1. An office conference for review of the conditions for licensure and operation has taken place between the Licensing, Certification and Standards Program and representatives of the facility;

2. Written approvals are on file with the Department from the local zoning, fire, health, and building authorities;

3. Written approvals of the water supply and sewage disposal system from local officials are on file with the Department for any water supply or sewage disposal system not connected to an approved municipal system;

4. Survey(s) by representatives of the Department indicate the facility meets these standards; and

5. Professional personnel are employed in accordance with the staffing requirements in these standards.

(c) No health care facility shall accept patients until the facility has the written approval and/or license issued by the Licensing, Certification and Standards Program of the Department. The facility shall accept only that number of patients for which it is approved and/or licensed.

(d) Survey visits may be made to a facility at any time by authorized staff of the Department. Such visits may include, but not be limited to, the review of all facility documents and patient records and conferences with patients.

8:39-2.5 Full license

(a) A full license shall be issued on expiration of the temporary license, if surveys by the Department have determined that the health care facility is operated as required by Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto, and by the rules and regulations pursuant thereto.

(b) A license shall be granted for a period of one year or less as determined by the Department.

(c) The license shall be conspicuously posted in the facility.

(d) The license is not assignable or transferable and it shall be immediately void if the facility ceases to operate or if its ownership changes.

(e) The license, unless sooner suspended or revoked, shall be renewed annually on the original licensure date, or within 30 days thereafter but dated as of the licensure date. The facility will receive a request for renewal fee 30 days prior to the expiration of the license. A renewal license shall not be issued unless the licensure fee is received by the Department.

(f) The license may not be renewed if local regulations or any other requirements are not met.

8:39-2.6 Surrender of license

The facility shall directly notify each patient, the patient's physician, and any guarantors of payment concerned at least 30 days prior to the voluntary surrender of a license, or as directed under an order of revocation, refusal to renew, or suspension of license. In such cases, the license shall be returned to the Licensing, Certification and Standards Program of the Department within seven working days.

8:39-2.7 Waiver

(a) The Commissioner or his/her designee may, in accordance with the general purposes and intent of Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto, and the standards in this chapter, waive sections of the regulations if, in his/her opinion, such waiver would not endanger the life, safety, or health of the patient or public.

(b) A facility seeking a waiver of these standards shall apply in writing to the Director of the Licensing, Certification and Standards Program of the Department.

(c) A written application for waiver shall include the following:

1. The nature of the waiver requested;
2. The specific standards for which waiver is requested;
3. Reasons for requesting a waiver, including a statement of the type and degree of hardship that would result to the facility upon full compliance;
4. An alternative proposal which would ensure patient safety; and
5. Documentation to support the application for waiver.

(d) The Department reserves the right to request additional information before processing an application for waiver.

#### 8:39-2.8 Action against a license

(a) Violations of the following sections shall result in action to impose a fine: N.J.A.C. 8:39-2.1(a), 2.3(c), and 2.4(c).

(b) If the Department determines that operational or safety deficiencies exist, it may require that all new admissions to the facility cease. This may be done simultaneously with, or in lieu of, action to revoke licensure and/or impose a fine. The Commissioner or his/her designee shall notify the facility in writing of such determination.

(c) The Commissioner may order the immediate removal of patients from a facility whenever he/she determines imminent danger to any person's health or safety.

### SUBCHAPTER 3. GENERAL REQUIREMENTS

#### 8:39-3.1 Compliance with standards and laws

(a) The facility shall provide nursing care and other health and health-related services, under the supervision of a physician, to patients for 24 or more consecutive hours.

(b) The facility shall comply with applicable Federal, State, and local regulations and requirements.

(c) The facility shall comply with all applicable provisions of Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto.

(d) The facility shall be responsible for providing or arranging services for patients as required by these standards.

#### 8:39-3.2 Ownership

(a) The ownership of the facility and the property on which it is located shall be disclosed to the Department. Proof of this ownership shall be available in the facility. Any proposed change in ownership shall be reported to the Department in writing at least 30 days prior to the change.

(b) The facility shall comply with N.J.A.C. 8:31-26.1.

#### 8:39-3.3 Submission of documents

(a) The facility shall, upon request, submit in writing any documents which are required by this chapter to be approved by the Department to the Director of the Licensing, Certification and Standards Program of the Department.

1. All documents required by this chapter shall be retained for a period of at least three years after the date of the annual licensure inspection.

2. All documents required by this chapter shall be made available, upon request, to patients, staff, and the public. Copies of these documents shall be provided, upon request, within a reasonable time, at a reasonable charge, and in accordance with the rules and regulations regarding confidentiality. If any of the requested documents contain information involving confidential corporate or business materials, such information may be deleted; however, if information is deleted for such reasons, the requesting party shall be so informed in writing by the administrator of the reasons for deletions.

(b) An annual financial report shall be submitted to the Licensing, Certification and Standards Program of the Department.

#### 8:39-3.4 Personnel

(a) The facility shall ensure that the duties and responsibilities of all levels and types of personnel are described in the job descriptions and in the policy and procedure manual for each service, and that personnel are assigned duties based upon their education and training.

(b) All personnel who require licensure or authorization in order to provide patient care shall be licensed or authorized under the appropriate laws or regulations of the State of New Jersey.

#### 8:39-3.5 Policy and procedure manual

(a) A policy and procedure manual(s) approved by the Department shall be developed and implemented for the organization and operation of the facility. The manual(s) shall be available in the facility to representatives of the Department at all times. The manual(s) shall be reviewed annually, and any revisions shall be approved by the Department. The manual(s) shall include at least the following:

1. A written narrative of the program and an organizational chart describing the services provided, their interrelationships, staffing patterns, space requirements, and other information relating to the fulfillment of the facility's philosophy and objectives;

2. A description of referral mechanisms and linkages with consultants and with other health care facilities in order to provide continuity of patient care;

3. A description of the system for maintenance of patient records while the facility is in operation, and in the event that it ceases to operate;

4. A description of the process of evaluation of patient care and staff performance;

5. Definitions of business hours, full-time, and shift;

6. A staff orientation and a staff education plan, including plans for each service and designation of the person(s) responsible for the training;

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

8. Policies and procedures for employees' health evaluations upon employment and subsequently, including the content and frequency, in accordance with N.J.A.C. 8:31-26.3.

#### 8:39-3.6 Staffing

(a) The facility shall maintain written staffing patterns for each service and weekly duty schedules. Duties shall be assigned in accordance with written job descriptions. Provision shall be made for substitute staff with equivalent qualifications to replace absent staff members.

(b) All staff members shall be awake when on duty.

#### 8:39-3.7 Consultant services

(a) The facility shall have a written agreement for consultant services and for services not provided in the facility. The written agreement shall:

1. Be dated and signed by a representative of the facility and by the person or agency providing the service;

2. Include each party's responsibilities, functions, objectives, number of hours and days of the week the provider is in the facility, the financial arrangements and charges, and duration of the written agreement;

3. Specify that the facility retain administrative responsibility for the services rendered; and

4. Require that the services are provided in accordance with this chapter.

(b) Each consultant shall provide written documentation of each visit made to the facility, to include, but not be limited to, services rendered and recommendations made.

**8:39-3.8 Patient transportation**

The facility shall develop and implement a method of patient transportation for health care provided outside the facility which includes plans for security and accountability for the patient and his/her personal effects.

**8:39-3.9 Transfer agreement**

(a) The facility shall have in effect a transfer agreement with one or more hospitals such that emergency care, inpatient hospital care, and/or other hospital services are available to the facility's patients. The transfer agreement shall:

1. Ensure the transfer of patients between the hospital and the facility whenever such transfer is ordered by a physician; and
2. Specify the type of patient records to be transferred with the patient, and the method and timetable for the transfer of such records.

**8:39-3.10 Reportable events**

(a) The facility shall notify the Department immediately by telephone (609-292-4304), followed within 72 hours by a written confirmation, of the following:

1. Expected or actual interruption or cessation of operations and/or services listed in this chapter, or of such other services as fuel, water, heat, gas, or electricity;
2. Termination of employment of the administrator and/or the director of nursing services, and the name and qualifications of his/her replacement. If a new licensed administrator cannot be designated within 48 hours, the Department shall be so notified in writing and the facility shall make arrangements for licensed administrative supervision on a consultant basis. A new licensed administrator shall be appointed within 30 days;
3. All alleged or suspected crimes related to patients, which shall also be reported at the time of occurrence to the police department;
4. Occurrence of epidemic disease in the facility; and
5. All fires, disasters, and all deaths resulting from accidents or incidents in the facility. The written confirmation shall contain information about injuries to patients and/or personnel, disruption of services, and extent of damages.

**8:39-3.11 Notices**

(a) The facility shall conspicuously post a notice that the following information is available in the facility, during business hours, to patients, their next of kin and/or sponsors and/or guardians, and the public:

1. All waivers granted by the Department;
2. All documents required by this chapter;
3. A list of deficiencies from the last annual licensure inspection and certification survey report (if applicable);
4. A list of the facility's committees, and the membership, minutes, and annual reports of each;
5. The names and addresses of members of the governing authority;
6. Any changes of membership of the governing authority, at least within 30 days of the change;
7. Policies and procedures regarding patient rights, obligations, and prohibitions, as set forth in N.J.S.A. 30:13-1 et seq.; and
8. Visiting hours and business hours, including the policies of the facility regarding limitations and activities during these times.

(b) Copies of the documents listed in (a) above shall be provided, upon request, within a reasonable time, and at a reasonable charge payable in advance.

**SUBCHAPTER 4. GOVERNING AUTHORITY****8:39-4.1 Responsibility**

(a) The facility shall have a governing authority which shall assume legal responsibility for the management, operation, and financial viability of the facility. The governing authority shall be responsible for, but not limited to, the following:

1. Services provided in the facility and the quality of care rendered to patients;
2. Provision of a safe physical plant equipped and staffed to maintain the facility and services;
3. Adoption and documented annual review of written bylaws or their equivalent;
4. Written confirmation of appointments made by the governing authority;
5. Formulation and documented annual review of all policies and procedures;
6. Establishment and implementation of a system whereby patient and staff grievances and/or recommendations, including those relating to patient rights, can be identified within the facility. This system shall include a feedback mechanism through management to the governing authority, indicating that action was taken;
7. Determination of the frequency of meetings of the governing authority, holding such meetings, and documenting them through minutes, including a record of attendance;
8. Delineation of the powers and duties of the officers and committees of the governing authority;
9. Establishment of the qualifications of members and officers of the governing authority, the procedures for electing officers, and the terms of service for members, officers, and committee chairpersons; and
10. Establishment and implementation of a mechanism for approval of the qualifications, status, and privileges of physicians who may be appointed to the medical staff, including requirements for admission to staff and retention of privileges.

**SUBCHAPTER 5. ADMINISTRATION****8:39-5.1 Administrator**

(a) The governing authority shall appoint a licensed administrator, pursuant to N.J.S.A. 26:2H-27 and 26:2H-28 (Chapter 356, P.L. 1968).

1. The administrator shall be accountable to the governing authority.
2. An alternate shall be designated in writing to act in the absence of the administrator.
3. The administrator or his/her alternate shall be on the premises of the facility at all times.

(b) In a facility with more than 240 patients, in addition to the licensed administrator, a full-time administrative supervisor, who need not be a licensed administrator, shall be appointed. The administrative supervisor shall be assigned to the evening shift and shall be directly responsible to the licensed administrator. The hours of the administrative supervisor shall not be included in the computation of direct patient care time.

(c) In a facility where a licensed administrator has both administrative and other functions, such as nursing responsibilities, the facility shall maintain written documentation specifying the hours spent by the individual in each function.

**8:39-5.2 Administrator's responsibilities**

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

1. Planning for and administration of the management, operational, and fiscal components of the facility;
2. Ensuring the development of, implementing, and enforcing all policies and procedures;
3. Employing and placing all staff within the facility;
4. Ensuring the provision of staff education and staff orientation;
5. Ensuring that a file is maintained for each staff member, including at least his/her name, previous employment, educational background, license number and date of expiration (if applicable), personnel evaluations, health evaluation records, and job description;
6. Participating in policy and administrative decision-making;
7. Administering and supervising the non-clinical operations of the program;

8. Acting as a liaison to the governing authority on behalf of the medical director, the staff, and the patients;

9. Within 30 days of a patient's discharge, ensuring that the patient treatment plan, including the discharge summary, is provided in the patient's medical record;

10. Maintaining administrative relationships, communication, and integration with support services and community resources; and

11. Communicating with staff through group meetings, individual conferences, written memoranda, and/or other methods of exchanging information.

#### 8:39-5.3 Suspension or revocation of license

A nursing home administrator whose license is either suspended or revoked, pursuant to N.J.S.A. 26:2H-27 and 26:2H-28 (Chapter 356, P.L. 1968), shall not be appointed or retained in a facility in any administrative, managerial, supervisory, and/or similar position.

### SUBCHAPTER 6. PATIENT CARE POLICIES

#### 8:39-6.1 Patient care policy committee

(a) The facility shall establish a patient care policy committee, consisting of, but not limited to, the administrator and a representative of each service offered by the facility, at least on a consultative basis.

(b) The committee and the governing authority shall review annually all policies and procedures, and shall document the review.

#### 8:39-6.2 Policies and procedures

(a) The facility shall establish and implement written patient care policies and procedures, approved by the Department, governing the services provided.

(b) All patient care policies shall be available to physicians, staff, patients and their next of kin and/or sponsors and/or guardians, and the public.

(c) Patient care policies and procedures shall include, but not be limited to, policies and procedures for the following:

1. Patient rights and responsibilities;
2. Care of patients, to ensure that all patients are provided with room, board, and services in accordance with these standards and are kept clean, dry, and comfortable;
3. Reality orientation for patients, integrated into patient care services;
4. A definition of emergency;
5. Emergency care of patients, in accordance with these standards; care of patients during an episode of communicable disease; care of patients with tuberculosis which is not communicable following initiation of chemotherapy, or is nonpulmonary and therefore not transmissible; and care of critically ill or mentally disturbed patients;
6. Care of deceased patients, to include, but not be limited to, the following:
  - i. Pronouncement of death. The next of kin and/or sponsor and/or guardian shall be notified at the time of death. The deceased shall not be discharged from the facility until pronounced dead and the death documented in the patient's medical record;
  - ii. Removal of the deceased from rooms occupied by other patients; and
  - iii. Transportation of the deceased in the facility, and removal from the facility, in a dignified manner;
7. Verbal and telephone orders, to ensure that they are written into the patient's medical record by the person accepting them, and countersigned by the prescriber within seven days;
  - i. Verbal and telephone orders shall be limited to emergency situations, as defined in the facility's policies and procedures;
8. Stop orders for medical and laboratory services, indicating length of time orders may be in effect;
9. Medical record-keeping;

10. Assisting patients and ensuring that arrangements are made for transportation in order to obtain health services such as podiatric and dental services, eye examinations, eye glasses, auditory testing, and hearing aids, when requested by the patient;

11. Provision of clothing suitable for the climate and weather conditions, of proper size, and compatible with that worn by the patient's peers, in the event that clothing is provided by the facility;

12. In accordance with the facility's objectives, policies and procedures regarding the maintenance of plants and pets in the facility and on its premises, and including provision for the patients' participation in the care of such plants and pets;

13. Admission of patients, so that the facility:

i. Admits a patient only on physician's orders which indicate level of care needed;

ii. Requires that each patient admitted be under the supervision of a physician;

iii. Ensures that a personal interview with the patient, and the next of kin and/or sponsor and/or guardian (if available), is conducted by the administrator or his/her designee, prior to or at the time of the patient's admission. The interview shall include orientation of the patient to the facility's policies, business hours, fee schedule, services provided, and criteria for admission, treatment, and discharge. A summary of the interview shall be documented in the patient's medical record;

iv. Ensures that, prior to or at the time of the patient's admission, the patient (if mentally competent), next of kin and/or sponsor and/or guardian signs a written admission agreement which shall include the following provisions:

(1) The patient, next of kin and/or sponsor and/or guardian agrees to a visit by a physician based upon a schedule which the physician documents in the patient's medical record; and

(2) The patient, next of kin and/or sponsor and/or guardian agrees that if or when the patient's physician is not available, the administrator shall be authorized to arrange for another physician to care for the patient;

14. Restrictions to the admission and retention of patients, to ensure that:

i. Patients under 16 years of age shall be admitted only to an area within the facility approved for such occupancy by the Department;

ii. If the facility is not of fire-resistive construction, blind, nonambulant, and semi-ambulant patients shall be housed on the first floor;

iii. A patient who manifests such a degree of behavioral disorder that he/she is a danger to him/herself or others, or whose behavior interferes with the health or safety of other patients, shall not be admitted or retained;

iv. A patient suffering from substance abuse or misuse shall not be admitted to or retained in the facility, unless the patient suffers from other illnesses; and

v. Any applicant who, after applying in writing, is denied admission to the facility for reasons other than lack of space, and/or the next of kin and/or sponsor and/or guardian, shall be given the reason for such denial in writing, signed by the administrator, within 15 days;

15. Financial arrangements, to ensure that the facility:

i. Maintains a written record of all financial arrangements with the patient, next of kin and/or sponsor and/or guardian, with copies furnished to the patient; and

ii. Assesses no additional charges, expenses, or other financial liabilities in excess of the daily, weekly, or monthly per diem rate included in the admission agreement, except:

(1) Upon written approval and authority of the patient, next of kin and/or sponsor and/or guardian. Copies of the written approval shall be given to the patient and/or next of kin and/or sponsor and/or guardian, and shall be attached to the quarterly financial statement; or

(2) Upon written orders of the patient's physician, stipulating specific services and supplies not included in the admission agreement; or

(3) Upon 30 days' prior written notice to the patient, next of kin and/or sponsor and/or guardian of additional charges, expenses, or other financial liabilities; or

(4) In the event of a health emergency involving the patient and requiring immediate, special services or supplies to be furnished during the period of the emergency;

16. The use of restraints. Policies and procedures governing restraints shall, as a minimum:

i. Define the uses of restraints and types of restraints permitted, specify how often a patient placed in restraint shall be monitored and by whom, and specify the required documentation;

ii. Prohibit the use of locked restraints and confinement of a patient in a locked or barricaded room, and prohibit the use of restraints for punishment or for the convenience of facility personnel; and

iii. Specify that physical restraints be used so as not to cause physical injury or discomfort to the patient. Opportunity for motion and exercise shall be provided for a period of not less than ten minutes during each two-hour period in which the restraint is employed, to ensure opportunity for elimination of body wastes, good body alignment, circulation, and change of position.

17. Rules for smoking, in accordance with N.J.S.A. 26:3D-1 et seq. and 26:3D-7 et seq.; and

18. Procedures for interpretation, if the patient population is non-English speaking, or for patients who are blind or deaf.

## SUBCHAPTER 7. MEDICAL SERVICES

### 8:39-7.1 Medical director's appointment

The governing authority shall appoint a physician to serve as medical director who shall be responsible for the direction, provision, and quality of medical care.

### 8:39-7.2 Medical director's responsibilities

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

1. Delineating the responsibilities of physicians;
2. Communicating with physicians to ensure that the patient treatment plan is initiated upon the patient's admission and kept current;
3. Establishing written policies for utilization of medical consultant and specialist services;
4. Monitoring the health status of the facility's personnel;
5. Providing documented investigation of incidents and accidents that occur on the premises;
6. Providing documented information to the administrator, in order to ensure a safe and sanitary environment for patients and personnel;
7. With the administrator, assuming responsibility for the execution of patient care policies;
8. Participating in the development and direction of ongoing staff orientation and staff education programs;
9. Developing and maintaining a system of medical audit and evaluation of patient care; and
10. Participating or ensuring physician representation in the facility's committees, at least on a consultative basis.

(b) In addition to those items listed in (a) above, the medical director in a facility with a medical staff shall be responsible for planning, developing, and implementing written medical policies, including medical staff bylaws, rules and regulations, in cooperation with the medical staff. These shall be submitted to the governing authority for approval, and shall include, but not be limited to, the following:

1. A table of organization for the medical staff;
2. A plan for medical staff meetings and their documentation through minutes; and
3. The qualifications, status, and privileges of physicians, dentists, optometrists, podiatrists, and others who may be granted staff membership.

### 8:39-7.3 Facility's responsibilities

(a) The facility shall:

1. Require that, upon admission, the patient, next of kin and/or sponsor and/or guardian designate a physician for the patient;
2. Obtain from the patient's physician confirmation that he/she will visit the patient and revise the patient's treatment plan in accordance with a schedule which he/she documents in the patient's medical record; and
3. Require that the patient's physician, the patient, or the patient's next of kin and/or sponsor and/or guardian designate an alternate physician to attend the patient for periodic or emergency visits whenever the patient's physician is not available.

### 8:39-7.4 Administrator's responsibilities

(a) The administrator or his/her designee shall:

1. Verify that the patient's medical record contains documentation of the name, address, and telephone number of the patient's physician;
2. Notify the patient's physician whenever a physician visit is required or in an emergency;
3. Ensure that the patient is visited by a physician for the scheduled visits and in response to an emergency;
4. Assist in the development of, and implement, written procedures to provide emergency medical care. The written procedures and a list of physicians available to provide emergency medical care shall be posted in each nursing unit; and
5. Ensure that the patient's next of kin and/or sponsor and/or guardian is notified no more than three hours after the occurrence of an accident or of deterioration in the patient's condition, and that the notification is documented.

### 8:39-7.5 Physician's responsibilities

(a) The patient's physician shall agree:

1. To visit the patient in accordance with a schedule which he/she documents in the patient's medical record, and to write, sign, and date a progress note at the time of each visit;
2. To write the medical portion of the patient treatment plan at the time of the patient's admission, and to review and revise the patient treatment plan in accordance with a schedule which he/she documents in the patient's medical record; and
3. To be called in any emergency.

### 8:39-7.6 Physician's documentation

(a) The physician shall document in the patient's medical record:

1. A signed, dated admission and medical history, and a report of physical examination, including patient's weight, results of chest X-ray (at the discretion of the physician), medical findings, diagnoses, and rehabilitation potential. Patients under age 35 shall also have an intradermal tuberculin test (and follow-up if necessary), with the exception of positive tuberculin reactors, who shall have a chest X-ray given within a period of time specified and documented by a physician in the patient's medical record. These shall be provided by the physician within 48 hours before or after the patient's admission to the facility, unless such history and examination were performed within five days prior to admission and documented in the patient's medical record;
2. The medical care plan which is the medical portion of the patient treatment plan; and
3. All initial and subsequent orders for services to be provided to the patient, including the frequency and modality of rehabilitation services.

## SUBCHAPTER 8. NURSING SERVICES

### 8:39-8.1 Services

(a) The facility shall provide nursing services and licensed nursing personnel 24 hours a day, seven days a week.

(b) The facility shall maintain the organization, management, and operation of nursing services in accordance with a written

organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the nursing service to other services.

(c) There shall be nursing and ancillary nursing personnel on each nursing unit to provide at least 2.75 hours of direct nursing care for each skilled nursing patient, 2.5 hours for each ICF-A patient, and 1.25 hours for each ICF-B patient, during a 24-hour period. Direct nursing care shall be limited to nursing duties.

(d) There shall be at least one registered professional nurse on the day shift seven days a week.

(e) Computation of direct nursing care time shall not include the hours of the director of nursing services, except in facilities with 45 or fewer beds.

(f) No member of the nursing staff shall be counted in the staffing pattern of more than one nursing unit per shift.

(g) Of the total nursing personnel, the ratio of registered professional nurse hours to ancillary nursing hours shall not be less than one to five, with 25 percent credit for licensed practical nurse hours. Professional and licensed nursing personnel shall be distributed on each shift.

(h) There shall be at least two nursing personnel awake and on duty at all times.

(i) The facility shall have on duty at all times during the day shift a registered professional nurse designated in writing as the director of nursing services. A licensed nurse shall be designated in writing to act in the director's absence on evening and night shifts or when the director is not available.

#### 8:39-8.2 Director of nursing services' responsibilities

(a) The director of nursing services shall be responsible for the direction, provision, and quality of nursing care provided. He/she shall be responsible for, but not limited to, the following:

1. Developing and maintaining written objectives, standards of practice, policies, a procedure manual, and an organizational plan for the nursing service;

2. Participating in total planning and budgeting for the nursing service, including recommending the number and levels of nursing and ancillary nursing personnel to be employed;

3. Coordinating and integrating the nursing service with other patient care services in the facility to provide a continuum of care for the patient;

4. Participating or ensuring representation of the nursing service in the facility's staff committees, including, but not limited to, the patient care policy, evaluation, pharmaceutical, and discharge planning committees;

5. Maintaining working relationships with administration through conferences, written memoranda, and other methods of exchanging information;

6. Developing and maintaining written job descriptions for nursing and ancillary nursing personnel;

7. Selecting for employment, designating staffing patterns for, and assigning duties to all nursing and ancillary nursing personnel, to provide 24-hour-a-day coverage;

8. Assisting in the development of, and participating in, staff orientation and staff education programs for the facility and the nursing service, and documenting these activities;

9. Ensuring that a registered professional nurse assesses the nursing needs of each patient, prepares an individual nursing care plan for each patient upon admission, and reassesses the nursing needs of each patient in accordance with a schedule which he/she documents in the patient's medical record;

10. Ensuring that nursing services are provided to each patient;

11. Ensuring that each patient has a written patient treatment plan, coordinated and maintained by the nursing service, in accordance with the physician's medical care plan, and implemented upon admission;

12. At the time of discharge, ensuring that the nursing portion of the patient treatment plan and the nursing portion of the discharge

summary and discharge plan are provided in the patient's medical record; and

13. Providing daily documentation, including, but not limited to, the daily census and staffing patterns, and indicating classification and number of nursing, ancillary nursing, and relief personnel who worked on each nursing unit for each shift.

#### 8:39-8.3 Supervisor of nurses' responsibilities

(a) In facilities with a full-time supervisor of nurses, the supervisor shall be responsible for, but not limited to, the following:

1. Assisting in employment interviews and in employing and assigning nursing and ancillary nursing personnel to nursing units;

2. Making daily rounds to observe patients and nursing care;

3. Reviewing and evaluating patient treatment plans and nursing care plans;

4. Supervising and evaluating staff performance;

5. Consulting with the charge nurse to determine the nursing care needed and to make staffing recommendations to the director of nursing services;

6. Assisting the director of nursing services in determining staff education needs and in the planning and organization of staff orientation and staff education programs; and

7. Assisting the director of nursing services in developing and maintaining written objectives, standards of practice, policies, a procedure manual, and an organizational plan for the nursing service.

#### 8:39-8.4 Charge nurse's designation and responsibilities

(a) The director of nursing services shall designate in writing a charge nurse on each nursing unit for each shift, seven days a week. The charge nurse shall be responsible for, but not limited to, the following:

1. Supervising and evaluating all nursing and ancillary nursing personnel and activities related to nursing care in the nursing unit;

2. Assessing the needs of each patient, developing, implementing, and evaluating the nursing portion of the patient treatment plan;

3. Assigning duties and delegating responsibilities to nursing and ancillary nursing personnel for provision of nursing care;

4. Assisting in the organization and teaching of staff orientation and staff education programs for nursing and ancillary nursing personnel;

5. Assisting the director of nursing services in developing and maintaining written objectives, standards of practice, policies, a procedure manual, and an organizational plan for the nursing service;

6. Assuming responsibility for direct patient care; and

7. Assuming responsibility for observations, evaluations, and reporting of patients' symptoms, reactions, and progress to the patient's physician.

#### 8:39-8.5 Nursing personnel responsibilities

(a) In accordance with the State of New Jersey Nursing Practice Act, N.J.S.A. 45:11-23 et seq., the standards in N.J.A.C. 8:39-7 and 8:39-9, and written job descriptions, nursing and ancillary nursing personnel shall be responsible for, but not limited to, the following:

1. Providing direct nursing care;

2. Ensuring that each patient receives treatments, medications, and diets in accordance with the physician's medical care plan;

3. Ensuring that each patient is kept clean, dry, and comfortable;

4. Providing care toward the prevention of decubitus ulcers;

5. Providing care toward the prevention of infection, accident, and injury;

6. Assessing the needs of each patient and developing, implementing, evaluating, and revising the nursing care plan;

7. Assisting patients who need help with meals. Nursing and/or ancillary nursing personnel shall be in the dining room during each meal;

8. Assessing, observing, and monitoring the patient's response to treatment and nursing care;

9. Coordinating nursing care with other patient care services;

10. Teaching, supervising, and consulting with other personnel, the patient, next of kin and/or sponsor and/or guardian, regarding methods of meeting the nursing care needs and other related problems of the patient (licensed nursing personnel only shall perform these functions).

(b) Nursing and ancillary nursing personnel shall be responsible for providing restorative nursing care to all patients. This shall include, but not be limited to, the following:

1. Maintaining the patient's body positioning and alignment both in and out of bed, performing passive range of motion exercises, and teaching the patient to perform active range of motion exercises;

2. Encouraging and assisting bedfast patients to change position at least every two hours day and night to stimulate circulation and prevent decubitus ulcers, contractures, and other deformities;

3. Encouraging patients to remain out of bed, except when contraindicated by a physician's orders;

4. Encouraging patients to achieve independence in activities of daily living by teaching self-care, transfer, and ambulation activities;

5. Assisting patients to use their prosthetic devices in accordance with a physician's instructions;

6. Assisting patients to carry out prescribed rehabilitation therapy between visits of the therapist; and

7. Instituting and maintaining bowel and bladder training.

#### 8:39-8.6 Nursing portion of the medical record

(a) In accordance with written job descriptions and with the standards in this document, nursing personnel shall enter in the patient's medical record:

1. The nursing care plan which is the nursing portion of the patient treatment plan. This shall be reviewed, and revised as necessary, by a registered professional nurse in accordance with a schedule documented in the patient's medical record;

2. Clinical notes;

3. Progress notes, in accordance with a schedule documented in the patient's medical record; and

4. A record of medication: After each administration of medication, the following shall be documented: name and strength of the drug, date and time of administration, dosage administered, route of administration, and signature of the licensed nurse administering the drug. (Initials may be used after the licensed nurse's full signature appears at least once in the patient's medical record in accordance with a system approved by the Department.)

#### 8:39-8.7 Nursing care services related to pharmaceutical services

(a) Nursing personnel shall be responsible for, but not limited to, ensuring the following:

1. All medications are prescribed in writing and the order signed and dated by the prescriber. Medications shall be administered in accordance with all Federal and State laws and regulations by the following licensed or authorized personnel:

i. Registered professional nurses;

ii. Licensed practical nurses who have undergone formal training in the administration of medication in programs approved by the New Jersey State Board of Nursing;

iii. Nurses with valid "permission to work" letters issued by the New Jersey State Board of Nursing (N.J.A.C. 13:37-3.5; 13:37-4.6; 13:37-10.4; and 13:37-11.5). This excludes foreign exchange visitor nurses;

iv. Unlicensed nurses who are graduates of domestically accredited nursing schools, pending the results of the first two consecutive licensing examinations immediately following the completion of their nursing program (N.J.A.C. 13:37-2.7 and 13:37-9.5); and

v. Student nurses in a school of nursing approved by the New Jersey State Board of Nursing under the direct supervision and within immediate view of a registered professional nurse.

2. Medications are not preprepared: Medications are administered promptly (immediately) after the dose has been prepared, and by the individual who prepared the dose, except where a unit dose drug distribution system is used, and documented in the patient's medical record by that individual;

3. Medications for individual patients are kept stored in the original prescription containers and there is no transferring between containers;

4. Medications prescribed for one patient are not administered to another patient;

5. Medication errors and adverse drug reactions are orally reported immediately to the director of nursing services, the prescriber, and the administrator, and an entry made in the patient's medical record by the end of the shift;

6. Discontinued, unused, expired (outdated), recalled, visibly deteriorated, or unlabelled drugs and intravenous solutions, and containers with worn, illegible, damaged, incomplete, or missing labels, are returned to the institutional pharmacy or, in the absence of an institutional pharmacy, to a location specified in the policies and procedures manual, for relabeling, disposal, or destruction within 30 days, in accordance with State and Federal laws. Drug product defects shall be reported in accordance with the ASHP-USP-FDA (American Society of Hospital Pharmacists, United States Pharmacopoeia, Food and Drug Administration) Drug Product Defect Reporting System;

7. Medications for external use are kept separate from medications for internal use;

8. All medications are kept in locked storage areas: Medication storage and preparation areas shall be kept locked when not in use. Medications requiring refrigeration shall be kept in a separate, locked box in the refrigerator, in a locked refrigerator, or in a refrigerator in the locked medication room, in or near the nursing unit. The refrigerator shall have a thermometer to indicate temperature in conformance with U.S.P. (United States Pharmacopoeia) requirements;

9. Hypodermic needles and syringes are stored, used, and disposed of in accordance with the laws of the State of New Jersey and amendments thereto. A verifiable record system shall be maintained of the purchase, storage, and disposal of hypodermic needles and syringes;

10. Controlled substances are stored and verified according to the Controlled Dangerous Substances Act and amendments thereto, in compliance with all Federal and State laws and regulations, including the New Jersey State Board of Pharmacy Rules, concerning procurement, storage, dispensing, administration, and disposition, and in accordance with the following:

i. A verifiable record system shall be maintained for controlled substances;

ii. Controlled substances shall be stored separately from all other substances, and in a cabinet separate from that used for storing the unit dose drug distribution system;

iii. All substances in Schedules III and IV of the Controlled Dangerous Substances Act and amendments thereto shall be stored under lock and key in each nursing unit. All substances in Schedule II shall be stored in a separate, locked box or drawer within the locked medication cabinet, medication room, refrigerator, or mobile medication cart. The keys shall be kept on a person who meets the criteria listed in (a)1i-v above;

iv. An inventory of all substances in Schedule II of the Controlled Dangerous Substances Act and amendments thereto, retained in each nursing unit, shall be made at the termination of each tour of duty. This record shall be signed by both the outgoing and incoming nurses who shall meet the criteria listed in (a)1i-v above. The following shall be recorded: name of the patient receiving the medication, prescriber's name, name and strength of the drug, date received from the pharmacy, date of administration, dosage administered, method of administration, signature of the licensed nurse administering the drug, amount of medication remaining, amount of medication wasted (when appropriate), and the signature

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of the nurse witnessing the destruction of medication wasted (when appropriate);

v. In the event that the inventories cannot be verified or drugs are lost, contaminated, wasted, or destroyed, a report of such incident is written and signed by the licensed nurses involved and any witnesses present, and copies are sent for review to the director of nursing services, the director of pharmaceutical services or consultant pharmacist, and the administrator; and

vi. Procedures shall be established and implemented for disposition of partial doses of controlled substances.

**SUBCHAPTER 9. PHARMACEUTICAL SERVICES****8:39-9.1 Services**

(a) The facility shall provide pharmaceutical services, either directly or through written agreement, 24 hours a day, seven days a week.

(b) The facility shall maintain the organization, management, and operation of the pharmaceutical services in accordance with a written organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the pharmaceutical service to other services.

(c) If the facility maintains an institutional pharmacy, the pharmacy shall be licensed by, and in accordance with, the New Jersey State Board of Pharmacy, and shall possess a current Drug Enforcement Administration registration and a Controlled Dangerous Substance registration from the Department.

(d) If the facility does not maintain an institutional pharmacy to provide direct pharmaceutical services, the facility shall appoint a pharmacist as consultant and shall have written methods and procedures for obtaining prescribed medications and biologicals directly from a pharmacy licensed by the New Jersey State Board of Pharmacy. The phone number of the pharmacy shall be posted at each nursing unit.

**8:39-9.2 Pharmacy and therapeutics committee; policies and procedures**

(a) A multidisciplinary pharmacy and therapeutics committee shall be appointed by and accountable to the governing authority. The committee shall consist of at least the medical director, the administrator, a representative of the nursing staff, and the director of pharmaceutical services or consultant pharmacist. The committee shall meet at least quarterly, and shall document dates of meetings, a record of attendance, and the committee's activities, findings, and recommendations.

(b) The committee shall be responsible for, but not limited to, development of policies and procedures, approved by the Department, including at least the following:

1. Policies and procedures regarding emergency kits, including the following:

- i. Approval of their contents;
- ii. Approval of their locations;
- iii. Determination of the frequency for checking contents, including expiration dates;
- iv. Assignment of responsibility for checking the contents; and
- v. Ensuring that emergency kits are not kept under lock and key.

2. Methods for obtaining drugs, including in emergencies;

3. A policy that the label of each patient's individual medication container is permanently affixed and indicates the patient's full name and location in the facility, physician's name, prescription number, name and strength of drug (if indicated by the prescriber), date of issue, name, address, and telephone number of the pharmacy issuing the drug, cautionary and/or accessory labels, and directions for use;

4. Policies and procedures in the event that a patient refuses a prescribed medication;

5. Policies and procedures for drug administration, including, but not limited to, the following:

i. Procedures for a drug distribution and medication administration system, approved by the Department;

ii. Times of day for administration of medications prescribed for fixed intervals; and

iii. Procedures for documentation in the patient's medical record of medications administered, including the name and strength of the drug, date and time of administration, dosage administered, method of administration, and signature of the person administering the drug.

6. If in accordance with facility policy, policies and procedures regarding self-administration of medications, including, but not limited to, the following:

i. Self-administration shall not be permitted, except on written order of the prescriber as documented in the patient's medical record;

ii. Storage of medications in locked storage areas in patients' rooms. Duplicate keys to medication storage areas in patients' rooms are available to the administrator or his/her alternate;

iii. Specifications for labeling of medications;

iv. Methods for documentation in the patient's medical record of self-administration;

v. Training of patients in self-administration; and

vi. Ensuring that patients do not share their medications or take the medications of another patient.

7. Policies and procedures prohibiting the use of previously acquired personal medications of patients;

8. A policy that, if medications are released to patients upon discharge, this shall be done only on the written authorization of the prescriber, and relabeled and repackaged by the pharmacist with directions for use, in accordance with the New Jersey State Board of Pharmacy Rules. Documentation of released medications shall be entered in the patient's medical record;

9. Policies and procedures for documenting and reviewing adverse drug reactions, medication errors, and drug defects, including, but not limited to, the following:

i. Allergies shall be documented in the patient's medical record and on its outside front cover; and

ii. Medication errors and adverse drug reactions shall be orally reported immediately to the director of nursing services, the prescriber, and the administrator, and an entry made in the patient's medical record. The pharmacy and therapeutics committee shall review all incidents relating to drugs.

10. Policies and procedures for ensuring the immediate delivery of initial or stat. doses;

11. Policies and procedures for stop orders, including, but not limited to, the following:

i. The length of time orders may be in effect; and

ii. Drugs not specifically limited as to duration of use or number of doses when ordered shall be controlled by automatic stop orders.

12. If drug dispensing devices are used, policies and procedures for their use, in accordance with the New Jersey State Board of Pharmacy Rules;

13. Policies and procedures regarding the provision of current pharmaceutical reference materials and sources of information, approved by the pharmacy and therapeutics committee. Information on drugs, including investigational drugs if used, their indications, contraindications, actions, reactions, interactions, cautions, precautions, toxicity, and dosage, shall be provided in each nursing unit. Current antidote information and the telephone number of the regional poison control center shall be available in the pharmacy and/or each nursing unit. Current Federal and State drug law information shall be available. The pharmacy and therapeutics committee shall specify the minimal reference materials to be kept in the nursing unit, and methods for communicating product information to the staff;

14. A list of abbreviations and chemical symbols; and

15. Policies and procedures concerning the activities of medical and pharmaceutical sales representatives in the facility. Drug samples shall not be distributed or used in the facility.

### 8:39-9.3 Director of pharmaceutical services/consultant pharmacist responsibilities

(a) A pharmacist shall be appointed as director of pharmaceutical services or as consultant pharmacist. He/she shall be responsible for the direction, provision, and quality of the pharmaceutical services provided. He/she shall be responsible for, but not limited to, the following:

1. Together with the pharmacy and therapeutics committee, developing and maintaining written objectives, standards of practice, policies, a procedure manual, and an organizational plan for the pharmaceutical service;
2. Coordinating and integrating the pharmaceutical service with other patient care services in the facility to provide a continuum of care for the patient;
3. Participating or ensuring representation of the pharmaceutical service in staff committees, at least on a consultative basis;
4. Maintaining working relationships with administration through conferences, written memoranda, and other methods of exchanging information;
5. Assisting in the development of, and participating in, staff orientation and staff education programs for the facility, and documenting these activities;
6. Providing pharmaceutical services to patients;
7. Providing guidance and consultation regarding pharmaceutical services to patients, staff, and the public;
8. Preparing, reviewing, dating, and signing the pharmacist consultation sheet in each patient's medical record at least every 30 days, noting any problems such as interactions or incorrect dosages;
9. Providing reports to the pharmacy and therapeutics committee on the status of the facility's pharmaceutical services, an analysis of any incident reports relating to drug therapy, and results of the monthly inspection of all areas in the facility where medications are dispensed, administered, or stored.

## SUBCHAPTER 10. DIETARY SERVICES

### 8:39-10.1 Services

(a) The facility shall meet the daily nutritional needs of patients by providing dietary services directly or through written agreement. If services are provided through written agreement, the services provided shall adhere to these standards.

(b) The facility shall maintain the organization, management, and operation of dietary services in accordance with a written organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the dietary service to other services.

### 8:39-10.2 Dietitian's appointment

The facility shall appoint a dietitian on a full-time, part-time, or consultant basis. The dietitian shall provide dietary services in the facility at least eight hours per month with additional consultation hours as needed to comply with these standards. If the dietitian is appointed on a consultant basis, his/her hours shall be scheduled for different times on successive visits.

### 8:39-10.3 Dietitian's responsibilities

(a) The dietitian shall be responsible for the direction, provision, and quality of the dietary service provided. He/she shall be responsible for, but not limited to, the following:

1. Developing and implementing written objectives, standards of practice, policies, a procedure manual, and an organizational plan for the dietary service;
2. Participating in planning and budgeting for the dietary service, including recommending to the administrator the number and levels of dietary service personnel to be employed and the equipment and supplies to be purchased, and developing methods of food cost control;
3. Coordinating and integrating the dietary service with other

patient care services in the facility and with services in the community to provide a continuum of care for the patient;

4. Participating or ensuring representation of the dietary service in the facility's staff committees, at least on a consultative basis;
5. Maintaining working relationships with administration through conferences, written memoranda, and other methods of exchanging information;
6. Developing and maintaining written job descriptions for dietary personnel;
7. Participating in selecting for employment, assigning duties to, supervising, and evaluating all dietary personnel;
8. Assisting in the development of, and participating in, staff orientation and staff education programs for the facility, and documenting these activities;
9. Assessing, upon admission, the dietary needs of the patient, preparing the dietary portion of the patient treatment plan, and reassessing the patient's response to dietary services in accordance with a schedule which the dietitian documents in the patient's medical record;
10. Ensuring the provision of dietary services to the patient, as specified in the patient treatment plan;
11. Providing dietary counseling and nutritional guidance to the patient, his/her family, and staff;
12. Participating in developing, implementing, reviewing, and revising the dietary portions of the patient treatment plan and discharge plan; and
13. Reviewing and approving all menus.

### 8:39-10.4 Facility's responsibilities

(a) The facility shall ensure that the dietary service:

1. Provides nutrients and calories for each patient, as ordered by a physician, based upon current recommended dietary allowances of the Food and Nutrition Board of the National Academy of Sciences, National Research Council, adjusted for age, sex, weight, physical activity, and therapeutic needs of the patient;
2. Provides a current diet manual, approved by the patient care policy committee, the dietitian, and the Department, in the dietary department and in each nursing unit;
3. Serves diets that are consistent with the diet manual and in accordance with physicians' orders;
4. Schedules dietary service personnel for a period of at least 12 hours daily;
5. Schedules meals so that no more than 14 hours elapses between an evening meal and breakfast the next morning, and the first meal is not served before 7:00 A.M.;
6. Selects foods and beverages and prepares menus with regard for the nutritional and therapeutic needs, cultural backgrounds, food habits, and personal food preferences of patients;
7. Has written and dated menus planned at least 14 days in advance for all diets, and does not use the same menu more than once in one week;
8. Posts current menus with portion sizes in the food preparation area, and posts any changes in menus. Menus, with changes, shall be kept on file in the dietary department for at least 30 days;
9. Prepares and serves daily to patients at least three meals or their equivalent. At least two meals shall contain three or more menu items, one of which is or shall include a high quality protein food such as meat, fish, eggs, or cheese. Each meal shall represent no less than 20 percent of the day's total calories, and at least 10 percent of the day's total calories shall be provided by protein;
10. Provides between meal and bedtime nourishments and has beverages available at all times for each patient, unless contraindicated by a physician as documented in the patient's medical record;
11. Offers substitute foods and beverages to all patients who refuse the food served at mealtimes. Such substitutes shall be of equivalent nutritional value;
12. Designates responsibility for observation and documentation of meals refused or missed;
13. Provides self-help feeding devices;

14. Prepares food by cutting, chopping, grinding, or blending to meet the needs of each patient; and

15. Complies with the provisions of the New Jersey State Sanitary Code, N.J.A.C. 8:24.

(b) Each patient shall be encouraged to eat in the dining room, unless bedfast and/or contraindicated, as documented by a physician in the patient's medical record.

#### 8:39-10.5 Food service supervisor's appointment

The facility shall appoint a full-time food service supervisor who, if not a dietitian, functions with scheduled consultation from a dietitian.

#### 8:39-10.6 Food service supervisor's responsibilities

(a) The food service supervisor, under the direction of a dietitian, shall be responsible for, but not limited to, the following:

1. Implementing written objectives, standards of practice, policies, procedures, and the organizational plan for the dietary service;

2. Coordinating and integrating the dietary service with other patient care services to provide a continuum of care for the patient;

3. Maintaining working relationships with administration through conferences, written memoranda, and other methods of exchanging information;

4. Assisting in the development of, and participating in, staff orientation and staff education programs for the facility and the dietary service, and documenting these activities;

5. Maintaining a record of all patients, identified by name, location, diet order, and such other information as food likes and dislikes, allergies, and meal patterns when on a calculated diet. Such identification shall appear on each patient's tray or in the dining room;

6. Ensuring that therapeutic diets as ordered by a physician are served, and that no patient receives a therapeutic diet, except as ordered by a physician;

7. Establishing and maintaining a method of recording and transmitting diet orders and changes received from the nursing service;

8. Maintaining a file of recipes, adjusted to yield, which shall be used in preparing foods listed on the posted menus;

9. Recommending the quantity, kinds, and variety of food and supplies to be purchased; and

10. Providing records of weekly menus of all diets served to patients.

#### 8:39-10.7 Dietary portion of the medical record

(a) The dietitian shall enter in the patient's medical record:

1. The dietary care plan which is the dietary portion of the patient treatment plan. This shall be reviewed, and revised as necessary, by the dietitian in accordance with a schedule documented in the patient's medical record;

2. Clinical notes; and

3. Progress notes, in accordance with a schedule which the dietitian documents in the patient's medical record.

### SUBCHAPTER 11. REHABILITATION SERVICES

#### 8:39-11.1 Services

(a) The facility shall provide physical and occupational therapy, speech pathology, and audiology services directly or through written agreement, when prescribed by a physician. Such services shall be performed on the premises for skilled nursing patients.

(b) The facility shall maintain the organization, management, and operation of rehabilitation services in accordance with a written organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the rehabilitation service to other services.

#### 8:39-11.2 Supervisor's appointment and responsibilities

(a) The facility shall appoint a supervisor for each rehabilitation service offered, who shall be responsible for the direction, provision, and quality of the rehabilitation service. He/she shall be responsible for, but not limited to, the following:

1. Developing and maintaining written objectives, standards of practice, policies, a procedure manual, and an organizational plan for the rehabilitation service;

2. Participating in planning and budgeting for the rehabilitation service, including recommending to the administrator the number and levels of rehabilitation personnel to be employed and the equipment and supplies to be purchased;

3. Coordinating and integrating the rehabilitation service with other patient care services in the facility to provide a continuum of care for the patient;

4. Participating or ensuring representation of the rehabilitation service in the facility's staff committees, at least on a consultative basis;

5. Maintaining working relationships with administration through conferences, written memoranda, and other methods of exchanging information;

6. Developing and maintaining written job descriptions for rehabilitation personnel;

7. Selecting for employment, assigning duties to, supervising, and evaluating all rehabilitation service personnel;

8. Assisting in the development of, and participating in, staff orientation and staff education programs for the facility and documenting these activities;

9. Ensuring that the rehabilitation personnel assess the rehabilitation needs of each patient upon orders of a physician, prepare an individual rehabilitation care plan, and reassess the patient's response to rehabilitation services in accordance with a schedule which the therapist, speech pathologist, or audiologist documents in the patient's medical record; and

10. Ensuring that rehabilitation services are provided to the patient as specified in the patient treatment plan.

#### 8:39-11.3 Therapist's, speech pathologist's, and audiologist's responsibilities

(a) Each therapist, speech pathologist, and audiologist shall be responsible for, but not limited to, the following:

1. Assessing the degree of functioning and disability of the patient receiving the service, preparing the rehabilitation care plan, and, with a physician, reassessing the patient's response to treatment in accordance with a schedule which the therapist, speech pathologist, or audiologist justifies and documents in the patient's medical record;

2. Providing treatment services as specified in the rehabilitation care plan, and reporting the patient's responses to a physician within 14 days of the initiation of rehabilitation services;

3. Providing rehabilitation guidance and consultation to other patient care personnel;

4. Developing a maintenance rehabilitation regimen for the patient when approved by a physician, instructing other patient care personnel in its procedures, and reevaluating and revising the maintenance regimen, as indicated in the rehabilitation care plan; and

5. Participating in developing, reviewing, and revising the rehabilitation portion of the patient treatment plan of patients receiving rehabilitation services.

#### 8:39-11.4 Rehabilitation portion of the medical record

(a) Each therapist, speech pathologist, and audiologist providing services to the patient shall enter in the patient's medical record:

1. The rehabilitation care plan which is the rehabilitation portion of the patient treatment plan. This shall be reviewed, and revised as necessary, by the therapist, speech pathologist, or audiologist, and by a physician in accordance with a schedule documented in the patient's medical record;

2. Clinical notes; and

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3. Progress notes, in accordance with a schedule which the therapist, speech pathologist, or audiologist documents in the patient's medical record.

**SUBCHAPTER 12. SOCIAL SERVICES****8:39-12.1 Services**

(a) The facility shall provide social services directly or through written agreement.

(b) The facility shall maintain the organization, management, and operation of social services in accordance with a written organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the social service to other services.

(c) The facility shall ensure visual and auditory privacy for social service interviews with patients and their families and/or sponsors and/or guardians.

**8:39-12.2 Social worker's or social work designee's appointment; consultation**

(a) The facility shall appoint a social worker or a social work designee who shall provide social services in the facility at least one hour per week for every six patients. Social work consultation to the designee shall be at least eight hours per month in facilities with more than 60 patients and at least four hours per month in facilities with 60 or fewer patients. Social work consultation shall be on-site and provided in accordance with the following time frames:

1. For at least two years, if the social work designee has an associate's degree with two years of social work experience;

2. For at least one year, if the social work designee has a bachelor's degree other than in social work; or

3. For at least six months, if the social work designee has a bachelor's degree in social work without a practicum in a health care or geriatric setting; and

4. Social work consultation shall not be required when the social work designee has a bachelor's degree in social work and has completed a practicum in a health care or geriatric setting.

**8:39-12.3 Social worker's or social work designee's responsibilities**

(a) The social worker, or the designee under the direction of the social worker, shall be responsible for the direction, provision, and quality of the social service. He/she shall be responsible for, but not limited to, the following:

1. Developing and implementing written objectives, standards of practice, policies, a procedure manual, and an organizational plan for the social service. This shall include policies and procedures for the use and coordination of social services available through hospitals, community health programs, and community social agencies;

2. Participating in planning and budgeting for the social service, including recommending to the administrator the number and levels of social service personnel to be employed and the equipment and supplies to be purchased;

3. Coordinating and integrating the social service with other patient care services to provide a continuum of care for the patient;

4. Participating or ensuring representation of the social service in the facility's committees, at least on a consultative basis;

5. Maintaining working relationships with administration through conferences, written memoranda, and other methods of exchanging information;

6. Developing and maintaining written job descriptions for social service personnel;

7. Selecting for employment, assigning duties to, supervising, and evaluating all social service personnel;

8. Assisting in the development of, and participating in, staff orientation and staff education programs for the facility and documenting these activities;

9. Assessing each patient to identify any social service needs or problems he/she may have in the facility and/or with his/her family, reassessing the patient's social service needs at least every six months, and preparing an individual social service care plan if the assessment or reassessment indicates a need for social services;

10. Providing ongoing individual and/or group counseling of patients, their families and/or sponsors and/or guardians;

11. Ensuring social services as specified in the social service care plan;

12. Contacting social service and other agencies for information, referrals, and services; and

13. Participating in developing, implementing, reviewing, and revising the social service portion of the patient treatment plan.

**8:39-12.4 Social service portion of the medical record**

(a) The social worker or designee shall enter in the patient's medical record:

1. A social service assessment initiated upon admission, after an initial interview with the patient and/or his/her family, sponsor and/or guardian. This shall include a social history, including family background, education, employment, interests, activities, organizational memberships, psychosocial functioning, relationships with family and friends, and reasons for, and reactions to, placement in the facility. The assessment shall be reviewed and revised at least every six months;

2. The social service care plan which is the social service portion of the patient treatment plan, if the initial or subsequent assessment indicates a need for social services. This shall be reviewed in accordance with a schedule documented in the patient's medical record;

3. Clinical notes of counseling provided; and

4. Progress notes summarizing changes in the patient's condition and feelings, if the patient is receiving social services.

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

**SUBCHAPTER 13. PATIENT ACTIVITIES SERVICES****8:39-13.1 Services**

(a) The facility shall provide a planned, diversified program of patient activities.

(b) The facility shall maintain the organization, management, and operation of patient activities services in accordance with a written organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the patient activities service to other services.

**8:39-13.2 Facility's responsibilities**

(a) The facility shall ensure that:

1. A diversity of physical, social, intellectual, spiritual, cultural, and recreational activities is available to enable patients to maintain a sense of usefulness and self-respect, consisting of individual, group, and/or independent activities on seven days of the week, including evenings;

2. Provisions are made for relatives and friends of patients to participate in patient activities;

3. Patients have the opportunity to communicate with members of the community, to participate in community activities, and to utilize community resources, unless contraindicated by the patient's physician and documented in the patient's medical record;

4. Indoor and outdoor recreation is provided;

5. Methods of transportation are provided for patients to and from destinations in the community; and

6. Patients have the opportunity to participate in the planning and management of their lives, such that provisions are made for encouraging the establishment of a patient council made up of patients in the facility.

8:39-13.3 Patient activities coordinator's or consultant's appointment

(a) The facility shall appoint a patient activities coordinator who shall provide patient activities services in the facility at least 10 hours per week for every 15 patients. Facilities with more than 60 patients shall have a full-time, or full-time equivalent, coordinator. Additional patient activities time shall be provided proportionate to the number of patients over 60.

(b) If the patient activities coordinator does not meet the requirements as defined in N.J.A.C. 8:39-1, a patient activities consultant shall be appointed. He/she shall provide at least four hours of consultation in the facility per month until the activities coordinator meets the requirements, a period not to exceed two years.

8:39-13.4 Patient activities coordinator's responsibilities

(a) The patient activities coordinator shall be responsible for the direction, provision, and quality of the patient activities. He/she shall be responsible for, but not limited to, the following:

1. Developing and maintaining written objectives, standards of practice, policies, a procedure manual, and an organizational plan for the patient activities service;

2. Participating in planning and budgeting for the patient activities service, including recommending to the administrator the number and levels of patient activities personnel to be employed, and the equipment and supplies to be purchased;

3. Coordinating and integrating the patient activities service with other patient care services in the facility, and with services in the community to provide a continuum of care for the patient;

4. Participating or ensuring representation of the patient activities service in the facility's committees, at least on a consultative basis;

5. Maintaining working relationships with administration through conferences, written memoranda, and other methods of exchanging information;

6. Developing and maintaining written job descriptions for patient activities personnel;

7. Selecting for employment, assigning duties to, supervising, and evaluating all patient activities personnel;

8. Assisting in the development of, and participating in, staff orientation and staff education programs for the facility and documenting these activities;

9. Maintaining a current record of community services, resources, programs, and materials accessible to patients, staff, and their relatives and friends;

10. Developing a written monthly activities schedule at least one month in advance;

11. Posting the current monthly activities schedule in each nursing unit and where it can be read by patients, staff, and visitors;

12. Ascertaining from the medical orders of the patient's physician those patients who are able to participate in the activities program, and any limitations to their participation;

13. Assessing the activities needs of each patient within seven days of admission, preparing a patient activities care plan, and reassessing the patient's response to patient activities according to a schedule documented in the patient's medical record after reviewing with the patient his/her participation in the activities program;

14. Providing patient activities guidance and consultation to other patient care personnel;

15. Organizing and meeting with a patient activities committee of patients to develop activities programs;

16. Participating in developing, reviewing, and revising the patient activities portion of the patient treatment plan; and

17. Providing a record of the type and frequency of activities held, and the number of patients participating in the activities program.

8:39-13.5 Patient activities portion of the medical record

(a) The patient activities coordinator shall enter in the patient's medical record:

1. The patient activities care plan which is the patient activities portion of the patient treatment plan. This shall be reviewed by the patient activities coordinator and revised as necessary in accordance with a schedule documented in the patient's medical record;

2. A record of the types and number of activities in which the patient participates; and

3. Progress notes, written according to a schedule documented in the patient's medical record, after reviewing with the patient his/her participation and progress in patient activities.

SUBCHAPTER 14. DENTAL SERVICES

8:39-14.1 Services

(a) The facility shall make available dental services, including, but not limited to, examinations, oral prophylaxis, and emergency dental care to relieve pain and infection, either directly or through written agreement.

(b) Examination and oral prophylaxis shall be provided according to a schedule established by the patient's dentist.

8:39-14.2 Consultant's or staff dentist's appointment and responsibilities

(a) The facility shall appoint a consultant or staff dentist who shall be responsible for, but not limited to, the following:

1. Developing and implementing written dental service and oral hygiene policies and procedures for the care of patients; and

2. Providing staff education for nursing and other personnel in implementing the dental service and oral hygiene policies and procedures.

8:39-14.3 Facility's responsibilities

The facility shall ensure that arrangements are made for transportation for routine and emergency dental services.

8:39-14.4 Dentist's provision of treatment

The dentist who examines the patient shall be able to provide treatment, unless the examination indicates that a specialist is needed.

8:39-14.5 Consultant's or staff dentist's documentation in medical record

(a) The consultant or staff dentist shall enter in the patient's medical record:

1. An admission record of the patient's dental status, entered within 180 days after admission; and

2. Records of dental care provided.

SUBCHAPTER 15. LABORATORY, RADIOLOGICAL, AND DIAGNOSTIC SERVICES

8:39-15.1 Services

(a) The facility shall provide laboratory, radiological, and diagnostic services directly, or through written agreement with facilities licensed or approved by the Department to provide such services.

(b) The facility shall establish written policies to ensure that its patients receive laboratory, radiological, and diagnostic services ordered by the patient's physician.

(c) If a facility provides these services, it shall comply with all Federal and State laws and regulations.

(d) Results of laboratory, radiological, and diagnostic services shall be reported in writing to the patient's physician ordering these services.

(e) Signed and dated reports of these services shall be entered in the patient's medical record.

(f) The facility shall ensure that arrangements are made for transportation of patients and for the transfer of patient information to and from these services.

## SUBCHAPTER 16. PATIENT RIGHTS

### 8:39-16.1 Policies and procedures

(a) The facility shall establish written policies regarding the rights and responsibilities of patients and shall be responsible for developing and adhering to procedures implementing such policies. These policies and procedures shall be available to patients, staff, and the public and shall be conspicuously posted in the facility.

(b) The staff of the facility shall be trained to implement these policies and procedures, as specified in the staff orientation and staff education plans.

(c) The facility shall comply with all applicable State and Federal statutes, rules, and regulations concerning patient rights, including N.J.S.A. 30:13-1 et seq., P.L. 1976, Chapter 120, and this chapter;

(d) Patient rights, policies, and procedures shall ensure that, as a minimum, each patient admitted to the facility:

1. Is informed of these rights, as evidenced by his/her written acknowledgment, and is given a statement of these rights and of the facility's rules and regulations, and an explanation of the patient's responsibility to obey all regulations of the facility and to respect the personal rights and private property of other patients;

2. Is informed, and is given a written statement prior to or at the time of admission and during stay, of services available in the facility, of the names, professional status, and relationships of the staff members responsible for his/her care, and of related charges, including any charges for services not covered by sources of third-party payment or not covered by the facility's basic per diem rate. This statement shall include the payment, fee, deposit, and refund policy of the facility;

3. Is allowed to retain the services of his/her physician at his/her own expense or under a third-party payment system; is assured of medical care; is informed by a physician of his/her complete and current medical condition unless medically contraindicated (as documented, by a physician, in the patient's medical record), in which case the physician shall inform the patient's next of kin and/or sponsor and/or guardian; is afforded the opportunity to participate in the planning of his/her care and treatment; to refuse medication and treatment after being informed of and understanding the consequences of such actions, and to refuse to participate in experimental research (but if he/she chooses to participate, his/her informed written consent shall be obtained);

4. Is transferred or discharged only for medical reasons or for his/her welfare or that of other patients, upon the written order of the patient's physician, or for non-payment for the patient's stay (except as prohibited by sources of third-party payment), and such actions are documented in the patient's medical record, except in an emergency situation, in which case the administrator shall notify the physician and the next of kin and/or sponsor and/or guardian immediately, and record the reason for the transfer in the patient's medical record. If a transfer or discharge on a nonemergency basis is requested by the facility, the patient, or in the case of an adjudicated mentally incompetent patient, the next of kin and/or sponsor and/or guardian, shall be given at least 30 days advance notice of such transfer or discharge;

5. Is encouraged and assisted, throughout the period of stay, to exercise rights as a patient and as a citizen, and to this end may voice grievances on behalf of him/herself or others, has a right to action for damages or other relief for deprivations or infringements

of the right to treatment and care established by any applicable statute, rule, regulation, or contract, and has the right to recommend changes in policies and services to facility personnel and/or to outside representatives of the patient's choice, free from restraint, interference, coercion, discrimination, or reprisal. The administrator shall provide all patients and/or next of kin and/or sponsors and/or guardians with the name, address, and telephone numbers of the following offices where complaints may be lodged:

Division of Health Facilities Evaluation  
New Jersey State Department of Health  
CN 367  
Trenton, NJ 08625  
Telephone: (800)792-9770; and

Ombudsman for the Institutionalized  
Elderly  
28 West State Street  
Trenton, NJ 08608  
Telephone: (800) 792-8820

i. The above telephone numbers shall be conspicuously posted in the facility at every public telephone and on all bulletin boards used for posting public notices.

6. Is free from mental and physical abuse, and free from chemical and physical restraints, except those restraints authorized by a physician for a specified and limited period of time or in an emergency (see N.J.A.C. 8:39-6.2(c)16). Drugs and other medications shall not be used for punishment, for convenience of facility personnel, or in quantities that interfere with a patient's rehabilitation or living activities;

7. Is assured security in storing personal possessions and confidential treatment of his/her personal and medical records, and shall approve or refuse their release to any individual outside the facility, except in the case of the patient's transfer to another health care facility, or as required by law or third-party payment contract;

8. Is treated with consideration, respect, and full recognition of his/her dignity, individuality, and right to privacy, including, but not limited to, privacy concerning his/her treatment and condition and the care of his/her personal needs. Privacy of the patient's body shall be maintained during, but not be limited to, toileting, bathing, and other activities of personal hygiene, except as needed for patient safety or assistance. Provision shall be made for cubicle curtains around each bed in multibedded patient rooms;

9. Is not required to perform services for the facility;

10. May associate and communicate privately with persons of his/her choice, may join with other patients or individuals within or outside the facility to work for improvements in patient care, may send and receive personal mail unopened, and, upon his/her request, shall be given assistance in the reading and writing of correspondence. The facility shall, with the consent of the patient being visited, permit citizens, representatives of legal services programs, employees of the Office of the Public Advocate, and employees and volunteers of the Office of the Ombudsman for the Institutionalized Elderly in the Department of Community Affairs, full and free access at a reasonable hour to the facility in order to visit with, and make personal, social, and legal services available to, all patients;

11. May participate in facility activities, and meet with, and participate in activities of, social, religious, and community groups at his/her discretion. Arrangements shall be made, at the patient's expense, for attendance at religious services of his/her choice, when requested;

12. Is allowed to leave the facility during the day if his/her physician so approves and so indicates in the patient's medical record. A signout sheet shall record the patient's whereabouts at these times. Special arrangements between a patient and the facility shall be made in advance for overnight or longer stays away from the facility;

13. May retain and use personal clothing and possessions as space permits, unless to do so would infringe upon rights of other patients.

If the patient has property on deposit with the facility, he/she shall have daily access to such property during specific periods established by the facility, and at a reasonable hour;

14. Has opportunity for interaction with members of either sex; if married, is assured privacy for visits by his/her spouse; if both spouses are patients in the facility, they shall be permitted to share a room unless medically contraindicated (as documented, by a physician, in the patient's medical record);

15. Is allowed, or his/her next of kin and/or sponsor and/or guardian is allowed, to manage the patient's personal financial affairs, or is given at least a quarterly written statement of financial transactions made on his/her behalf should the facility accept his/her written delegation of this responsibility. The written delegation of responsibility shall be reviewed annually and witnessed by a person who is unconnected with the facility, its operations, and its personnel, and shall be included in the patient's medical record. The financial statement shall account for all the patient's property on deposit at the beginning of the quarter, all deposits and withdrawals transacted during the quarter (substantiated by receipts given to the patient or his/her next of kin and/or sponsor and/or guardian), and the property on deposit at the end of the quarter;

16. Is allowed daily visiting hours at a reasonable hour and, if critically ill, is allowed visits from his/her next of kin and/or sponsor and/or guardian at any time, unless medically contraindicated (as documented, by a physician, in the patient's medical record). The facility shall conspicuously post that visiting hours are from 8:00 A.M. to 8:00 P.M. daily. Members of the clergy shall be notified by the facility at the patient's request, and shall be admitted at the request of the patient and/or next of kin and/or sponsor and/or guardian at any time. Privacy shall be ensured for visits with family, friends, clergy, social workers, or for professional or business purposes;

17. Is allowed unaccompanied access to telephones at a reasonable hour, both to make and to receive confidential calls, and has the right to a private phone at his/her expense;

18. Is not required to go to bed before the end of visiting hours, unless ordered by a physician and documented in the patient's medical record;

19. Is assured of exercising civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any patient or facility. Knowledge of available choices shall not be infringed and the facility shall encourage and assist in the exercise of these rights;

20. Is not the object of discrimination with respect to participation in recreational activities, meals, or other social functions because of age, race, religion, sex, or nationality. The patient's participation may be restricted or prohibited if recommended by the patient's physician in the patient's medical record, and consented to by the patient;

21. Is not deprived of any constitutional, civil, and/or legal rights solely by reason of admission to the facility; and

22. Is allowed to discharge him/herself from the facility upon presentation of a written release and, if the patient is an adjudicated mental incompetent, upon the written consent of his/her next of kin and/or sponsor and/or guardian. In such a case, the facility is free from any responsibility for the patient upon his/her discharge.

#### SUBCHAPTER 17. MEDICAL RECORDS

##### 8:39-17.1 Maintenance of medical records

(a) The facility shall maintain a medical record for each patient, filed in the area in which the patient is located, and containing documentation of all services provided.

(b) The facility shall maintain the organization, management, and operation of these services in accordance with a written organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the service to other services.

##### 8:42B-17.2 Assignment of responsibility

The facility shall assign supervisory responsibility for the medical record service to a full-time employee, who, if not a medical record practitioner, functions with consultation from a person so qualified.

##### 8:39-17.3 Medical records

(a) The complete patient medical record shall include, but not be limited to, the following:

1. Patient identification data, including name, date of admission, address, date of birth, race and religion (optional), sex, payment plan, marital status, and the name, address, and telephone number of the patient's next of kin and/or sponsor and/or guardian;
  2. Name, address, and telephone number of the patient's physician and designated alternate(s);
  3. The patient's signed acknowledgement that he/she has been informed of and given a copy of patient rights and responsibilities;
  4. A summary of the admission interview;
  5. A physician's signed, dated admission and medical history, and report of physical examination, including patient's weight upon admission;
  6. A patient treatment plan, including the medical care plan which is the medical portion of the patient treatment plan, signed and dated by the physician, including frequency and modality of rehabilitation therapy;
  7. Clinical notes;
  8. Progress notes;
  9. A pharmacist consultation sheet;
  10. A care plan for each service providing care to the patient;
  11. A social service assessment;
  12. A record of medications administered, including the name and strength of the drug, date and time of administration, dosage administered, method of administration, and signature of the person administering the drug;
  13. A record of self-administered medications, if the patient self-administers medications, in accordance with the facility's policies and procedures;
  14. Reports of laboratory, radiological, and diagnostic services;
  15. Reports of accidents and incidents;
  16. A record of any treatment, medication, or service, including a physician's visit, refused by the patient;
  17. Summaries of all referrals and services provided at other health care facilities, and documentation of follow-up;
  18. The quarterly financial statement, the written delegation of responsibility (if any), and a record of the clothing, personal effects, valuables, funds, and other property deposited by the patient with the facility for safekeeping, signed by the patient and his/her next of kin and/or sponsor and/or guardian, and substantiated by receipts given to the patient, his/her next of kin and/or sponsor and/or guardian;
  19. Reports of podiatric services, eye examinations, dental services, including dental admission records, and auditory testing, if provided;
  20. Summaries of conferences and consultations;
  21. Documentation of any medication released to the patient upon discharge;
  22. Any signed consent forms;
  23. The discharge plan (which may be documented in the patient treatment plan); and
  24. The discharge summary, including the patient's name, address, dates of admission and discharge, and a summary of the treatment and medication provided during the patient's stay, in accordance with N.J.S.A. 26:8-5 et seq.
- (b) A unit record system shall be maintained, in which the patient's completed medical record is filed as one unit, in one location within the facility.
- (c) All initial and subsequent orders for treatment, medication, and diet shall be prescribed in writing and signed and dated by the prescriber, in accordance with the laws of the State of New Jersey.
  - (d) All entries contained in the patient medical record shall be

typewritten or written in ink, legible, and signed and dated by the person documenting them.

(e) All medical records shall be preserved in accordance with N.J.S.A. 26:8-5 et seq.

(f) All records shall be kept confidential in accordance with applicable rules and regulations. The written consent of the patient shall be obtained for release of medical record information.

(g) The patient's medical record shall be completed within 30 days of the patient's discharge.

#### 8:39-17.4 Access to medical records

(a) The facility shall develop and implement written policies and procedures, approved by the Department, governing the availability, release, and/or provision of copies of the patient's medical record to the patient and/or the patient's authorized representative. The written policies and procedures shall include, but not be limited to, the following:

1. Protection of medical record information against loss, destruction, or unauthorized use;

2. Establishment of a fee schedule for obtaining copies of the patient's medical record;

3. Definition of the business hours during which the patient has access to his/her medical record;

4. Availability of the patient's medical record to the patient's authorized representative if it is medically contraindicated (as documented, by a physician, in the patient's medical record) for the patient to have access to or obtain copies of the record; and

5. Procedures to ensure that the patient's medical record is provided within 30 calendar days of the written request.

#### 8:39-17.5 Transfer of medical records

Upon transfer of a patient to another health care facility, a copy, summary, or abstract of the patient's medical record, with the patient's written consent, shall be provided to the receiving facility within 24 hours of the transfer. If permission is denied, a copy of the written denial shall be kept in the patient's medical record at the facility. If the patient refuses to sign the denial of permission, a witnessed, written statement by a staff member indicating such shall be included in the patient's medical record.

#### 8:39-17.6 Storage and retrieval of medical records

If the facility plans to cease operations, it shall notify the Department in writing, at least 14 days before cessation of operation, of the location where medical records shall be stored and of the methods of retrieval of medical records.

### SUBCHAPTER 18. PATIENT CARE STATISTICS

#### 8:39-18.1 Records

(a) The facility shall maintain the following written records in a place, form, and system approved by the Department:

1. An admission/discharge register consisting of a daily chronological listing of patients admitted and discharged, including name of patient, age, sex, date of birth, diagnosis, place from which patient is admitted or transferred (for admissions), and place to which patient is discharged or transferred (for discharges); and

2. A daily census record indicating total admissions, total discharges, and total deaths, with cumulative figures for each month and each year.

(b) The facility shall submit a completed questionnaire entitled "Long-Term Care Facilities Statistical Report," supplied by the Department. The questionnaire is to be submitted annually during the month of July.

### SUBCHAPTER 19. DISCHARGE PLANNING

#### 8:39-19.1 Facility's responsibilities

The facility shall establish and implement a discharge planning program.

#### 8:39-19.2 Discharge planning committee; policies and procedures

(a) A discharge planning committee appointed by the administrator shall develop written discharge planning objectives, policies and procedures, approved by the Department, which shall describe:

1. The functions of the person or persons responsible for discharge planning and his/her or their authority;

2. The time period, not to exceed seven days following admission, in which each patient's need for discharge planning is determined. The anticipated length of stay and potential discharge problems shall be documented in each patient's medical record;

3. The time period that may elapse before a reevaluation of each patient's discharge plan is made. If the patient is expected to remain in the facility for life, this determination shall be reviewed annually;

4. The manner in which the facility shall utilize a multidisciplinary team approach in discharge planning, including the patient and his/her next of kin and/or sponsor and/or guardian. The social work consultant shall be available in facilities of 46 or more beds; and

5. The methods used to involve the patient and his/her next of kin and/or sponsor and/or guardian in discharge planning.

#### 8:39-19.3 Discharge planning program; designation and responsibilities

(a) A person or persons designated by the administrator shall develop, implement, and maintain the discharge planning program. He/she or they shall be responsible for, but not limited to, performing and documenting the following:

1. Interviewing each patient upon admission and reviewing his/her medical record for possible discharge problems;

2. Evaluating needs and developing discharge planning goals for each patient;

3. Developing the patient's discharge plan, in collaboration with the patient's physician, the multidisciplinary team and other personnel involved in the patient's care;

4. Making referrals to agencies involved in follow-up care;

5. Coordinating services within the facility and with outside agencies to ensure continuity of care; and

6. Developing a staff education program on discharge planning which shall include, but not be limited to, orientation of each new employee involved in patient care to the objectives and functions of discharge planning, and to the role of the staff.

#### 8:39-19.4 Discharge planning; education and involvement

(a) Education and involvement of the patient and his/her next of kin and/or sponsor and/or guardian in discharge planning shall be directed toward:

1. Understanding illness, disability, and needed treatment;

2. Management of finances, if requested by the patient, next of kin and/or sponsor and/or guardian;

3. Implementation of self-care and treatment measures following discharge; and

4. Understanding reasons for transfer to another facility or home.

#### 8:39-19.5 Discharge planning program; evaluation

(a) The discharge planning committee shall annually evaluate in writing the discharge planning program. The evaluation shall describe the effect of the program upon patients, personnel, the facility, and costs, and the status of the program in meeting discharge planning objectives.

(b) Evaluation shall be performed both retrospectively (assessment of patients who have been discharged) and concurrently (assessment of patients currently in the facility).

### SUBCHAPTER 20. EVALUATION

#### 8:39-20.1 Evaluation plan

The facility shall develop, and annually review, a written plan, approved by the Department, for the audit and evaluation of patient

care. The plan shall specify a timetable and the staff responsible for the audit and evaluation process, and shall provide for ongoing monitoring of staff and program activities and for audit of patient medical records.

#### 8:39-20.2 Evaluation committee's responsibilities

(a) A multidisciplinary evaluation committee shall be appointed by, and accountable to, the governing authority. The committee shall be responsible for, but not limited to, the following:

1. Annual review of staff qualifications;
2. Annual review of patient care statistics;
3. Annual review of staff orientation and staff education plans;
4. Evaluation of the delivery of care and services, staffing patterns, maintenance of physical plant and equipment, and reports of infection control; and
5. Audit of patient medical records on an ongoing basis by:
  - i. Establishment of goals, objectives, and criteria for evaluating each service providing patient care;
  - ii. Review of patient medical records for their conformity to established criteria; and
  - iii. Recording of deficiencies found and recommendations for correction or improvements.

(b) Based upon the findings of evaluation, audit, and review, the evaluation committee shall annually select for study at least one topic related to patient care or facility operation. At least one such medical care evaluation study shall be completed each year.

(c) Reports of the activities of all committees in the facility shall be made available to the evaluation committee.

(d) The evaluation committee shall prepare at least an annual written report of its findings, including recommendations for corrections or improvements, which shall be submitted to the governing authority.

(e) The administrator shall, with the approval of the governing authority, implement measures to ensure that corrections or improvements are made.

### SUBCHAPTER 21. INFECTION PREVENTION AND CONTROL

#### 8:39-21.1 Infection prevention and control program

The facility shall establish and implement an infection prevention and control program. The administrator shall ensure the development, implementation, and enforcement of the program.

#### 8:39-21.2 Policies and procedures

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

1. A definition of nosocomial infections;
2. In accordance with the New Jersey State Sanitary Code, a system for investigating, reporting, evaluating, and maintaining records for patients and personnel having infections or diseases which are reportable or which may be related to activities and procedures of the facility;
  - i. Reportable and other diseases shall be reported in accordance with N.J.A.C. 8:57-1, and amendments thereto.
3. Policies and procedures for exclusion from work, and authorization to return to work, of staff with communicable diseases;
4. Cleaning, disinfection, and sterilization practices and techniques used in the facility, including, but not limited to, the following:
  - i. Care of utensils, instruments, solutions, dressings, articles, and surfaces;
  - ii. Techniques to be used during each patient contact, including handwashing before and after caring for a patient;
  - iii. Criteria for isolation of patients, and isolation procedures;
  - iv. Procedures for care of urinary catheters, intravenous catheters, respiratory therapy equipment, and other devices that provide a portal of entry for pathogenic microorganisms;

v. A regimen for the prevention and treatment of decubitus ulcers;

vi. Selection, storage, use, and disposition of disposable and nondisposable patient care items. Disposable items shall not be reused; and

vii. Selection, storage, use, and disposition of hypodermic needles and syringes, in accordance with N.J.S.A. 2A:170-25.17.

(b) Each service in the facility shall develop written infection control policies and procedures for that service, using the policies and procedures developed by the facility.

#### 8:39-21.3 Orientation and inservice education

All employees shall receive orientation at the time of employment and continuing inservice education regarding the infection prevention and control program, including employees' responsibility for the program and for personal hygiene.

#### 8:39-21.4 Inspection reports

Written reports of State and local sanitary inspections, including cultures taken on food, equipment, and personnel, shall be submitted to the administrator for evaluation and corrective action.

### SUBCHAPTER 22. HOUSEKEEPING, SANITATION, AND SAFETY

#### 8:39-22.1 Services; policies and procedures

(a) The facility shall establish and implement written policies and procedures, approved by the Department, regarding the provision and maintenance of a sanitary and safe environment, including, but not limited to, the provision of housekeeping, laundry, and pest control services, directly or through written agreement. The governing authority shall perform a documented review at least annually of the policies and procedures.

(b) The facility shall maintain the organization, management, and operation of these services in accordance with a written organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the service to other services.

(c) If services are provided through written agreement, the services shall adhere to these standards.

#### 8:39-22.2 Administrator's responsibilities

- (a) The administrator or his/her designee shall ensure that:
1. A written work plan for housekeeping operations is developed, with categorization as to daily, weekly, monthly, or annual cleaning assignments for each area of the facility;
  2. All housekeeping personnel are assigned duties, supervised, and evaluated;
  3. Housekeeping personnel are trained in procedures of cleaning, including the use, cleaning, and care of equipment;
  4. Procedures are developed for selection and use of housekeeping and cleaning products and equipment; and
  5. Housekeeping services are evaluated.

#### 8:39-22.3 Facility's responsibilities

(a) The facility shall comply with the provisions of the New Jersey State Sanitary Code and with the following:

1. The facility and its contents shall be free from dust, dirt, and debris;
2. Nonskid wax shall be used on all waxed floors;
3. All rooms shall be ventilated to help prevent condensation, mold growth, and noxious odors;
4. All patient areas shall be free of noxious odors;
5. Throw rugs or scatter rugs shall not be used in the facility;
6. All furnishings and mechanical equipment shall be in working order. Equipment shall be kept covered to protect from contamination, and accessible for cleaning and inspection. Broken items shall be repaired promptly;
7. All equipment shall have unobstructed space provided for operation;

8. All equipment and materials necessary for cleaning, disinfection, and sterilization shall be provided;

9. Thermometers shall be maintained in refrigerators, freezers, and storerooms used for perishable and other items subject to deterioration;

10. All poisonous and toxic materials shall be identified, labeled, and stored in a locked cabinet or room that is used for no other purpose;

11. Pesticides shall be applied in accordance with the New Jersey State Pesticide Control Regulations, N.J.A.C. 7:30;

12. Articles in storage shall be elevated from the floor and away from the walls to facilitate cleaning and vermin control and eliminate rodent harborages;

13. Unobstructed aisles shall be provided between articles in storage;

14. A program shall be maintained to keep rodents, insects, vermin, birds, dust, and contamination out of the facility;

15. Insect and rodent harborages shall be eliminated from the facility;

16. Toilet tissue, soap, and towels or air dryers shall be provided in each bathroom at all times;

17. Solid or liquid waste, garbage, and trash shall be disposed of or stored in a manner approved by the Department and by the New Jersey State Department of Environmental Protection and so as to prevent fire, contamination, or transmission of disease. Solid waste shall be stored in insectproof, rodentproof, fireproof, non-absorbent, watertight containers with tightfitting covers;

18. Draperies, upholstery, and other fabrics or decorations shall be fire-resistant and flameproof;

19. Wastebaskets and ashtrays shall be made of non-combustible materials;

20. Combustible materials shall not be stored in heater rooms or within 18 feet of any heater located in an open basement;

21. Paints, varnishes, lacquers, thinners, and all other flammable materials shall be stored in closed metal cabinets or containers;

22. The temperature of the hot water supply shall be regulated and shall not exceed 110°F. (43°C.), except as specified in the New Jersey State Sanitary Code for dishwashing purposes; and

23. The temperature within the facility shall be kept at a minimum of 72°F. (22°C.) during the day and at a minimum of 68°F. (20°C.) at night. "Day" shall mean the time between sunrise and sunset.

#### 8:39-22.4 Linen and laundry services; policies and procedures

(a) The facility shall establish and implement written policies and procedures, approved by the Department, for linen and laundry services, including methods of storage and transportation, including, but not limited to, the following:

1. Arrangements for the storage and laundering of linen and personal laundry, as defined in the facility's policies. Such policies shall not interfere with the patient's right to personal choice regarding dress;

2. The frequency of laundering linen and personal laundry;

3. The frequency of changing bed linen, towels, and washcloths;

4. Provision for a supply of linen, including at least sheets, pillow cases, draw sheets (or their alternative), towels, and washcloths, that is three times the census, so that at least one set of the clean linens remains available for each patient.

i. Written policies shall delineate the kinds and quantity of other linen items to be allocated to each patient; and

ii. Latex foam pillows shall be prohibited.

#### 8:39-22.5 Staff responsibilities

(a) The administrator shall designate a staff member who shall ensure that:

1. Soiled linen and laundry are collected so as to avoid microbial dissemination into the environment, and are placed in impervious bags or containers that are closed at the site of collection. Separate containers shall be used for transporting clean linen and laundry, and for soiled linen and laundry;

2. Soiled linen and laundry are stored in a ventilated area separate from any other supplies, and are not stored, sorted, rinsed, or laundered in patient rooms, bathrooms, areas of food preparation and/or storage, or areas in which clean linen, material, and/or equipment are stored;

3. Laundering facilities located in the facility are separate from the clean linen processing area, patient rooms, bathrooms, areas of food preparation and/or storage, and areas in which clean linen, material, and/or equipment are stored. Such facilities shall be under the supervision of an employee; and

4. Clean linen is protected from contamination during processing, transporting, and storage.

### SUBCHAPTER 23. EMERGENCY SERVICES AND PROCEDURES

#### 8:39-23.1 Emergency plan and procedures

(a) The facility shall have a written emergency plan which shall include plans and procedures to be followed in case of medical emergencies, equipment breakdown, fire, or other disaster. The plan shall be developed with the assistance of fire and safety experts from local municipalities.

(b) Procedures for emergencies shall specify persons to be notified, locations of emergency equipment and alarm signals, evacuation routes, procedures for evacuating patients, frequency of fire drills, and tasks and responsibilities assigned to all personnel.

(c) The facility shall have a written plan for procuring water during an emergency.

(d) The emergency plans and all emergency procedures shall be posted throughout the facility.

#### 8:39-23.2 Simulated drills; alarm and fire extinguisher tests

(a) Simulated drills of all plans shall be conducted on each shift at least four times a year and a record written of each drill, including the date, hour, description of the drill, participating staff, and signature of the person in charge. The drills shall include at least these types of emergencies:

1. Medical emergency;

2. Equipment failure or power loss; and

3. Fire and other disaster (storm, flood, other natural disaster, bomb scare, or nuclear accident).

(b) The facility shall test at least one manual pull alarm each week of the year, and maintain a written log showing test dates, location of each manual pull alarm tested, persons testing the alarm, and its condition.

(c) Fire extinguishers shall be examined annually and maintained in accordance with manufacturers' and National Fire Protection Association (N.F.P.A.) requirements.

#### 8:39-23.3 Emergency medical services

(a) The facility shall provide emergency medical services 24 hours a day. To this end:

1. The facility shall maintain, as a minimum, the following emergency equipment on each floor:

i. Oxygen;

ii. Splints;

iii. Scissors;

iv. Syringes;

v. Multi-sized catheters;

vi. Suction equipment with catheter tip;

vii. Needles; and

viii. Airway.

2. The facility shall maintain at least one cardiac arrest board and bag-valve-mask-resuscitator; and

3. Personnel shall be instructed as to the location and use of all emergency medications and equipment.

## SUBCHAPTER 24. CONSTRUCTION

## 8:39-24.1 Standards for construction

(a) Standards for construction of new buildings, additions, alterations, and renovations to existing buildings shall be in accordance with the New Jersey State Uniform Construction Code (N.J.A.C. 5:23) and standards imposed by the United States Department of Health and Human Services (HHS), the New Jersey State Department of Health, and the New Jersey State Department of Community Affairs, specifically, Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities, DHEW Publication No. (HRA) 79-14500. In order to avoid conflict, Sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, Article 7 except Sections 712.0, 716.0, and 717.0, and Article 8 except Sections 818.6 through 818.7.6 of the building subcode of the New Jersey State Uniform Construction Code shall not govern with respect to health care facilities. (HRA) 79-14500 shall serve as the Uniform Construction Code of the State in all matters regulated by the sections specified in this standard.<sup>1</sup> Copies of these publications may be reviewed at:

Health Facilities Construction and  
Monitoring Program  
Division of Health Planning and  
Resources Development  
New Jersey State Department of Health  
Health-Agriculture Building  
John Fitch Plaza  
CN 360  
Trenton, NJ 08625

(b) All patient bedrooms in facilities constructed after the adoption of these standards shall be equipped with a comprehensive smoke detection system connected to the central alarm system.

<sup>1</sup>DHEW Publication No. (HRA) 79-14500 may be obtained from the United States Government Printing Office, Washington, D.C.

## SUBCHAPTER 25. ADDITIONAL REQUIREMENTS

## 8:39-25.1 Standards for existing buildings or major alterations

(a) Standards for existing buildings or major alterations constructed after July 1, 1979, shall be in accordance with the New Jersey State Uniform Construction Code (N.J.A.C. 5:23) and standards imposed by the United States Department of Health and Human Services (HHS), the New Jersey State Department of Health, and the New Jersey State Department of Community Affairs, specifically, Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities, DHEW Publication No. (HRA) 79-14500. In order to avoid conflict, Sections 502 (except as it pertains to area limitations), 1702.7, 1716.0, Article 7 except Sections 712.0, 716.0, and 717.0, and Article 8 except Sections 818.6 through 818.7.6 of the building subcode of the New Jersey State Uniform Construction Code shall not govern with respect to health care facilities. (HRA) 79-14500 shall serve as the Uniform Construction Code of the State in all matters regulated by the sections specified in this standard.

(b) Standards for existing buildings or major alterations constructed from August 1, 1977, through July 1, 1979, shall be in accordance with the New Jersey State Uniform Construction Code (N.J.A.C. 5:23) and the standards imposed by the United States Department of Health and Human Services (HHS), the New Jersey State Department of Health, and the New Jersey State Department of Community Affairs, specifically, Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities, DHEW Publication No. (HRA) 74-4000. In order to avoid conflict, Sections 302 (except as it pertains to area

limitations), 1202.7, 1216.0, Article 5 except Sections 513.0, 519.0, and 520.0, and Article 6 except Sections 618.7 through 618.9.3 of the building subcode of the New Jersey State Uniform Construction Code shall not govern with respect to health care facilities. (HRA) 74-4000 shall serve as the Uniform Construction Code of the State in all matters regulated by the sections specified in this standard.

(c) Standards for existing buildings or major alterations constructed after September, 1974, to August 1, 1977, shall conform to the United States Public Health Service Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities, DHEW Publication No. (HRA) 74-4000, and the New Jersey Supplementary Standards to these requirements, dated April 22, 1968, with the following change:

1. There shall be a minimum of one single-bedded room, equipped with private bath and toilet, for every 30 beds licensed in the facility. (Two single-bedded rooms would be required for 31 through 60 beds, and so forth.)

(d) Standards for existing buildings or major alterations constructed before September, 1974, shall conform to the United States Public Health Service Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities (930-A-7) and the New Jersey Supplementary Standards to this regulation, dated April 22, 1968.

## 8:39-25.2 Fire protection measures

(a) Fire protection measures for facilities existing prior to June 1, 1976, shall comply with applicable sections of NFPA (National Fire Protection Association) Standard No. 101, Life Safety Code, 1967 Edition.<sup>1</sup>

(b) Effective June 1, 1976, to December 31, 1982, all new facilities or additions shall comply with NFPA Standard No. 101, Life Safety Code, 1973 Edition.<sup>1</sup>

(c) Effective January 1, 1983, all new facilities or additions shall comply with NFPA Standard No. 101, Life Safety Code, 1981 Edition.<sup>1</sup>

(d) An existing facility which undergoes major alterations shall comply with NFPA Standard No. 101, Life Safety Code, 1981 Edition.<sup>1</sup>

(e) If the main entrance door, the back entrance door, and/or doors opening onto roofs and balconies are self-locking, such doors shall have a sounding device, such as a bell, buzzer, or chimes, which is in operating condition. This sounding device shall be affixed to the outside of the door or to the adjacent exterior wall and shall be audible to a nursing station or other area that is staffed 24 hours a day, seven days a week, for use in the event that a person is unable to enter the building.

(f) All patient bedrooms shall be equipped with a smoke detector.

(g) Copies of the publications listed above and in N.J.A.C. 8:39-25 can be reviewed at:

Health Facilities Construction and  
Monitoring Program  
Division of Health Planning and  
Resources Development  
New Jersey State Department of Health  
Health-Agriculture Building  
John Fitch Plaza  
CN 360  
Trenton, NJ 08625

<sup>1</sup>Editions of the Life Safety Code may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts.

## 8:39-25.3 Documentation of inspections

(a) The facility shall maintain on file written documentation of:

1. Annual inspection of the facility by the local fire authority;
2. Semi-annual inspection of the fire detection system by the installing company or a company approved by the Department;

3. Annual inspection of the elevator(s) by the local authority responsible for such inspection. If no local authority is responsible, the installing company or a company approved by the Department shall perform the inspection;

4. Annual inspection of boiler and generator systems by a boilermaker or mechanic not on the staff of the facility; and

5. Annual inspection of the electrical circuits and wiring by a licensed electrician with documentation of the following:

i. That all electrical circuits, wiring, and fixtures are in satisfactory condition;

ii. That no electrical circuits are overloaded; and

iii. That all portable electrical appliances, including lamps, are provided with heavy duty cords in satisfactory condition and have Underwriters' Laboratories, Inc. (U.L.) approval.

#### SUBCHAPTER 26. FACILITIES OF 45 OR FEWER BEDS

##### 8:39-26.1 Standards' modifications

(a) The following modifications of this manual have been made for facilities of 45 or fewer beds:

1. Definition of "Nursing unit": See N.J.A.C. 8:39-1;

2. Definition of "Patient activities coordinator," (N.J.A.C. 8:39-1, paragraph 3) is revised as follows: Has a high school diploma or equivalency certificate, and has completed at least 36 hours of classroom training, approved by the Department, in activities programming;

3. N.J.A.C. 8:39-4.1(a)10 is exempted;

4. N.J.A.C. 8:39-6.2(c)6ii is exempted; however, the facility shall establish written policies and procedures for an alternative method;

5. N.J.A.C. 8:39-7.1 and 7.2 are exempted;

6. N.J.A.C. 8:39-8.1(d) is modified as follows: There shall be at least one registered professional nurse on the day shift seven days a week. Facilities of 45 or fewer beds shall have the option of scheduling at least one registered professional nurse on a shift other than the day shift in accordance with an alternate schedule approved by the Department;

7. N.J.A.C. 8:39-9.2(a) is revised to allow the patient care policy committee to serve as the pharmacy and therapeutics committee and to require a meeting at least annually;

8. N.J.A.C. 8:39-10.2 is revised to require at least four hours of consultation per month from a consultant dietitian;

9. N.J.A.C. 8:39-12.2 is exempted;

10. N.J.A.C. 8:39-12.3(a) and 12.4(a) are revised to allow the administrator or his/her designee to be responsible for N.J.A.C. 8:39-12.3(a) 1 through 13 and N.J.A.C. 8:39-12.4(a) 1 through 4, rather than the social worker or social work designee;

11. N.J.A.C. 8:39-17.2 is exempted;

12. N.J.A.C. 8:39-19.2(a) is revised to allow the patient care policy committee to serve as the discharge planning committee; and

13. N.J.A.C. 8:39-20.2(a) is revised to allow the patient care policy committee to serve as the multidisciplinary evaluation committee.

APPENDIX

MINIMUM WEEKLY NURSING HOURS REQUIRED

Regardless of the figures below, the following minimum totals\* shall be met for Long-Term

Care Facilities

*Min. Total	S N F					I C F - A					I C F - B		
	Total	Total	Min.	Total	Total	Min.	Total	Total	Min.	Total	Min.	Total	
	Hrs.	Lic.	RN	LPN	Other	Hrs.	Lic.	RN	LPN	Other	Hrs.	Lic.	Other
1.	336	168	56	112	168	336	168	56	112	168	336	168	168
2.	19	3	2	1	16	18	3	2	1	15	9	2	17
3.	39	7	5	2	32	35	6	5	1	29	18	4	14
4.	58	10	7	3	48	52	9	7	2	43	26	5	21
5.	77	13	10	3	64	70	12	9	3	58	35	7	28
6.	96	16	12	4	80	88	15	11	4	73	44	9	35
7.	116	19	14	5	97	105	18	13	5	87	53	10	43
8.	135	23	17	6	112	123	20	15	5	103	61	12	49
9.	154	26	19	7	128	140	23	17	6	117	70	14	56
10.	173	29	22	7	144	157	26	19	7	131	79	16	63
11.	193	32	24	8	161	175	29	22	7	146	88	18	70
12.	212	35	26	9	177	193	32	24	8	161	96	19	77
13.	231	39	29	10	192	210	35	26	9	175	105	21	84
14.	250	42	31	11	208	228	38	28	10	190	114	23	91
15.	270	45	33	12	225	245	41	31	10	204	123	25	98
16.	289	48	36	12	241	266	44	33	11	222	131	26	105
17.	308	51	38	13	257	281	47	35	12	234	140	28	112
18.	327	55	41	14	272	298	50	37	13	248	147	29	118
19.	347	58	43	15	289	315	53	40	13	262	158	32	126
20.	366	61	45	16	305	333	56	42	14	277	166	33	133
21.	385	64	48	16	321	350	59	44	15	291	175	35	140
22.	404	67	50	17	337	368	62	46	16	306	184	37	147
23.	424	71	53	18	353	381	65	49	16	316	193	39	154
24.	443	74	55	19	369	403	68	51	17	335	201	40	161
25.	462	77	57	20	385	420	71	53	18	349	210	42	168
26.	481	80	60	20	401	438	74	55	19	364	219	44	175
27.	501	84	63	21	417	455	77	58	19	378	228	46	182
28.	520	87	65	22	433	473	80	60	20	393	236	47	189
29.	539	90	67	23	449	490	83	62	21	407	245	49	196
30.	558	93	69	24	465	508	86	64	22	422	254	51	203
31.	578	96	72	24	482	525	88	66	22	437	263	53	210
32.	597	100	75	25	497	543	91	68	23	452	271	54	217
33.	616	103	77	26	513	560	93	70	23	467	280	56	224
34.	635	105	78	27	530	578	96	72	24	482	289	58	231
35.	655	109	82	27	546	595	99	74	25	498	298	60	238
36.	674	112	84	28	562	613	102	76	26	511	306	61	245
37.	693	116	87	29	577	630	105	79	26	525	315	63	252
38.	712	119	89	30	593	648	108	81	27	540	324	65	259
39.	732	122	91	31	610	665	111	83	28	554	333	67	266
39.	751	125	93	32	626	683	114	85	29	569	341	68	273

*Min. Total	S N F					I C F - A					I C F - B			
	Total	Total	Min.			Total	Total	Min.			Total	Min.		
	Hrs.	Lic.	RN	LPN	Other	Hrs.	Lic.	RN	LPN	Other	Hrs.	Lic.	Other	
40.	770	128	96	32	642	700	117	88	29	583	350	70	280	
41.	789	132	99	33	657	718	120	90	30	598	359	72	287	
42.	809	135	101	34	674	735	123	92	31	612	368	74	294	
43.	828	138	103	35	690	753	126	94	32	627	376	75	301	
44.	847	141	106	35	706	770	128	96	32	642	385	77	308	
45.	866	144	108	36	722	788	131	98	33	657	394	79	315	
46.	886	148	111	37	738	805	134	100	34	671	403	81	322	
47.	905	151	113	38	754	823	137	103	34	686	411	82	329	
48.	924	154	115	39	770	840	140	105	35	700	420	84	336	
49.	943	157	118	39	786	858	143	107	36	715	429	86	343	
50.	963	161	121	40	802	875	146	109	37	729	438	88	350	
51.	982	164	123	41	818	893	149	112	37	744	446	89	357	
52.	1001	167	125	42	834	910	152	114	38	758	455	91	364	
53.	1020	170	127	43	850	928	155	116	39	773	464	93	371	
54.	1040	173	130	43	867	945	158	118	40	787	473	95	378	
55.	1059	177	133	44	882	963	161	121	40	802	481	96	385	
56.	1078	180	135	45	899	980	163	122	41	817	490	98	392	
57.	1097	183	137	46	914	998	166	124	42	832	499	100	399	
58.	1117	186	139	47	931	1015	169	127	42	846	508	102	406	
59.	1136	189	142	47	947	1033	172	129	43	861	516	103	413	
60.	1155	193	145	48	962	1050	175	132	44	875	525	105	420	
61.	1174	196	147	49	978	1068	178	133	45	890	534	107	427	
62.	1194	199	149	50	995	1085	181	136	45	904	543	109	434	
63.	1213	202	151	51	1011	1103	184	138	46	919	551	110	441	
64.	1232	205	154	51	1027	1120	187	140	47	933	560	112	448	
65.	1251	209	157	52	1042	1138	190	142	48	948	569	114	455	
66.	1271	212	159	53	1059	1155	193	145	48	962	578	116	462	
67.	1290	215	161	54	1075	1173	196	147	49	977	586	117	469	
68.	1309	218	163	55	1091	1190	198	148	50	992	595	119	476	
69.	1328	221	166	55	1107	1208	201	151	50	1007	604	121	483	
70.	1348	225	169	56	1123	1225	204	153	51	1021	613	123	490	
71.	1367	228	171	57	1139	1243	207	155	52	1036	621	124	497	
72.	1386	231	173	58	1155	1260	210	157	53	1050	630	126	504	
73.	1405	234	175	59	1171	1278	213	160	53	1065	639	128	511	
74.	1425	238	178	60	1187	1295	216	162	54	1079	648	130	518	
75.	1444	241	181	60	1203	1313	219	164	55	1094	656	131	525	
76.	1463	244	183	61	1219	1330	222	166	56	1108	665	133	532	
77.	1482	247	185	62	1235	1348	225	169	56	1123	674	135	539	
78.	1502	250	187	63	1252	1365	228	171	57	1137	683	137	546	
79.	1521	254	190	64	1267	1383	231	173	58	1152	691	138	553	
80.	1540	257	193	64	1283	1400	233	175	58	1167	700	140	560	
81.	1559	260	195	65	1299	1418	236	177	59	1182	709	142	567	
82.	1579	263	197	66	1316	1435	239	180	59	1196	718	144	574	
83.	1598	266	200	66	1332	1453	242	183	62	1211	726	145	581	
84.	1617	270	202	68	1347	1470	245	183	62	1225	735	147	588	
85.	1636	273	205	68	1363	1488	248	186	62	1240	744	149	595	
86.	1656	276	207	69	1380	1505	251	189	62	1254	753	151	602	
87.	1675	279	209	70	1396	1523	254	192	62	1269	761	152	609	

	S N F					I C F - A					I C F - B		
	Total Hrs.	Total Lic.	Min. RN	LPN	Other	Total Hrs.	Total Lic.	Min. RN	LPN	Other	Total Hrs.	Min. Lic.	Other
88.	1694	282	212	70	1412	1540	257	192	65	1283	770	154	616
89.	1713	286	214	72	1427	1558	260	195	65	1298	779	156	623
90.	1733	289	217	72	1444	1575	263	198	65	1312	788	158	630
91.	1752	292	219	73	1460	1593	266	201	65	1327	796	159	637
92.	1771	295	221	74	1476	1610	268	201	67	1342	805	161	644
93.	1790	298	224	74	1492	1628	271	204	67	1359	814	163	651
94.	1810	302	226	76	1508	1645	274	207	67	1371	823	165	658
95.	1829	305	229	76	1524	1663	277	207	70	1386	831	166	665
96.	1848	308	231	77	1540	1680	280	210	70	1400	840	168	672
97.	1867	311	233	78	1556	1698	283	213	70	1415	849	170	679
98.	1887	315	236	79	1572	1715	286	216	70	1429	858	172	686
99.	1906	318	238	80	1588	1733	289	216	73	1444	866	173	693
100.	1925	321	241	80	1604	1750	292	219	73	1458	875	175	700

(a)

**DIVISION OF HEALTH FACILITIES  
EVALUATION**

**Health Care Facilities Licensure  
Ownership; Convicted Persons**

**Proposed Amendments: N.J.A.C. 8:31-26.1  
and 8:43F-3.3**

Authorized By: Allen N. Koplin, M.D., M.P.H., Acting  
Commissioner, Department of Health (with approval  
of Health Care Administration Board).  
Authority: N.J.S.A. 26:2H-1 et seq., specifically, 26:2H-  
5.

**Interested persons** may submit in writing, data, views or  
arguments relevant to the proposal on or before April 6, 1983.  
These submissions, and any inquiries about submissions and  
responses, should be addressed to:

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

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

This proposal is known as PRN 1983-109.

The agency proposal follows:

**Summary**

Currently, the owner or operator of a health care facility cannot  
be a person who has been convicted of a misdemeanor or a high  
misdemeanor unless he/she is considered to be rehabilitated as  
stipulated in the Rehabilitated Convicted Offenders Act, N.J.S.A.  
2A:168A-1 et seq. Based on experience and review of case law  
developed in the area, a revised version of this rule is proposed to  
N.J.A.C. 8:31-26.1 and 8:43F-3.3 which will clarify the law,  
accomplish its objectives in a more simplified fashion, and give a  
wider and stronger sweep to the rule. The amendments will reflect  
deletion of the terms "misdemeanor" and "high misdemeanor"  
which are no longer used in the new Criminal Code and deletion  
of language allowing a rehabilitated person to own or operate a  
health care facility. The proposed amendments to N.J.A.C. 8:31-  
26.1 and 8:43F-3.3 will not permit a person to own or operate a  
health care facility if he/she has been convicted of a crime which  
relates adversely to his/her capability of owning or operating the  
facility.

**Social Impact**

The proposed amendments to N.J.A.C. 8:31-26.1 and 8:43F-3.3  
will not allow a person who has been convicted of a crime, whether  
a first time offender or a repeat offender, to own or operate a health  
care facility. The proposals will clarify and strengthen existing  
rules, promote consistency in this policy, and simplify the  
application of the divestiture regulation based upon past experience  
and review of case law. The restrictions proposed in the  
amendments will protect the rights of the consumer, promote a safe  
and efficient environment within a health care facility, and provide  
consistency with current health care practices.

**Economic Impact**

There is no discernible economic impact since the proposed  
amendments will provide clarification of existing rule.

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

8:31-26.1 Ownership and operation; convicted persons  
No health care facility shall be owned or operated by [a] any  
person convicted of a [misdemeanor or a high misdemeanor] **crime**  
relating adversely to [his/her] **the person's** capability of owning or  
operating [that] **the** facility[, unless that person is considered  
rehabilitated as stipulated in the Rehabilitated Convicted Offenders  
Act, N.J.S.A. 2A:168A-1 et seq.].

8:43F-3.3 Ownership  
(a) (No change.)  
(b) No **health care** facility shall be owned [and/] or operated by  
[a] **any** person convicted of a [misdemeanor or a high  
misdemeanor] **crime** relating adversely to [his/her] **the person's**  
capability of owning or operating [that] **the** facility [unless that  
person is considered rehabilitated, as stipulated in the Rehabilitated  
Convicted Offenders Act, N.J.S.A. 2A:168A-1 et seq.].

(b)

**DIVISION OF HEALTH PLANNING AND  
RESOURCES DEVELOPMENT**

**Guidelines and Criteria for Submission of  
Applications for Certificate of Need  
Batching Cycle for Long-Term Care Facilities  
Eliminated**

**Proposed Amendment: N.J.A.C. 8:33-2.2**

Authorized By: Allen N. Koplin, M.D., M.P.H., Acting  
Commissioner, Department of Health (with approval  
of Health Care Administration Board).  
Authority: N.J.S.A. 26:2H-5.

**Interested persons** may submit in writing, data, views or  
arguments relevant to the proposal on or before April 6, 1983.  
These submissions, and any inquiries about submissions and  
responses, should be addressed to:

John A. Calabria, Coordinator  
New Jersey Department of Health  
Health Planning Services  
Room 403  
CN 360  
Trenton, NJ 08625

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

This proposal is known as PRN 1983-111.

The agency proposal follows:

**Summary**

The proposed amendment eliminates the batching cycle  
scheduled to begin March 15, 1983 for certificate of need  
applications for additions to and new construction of long-term care  
facilities. The elimination of this one cycle will provide adequate  
opportunity for a thorough evaluation of the applicable long-term

care facility need standards in the State Medical Facilities Plan, as well as a detailed review of Department policies and procedures dealing with the "paper" bed issue – that is, those beds approved through the Certificate of Need process but not yet constructed and licensed.

**Social Impact**

The proposed amendment will allow the Department of Health opportunity to reevaluate the long-term care bed need formula contained in the State Medical Facilities Plan, as well as other applicable long-term care guidelines and criteria contained in the State Health Plan and the Policy Manual for Planning and Certificate of Need Reviews of Long-Term Care Facilities and Services within the State of New Jersey (N.J.A.C. 8:33H). In addition, the Department will undertake a review of its policies and procedures dealing with the issue of "paper" beds. These reviews and evaluations may result in recommendations for changes in the planning and review processes for long-term care facilities – changes which should promote uniformity and consistency in reviewing long-term care certificate of need applications.

Uniformity and consistency is necessary to assure that the Certificate of Need process for long-term care facilities provides proper guidance to participants in that process, is fair to applicants in the process, and, above all, promotes the development of a system of services and facilities to serve the State's growing elderly population. Thus, the amendment, by providing time for a needed review of current long-term care standards, criteria, and guidelines, will beneficially impact the needs of the elderly citizens of the State, as well as the needs of all participants in the planning and reviewing processes.

In addition, since there are currently approximately 8,000 "paper" beds, the elimination of one batching cycle will have virtually no impact on the availability of any needed new long-term care beds. Applications for certificate of need for long-term care facilities will be accepted for the batching cycle scheduled to be on July 15, 1983.

**Economic Impact**

The proposed amendment should have little or no discernible economic impact on State government, potential certificate of need applicants, or the people of the State. The amendment provides for the elimination of only one batching cycle which should cause no significant adverse economic effects.

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

8:33-2.2 Submission of applications; cycles; deadlines

(a)–(e) (No change.)

**(f) The batching cycle scheduled to begin on March 15, 1983 for long-term care bed additions and/or new construction of long-term care facilities is eliminated.**

**(a)**

**DIVISION OF HEALTH FACILITIES  
EVALUATION**

**Interim Regulations for Abortion Facilities  
Receiving Temporary Licensure**

**Proposed Repeal: N.J.A.C. 8:40**

Authorized By: Allen N. Koplin, M.D., M.P.H., Acting Commissioner, Department of Health (with approval of Health Care Administration Board).

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

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-106.

The agency proposal follows:

**Summary**

The interim abortion regulations, N.J.A.C. 8:40, were adopted in 1974 while a manual of Standards for Licensure of Ambulatory Care Facilities, N.J.A.C. 8:43A-8.1, was in the developmental process. This manual for ambulatory care facilities, upon its completion, became effective on May 26, 1976. At the present time the only limitations upon the operative time for rules are the "sunset" provisions of Executive Order No. 66 (Governor Byrne, 1978), and they apply only to rules adopted or amended after the Executive Order was promulgated on April 14, 1978 (effective May 15, 1978). Since the interim abortion regulations were adopted before this Executive Order and have not been subsequently amended, they are not subject to the five-year automatic expiration date of the "sunset" provisions and thus require affirmative action to repeal them. There does not appear to be any reason to retain the interim abortion regulations. Therefore, N.J.A.C. 8:40 regarding interim abortion regulations is being repealed since it is superseded by abortion regulations contained in N.J.A.C. 8:43A-8.1 applicable to ambulatory care facilities.

**Social Impact**

The proposed repeal will have no discernible social impact for either the Department of Health, the facilities or women seeking abortions since existing facilities that were dependent upon abortion licensure regulations were licensed under the current Standards for Licensure of Ambulatory Care Facilities, N.J.A.C. 8:43A-8.1, rather than under the interim abortion regulations, N.J.A.C. 8:40.

**Economic Impact**

The proposed repeal will have no discernible economic impact for either the Department of Health, the facilities or women seeking abortions since ambulatory care facilities are currently licensed in accordance with the current Standards for Licensure of Ambulatory Care Facilities and will continue to be licensed as such.

**Full text** of the chapter proposed for repeal can be found in the New Jersey Administrative Code at N.J.A.C. 8:40.

(a)

## DIVISION OF HEALTH FACILITIES EVALUATION

### Standards for Licensure of Residential Health Care Facilities Personal Needs Allowance

#### Proposed Amendment: N.J.A.C. 8:43-4.13

Authorized By: Allen N. Koplin, M.D., M.P.H., Acting  
Commissioner, Department of Health (with approval  
of Health Care Administration Board).

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

**Interested persons** may submit in writing, data, views or  
arguments relevant to the proposal on or before April 6, 1983.  
These submissions, and any inquiries about submissions and  
responses, should be addressed to:

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

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

This proposal is known as PRN 1983-107.

The agency proposal follows:

#### Summary

The proposed amendment provides that the owner or operator of  
a residential health care facility shall reserve to each Supplemental  
Security Income recipient residing therein, and to each General  
Public Assistance recipient residing therein, a personal needs  
allowance in an amount of at least \$46.00 per month for the  
individual recipient. In order to be consistent with the current rules  
of the Department of Human Services, N.J.A.C. 10:123-3.1 and  
3.2, as proposed at 14 N.J.R. 699(a) and adopted at 14 N.J.R.  
981(b), the Department of Health is proposing this amendment.

#### Social Impact

The personal needs allowance increase represents an equitable  
distribution of the Supplemental Security Income between the  
residents and the owners or operators of residential health care  
facilities to compensate for the current rate of inflation. However,  
there will not be any discernible social impact because the proposed  
amendment updates the existing rule on personal needs allowance  
to make it consistent with the rules of the Department of Human  
Services (N.J.A.C. 10:123-3.1 and 3.2) which became effective  
September 7, 1982.

#### Economic Impact

The increase in the personal needs allowance will provide  
additional resources to the residents for personal expenditures.  
There will be no negative impact on the facility owners or operators  
because the increase in their personal needs allowance to \$46.00 is  
proportionate to the total July 1, 1982 Federal Supplemental  
Security Income increase. There will not be any significant  
economic impact because the proposed amendment updates the  
existing rule on personal needs allowance to make it consistent with

the rules of the Department of Human Services (N.J.A.C. 10:123-  
3.1 and 3.2) which became effective September 7, 1982.

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

8:43-4.13 Personal needs allowance

(a) No licensee shall retain for his own, or require payment to him/  
her of, any portion of the personal needs allowance required to be  
reserved for any resident pursuant to N.J.S.A. 44:7-87(h). Such  
personal needs allowance shall not be less than [\$40.00] **\$46.00**  
unless otherwise provided by the New Jersey State Department of  
Human Services.

(b)-(c) (No change.)

(b)

## DIVISION OF HEALTH FACILITIES EVALUATION

### Standards for Licensure of Residential Health Care Facilities Health Maintenance and Monitoring Services

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

Authorized By: Allen N. Koplin, M.D., M.P.H., Acting  
Commissioner, Department of Health (with approval  
of Health Care Administration Board).

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

**Interested persons** may submit in writing, data, views or  
arguments relevant to the proposal on or before April 6, 1983.  
These submissions, and any inquiries about submissions and  
responses, should be addressed to:

John Calabria, Coordinator  
Health Planning Services  
State Department of Health  
Room 403  
CN 360  
Trenton, NJ 08625

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

This proposal is known as PRN 1983-112.

The agency proposal follows:

#### Summary

The proposal, a new subchapter to N.J.A.C. 8:43, provides that  
each residential health care facility (RHCF) shall provide health  
maintenance and monitoring services under the direction of a  
professional registered nurse. This person may be on staff as a direct  
employ by the facility or on a contractual basis and shall be  
responsible for providing such services as evaluating resident needs  
for health services and referral, monitoring the conditions of  
residents on a continuing basis, and health education. The new rule  
specifies that the facility has at least one professional nurse  
available seven hours per week for each 24 residents, as well as  
provide health maintenance and monitoring services.

The State Department of Health has maintained a long-standing  
and continuing interest in promoting the expanded availability of  
appropriate residential health care as an extremely significant  
system component in the continuum of long-term health care

services. It is strongly felt that residential health care may have the greatest potential for meeting the long-term care needs of the ever-expanding elderly population. In keeping with established State policy that all those in need of services should receive them in the least restrictive and most homelike environment conducive to appropriate service delivery, residential health care can provide a distinct and essential link between home and institution, independent and dependent living. For the many patients unnecessarily placed in long-term care facilities or psychiatric hospitals, residential health care facilities represent the ideal alternative: they can be more appropriate, much more homelike, of equal quality, and far less costly. The last point can be emphasized within this context during times of shifting priorities and resources. The present and future issue increasingly will be how to allocate the significant amounts of money to be spent for long-term care to achieve the far greater humanity and cost-efficiency possible under an adequate, balanced system that will serve more people better at a lower unit cost. The concept of upgraded residential health care facilities providing health maintenance and monitoring services under the direction of a professional registered nurse provides an important response to this problem.

#### Social Impact

In terms of need and impact statewide, a relevant estimate has already been made. The lack of sufficient alternatives and settings to nursing homes, often resulting in inappropriate utilization of these facilities, has been receiving increasing attention, both in its own right and as a major reason for the lack of beds available for patients with real medical need. A study completed in late 1977 for the New Jersey Medicaid program concluded that 35 percent of those long-term care patients currently institutionalized at the intermediate care B level in the State could be discharged, in the opinion of Medicaid medical evaluation teams, if appropriate levels of care were available. The appropriate alternative most frequently cited for the patients studied was residential health care providing a high level of services. The percentage was judged significant in terms of the number of persons involved, the cost of their care, and the number of beds which could be made available to others at no additional or comparatively less construction or conversion cost. Similar studies in other states have produced corresponding results. As the research shows, many nursing home patients are either inappropriately placed from the start or remain following convalescence due to a lack of sufficient and acceptable lower level of care settings. Perhaps the greatest potential of residential health care within the long-term care system is to postpone institutional nursing home care for many individuals, and to provide a temporary placement during periods of improvement as a level of care available within an institutional setting.

The potential positive benefits of such a higher level of residential health care cannot be underestimated. In view of the long-standing Medicaid waiting list for long-term care placement, which currently numbers approximately 2,900 persons, and the 6,310 long-term care facility "paper beds" approved but not yet constructed, the impact of channeling both some percentage of currently inappropriately placed patients and future patients to an acceptable lower level of care could provide considerable relief to an over-burdened system. As it presently exists, long-term care largely functions as a one-way institutional admission, rather than the desired continuum of care, with mortality accounting for the greater percentage of discharges. The lack of better accessibility to appropriate alternatives for both admission and discharge purposes perpetuates inappropriate placements, which lead to the "stacking up" of patients and the long waiting lists unique to this facet of the health care system. The availability of a higher level of residential health care with health maintenance and monitoring services could benefit those potential and current nursing home patients who require some supervision and assistance due to frailty and can no longer live independently, but who also have a stable chronic illness or medical condition requiring more regular monitoring and

complex medication administration. In many cases, the primary reason for admission and continued retention as an intermediate care B level patient has been the need for such regular monitoring as that of blood pressure or the administration of an injectable medication. These marginal nursing home patients frequently remain for years and thus prevent the admission of patients in greater medical need. However, the regulatory constrictions on residential health care in providing such limited health care services have prevented the movement of such patients out of nursing homes.

#### Economic Impact

The provision of health maintenance and monitoring services should have relatively minimal impact upon those existing 36 licensed homes for the aged and 14 long-term care facilities which have both nursing and residential units, as well as those approximately 72 free-standing residential health care facilities owned or operated by licensed personnel. The remaining 130 licensed free-standing residential health care facilities and homes for the aged would have to make arrangements for the required coverage. Financially, it might be more economical for facilities to hire part-time nurses who are presently not employed because of their inability to work full shifts due to family commitments. The cost per hour would range from \$8.00 to \$12.00 per hour, depending on the area. At \$12.00 per hour, the cost of implementing these amendments would be \$0.50 per resident per day, based on the nurse being at the facility seven hours per week for each 24 residents.

The current SSI payment schedule for licensed RHCs is \$430.20 per month, of which \$46.00 goes to the resident as a personal needs allowance and \$384.20 or \$12.81 per day goes to the operator. This latter figure represents a \$145.90 (38 percent) State supplement and \$238.30 Federal contribution. Medicaid payment currently averages \$38.31 per day (\$1,149.30 monthly) for an intermediate care B level patient, representing 1.25 hours per day of nursing coverage, split equally between the State (\$574.65) and Federal government. The appropriate utilization of RHCs is clearly more cost-effective. Although not often realized, such living arrangements also can represent highly cost-efficient alternatives to home care. While definitive research is not yet available, there is evidence that by consolidating and coordinating labor, enabling bulk purchasing, reducing fixed costs, eliminating geographic traveling time, and realizing various other economies of scale, these settings can be considerably less expensive than maintaining an equal number of clients in discrete, decentralized living arrangements. Of course, this concern with cost-efficiency must be balanced with the goals of most homelike and least restrictive setting at both the level of individual case management and system planning.

During the greater part of 1982, the Department of Health staff worked closely with the Economic Development Authority (EDA) in regard to expanding their financing to include RHCs in addition to LTC facilities. Department staff provided technical assistance in terms of defining and describing the purposes and requirements of RHCs in relation to other licensed health care facilities and services, as well as suggesting criteria in regard to establishment of special conditions for EDA financing in addition to an approved Certificate of Need. These criteria were to assist the EDA in its need to justify RHC financing under interpretation of current law and assurance of the use of limited public funds to meet public purposes, and included the designation of a reasonable proportion of beds for direct admission of SSI recipients and establishment of average monthly resident charges not in excess of the current Medicaid financial eligibility ceiling for LTC facility placement. These were specifically intended to facilitate appropriate discharge of Medicaid LTC facility patient to a lower level of care. It is to be strongly emphasized that two areas of major concern in regard to EDA financing and RHCs were their licensure as a health care facility and inclusion under certificate of need review.

Full text of the proposed new rule follows.

## SUBCHAPTER 8. HEALTH MAINTENANCE AND MONITORING SERVICES

## 8:43-8.1 Health maintenance and monitoring services

(a) The Residential Health Care facility shall provide health maintenance and monitoring services under the direction of a professional nurse.

(b) The facility shall maintain the organization, management and operation of the health maintenance and monitoring services in accordance with a written organizational plan which shall describe the responsibility, authority and accountability relationships of personnel, the functional structure of the service and the relationship of the health maintenance and monitoring services to other facility services.

(c) The facility shall have at least one professional nurse available at all times. Available in this instance shall mean on call and capable of being reached by telephone.

(d) The facility shall ensure that the duties and responsibilities of levels and types of nursing personnel are described in the job descriptions and in the policy and procedure manual of the health maintenance and monitoring services, and that personnel are assigned duties based upon their level of education and training.

(e) The director of health maintenance and monitoring services shall be responsible for the direction, provision and quality of health maintenance and monitoring services. He/she shall be responsible for developing and implementing written objectives, standards of practice, policies and procedure manual and an organizational plan for the health maintenance and monitoring services. The director may be on staff as a direct employ by the facility or on a contractual basis with local home health agencies.

(f) Written policies and procedures shall include, but not be limited to the following:

1. Evaluating the needs of all residents in the facility for health service;
2. Monitoring the conditions of the residents on a continuing basis;
3. Evaluating resident's need for referral to physician or community agencies as appropriate;
4. Maintaining records as required by the facility;
5. Serving as a resource person and health educator to the residents and to the owner/operator of the facility;

(g) The facility shall provide health maintenance and monitoring services per the following schedule:

1. The facility shall have at least one registered professional nurse on the premises for seven hours per week for each 24 residents; 14 hours per week for 48 residents; etc.

## 8:43-8.2 Funding

(a) These rules will be implemented only when sufficient funds are allocated by the State of New Jersey to cover the costs for Supplemental Security Income (SSI) recipients.

(a)

## DIVISION OF HEALTH FACILITIES EVALUATION

## Standards for Licensure of Hospital Facilities Early Detection of Biochemical Disorders

## Proposed Amendment: N.J.A.C. 8:43B-8.3

Authorized By: Allen N. Koplin, M.D., M.P.H., Acting Commissioner, Department of Health (with approval of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5 and 26:2-110 through 112.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-110.

The agency proposal follows:

**Summary**

The proposed amendment to the Standards for Licensure of Hospital Facilities provides for the testing of newborn infants for the early detection of biochemical disorders which may cause mental retardation or other permanent disabilities. Pursuant to N.J.S.A. 26:2-110 through 112, each newborn infant will now be tested for three biochemical disorders (hypothyroidism, galactosemia, and phenylketonuria) rather than for two as in the past (hypothyroidism and phenylketonuria).

The hospital facility will be responsible for collecting blood specimens from newborn infants and for submitting blood specimens to the Department of Health laboratory by mail no later than 96 hours after the newborn infant's birth. Adherence to specific time frames is essential for the early diagnosis of biochemical disorders so that treatment can be initiated as soon as possible.

All laboratory tests of the blood specimens will be performed in the Department of Health laboratory. The Department of Health will promptly notify the physician or the facility of positive screening test results so that treatment can be initiated immediately while awaiting the results of confirmatory testing.

The hospital facility will be required to provide information to parents and physicians regarding the testing for the early detection of biochemical disorders.

**Social Impact**

The screening of newborn infants for biochemical disorders will lead to the early detection and treatment of biochemical disorders if any. If biochemical disorders are detected and treated early in the newborn infant's life, mental retardation can be prevented.

**Economic Impact**

The Department of Health will charge a fee of \$4.00 to the hospital facility for the screening test for each newborn infant. The fee of \$4.00 is negligible compared to the ultimate cost of treating mental retardation resulting from biochemical disorders, within the family, community, and the State.

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

## 8:43B-8.3 Operation standards

- (a) (See proposed amendment at 14 N.J.R. 1276(a).)
- (b) (No change.)
- (c) (See proposed amendment at 14 N.J.R. 1276(a).)
- (d)-(g) (No change.)

**(h) Testing for the early detection of biochemical disorders in newborn infants:**

**1. The facility shall develop and implement written policies and procedures, reviewed by the Department and revised as required by the Department, for the early detection of**

**biochemical disorders in newborn infants pursuant to N.J.S.A. 26:1-110 through 112, to include but not be limited to the following:**

- i. Collection of blood specimens from newborn infants on collection kits provided by the Department;
- ii. Collection of blood specimens 24 hours after the newborn infant's first feeding or 48 hours after the newborn infant's birth or upon the newborn infant's discharge from the facility, whichever comes first;
- iii. Development of a system within the facility for the submission of blood specimens to arrive at the Department's laboratory no later than 96 hours after the newborn infant's birth;
- iv. Designation of a staff member(s) to be responsible for receiving verbal and written positive screening test results and documenting the results in the newborn infant's medical record; and
- v. Provision of written information, provided by the Department and/or the facility, to all parents and physicians regarding the testing of biochemical disorders and the possibility of incorrect screening test results if the blood specimen is not collected in accordance with (h)iii above, because the infant is discharged from the facility.

(a)

## DIVISION OF HEALTH FACILITIES EVALUATION

### Non-Residential Medical Day Care Facilities Medical Requirements and Patient Service

#### Proposed Amendments: N.J.A.C. 8:43F-4.3 and 4.20

Authorized By: Allen N. Koplin, M.D., M.P.H., Acting  
Commissioner, Department of Health (with approval  
of Health Care Administration Board).

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

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-108.

The agency proposal follows:

#### Summary

Currently, a non-residential medical day care facility is required to obtain from the patient's attending physician an admission medical history and report of physical examination which is performed within five days prior to or upon the patient's admission to the facility. The proposed amendment to N.J.A.C. 8:43F-4.3 will extend the period of time for the patient's attending physician

to perform the admission medical history and report of physical examination from five days to 30 days prior to or upon the patient's admission.

Additionally, a non-residential medical day care facility must provide social work services for patients by a social worker or a social work designee who receives consultation from a social worker. Under the current rule, the amount of social work consultation provided to all designees is the same regardless of his/her education and experience. The proposed amendment to N.J.A.C. 8:43F-4.20 will revise the requirement for providing the same amount of social work consultation to the social work designee. This proposal will allow a more realistic approach in the process of providing consultation by establishing four criteria with specific time frames that are based on the designee's education and experience.

#### Social Impact

The proposed amendment to N.J.A.C. 8:43F-4.3 extends the time period for the admission medical history and report of physical examination, and will affect the patients, facilities, and Medicaid reimbursement. It will eliminate inconvenience to the patients, reduce the workload of the facilities, and allow a more reasonable standard for services. The proposed amendment will also allow increased accessibility of non-residential medical day care to patients. The extension of the time period will enable non-residential medical day care facilities to provide more equitable and efficient services to patients.

The proposed amendment to N.J.A.C. 8:43F-4.20 will reduce the amount of social work consultation to those facilities affected by these rules in proportion to the designee's education and experience.

It is anticipated that there will be no decrease in the quality of patient care because of these proposals.

#### Economic Impact

The proposed amendment to N.J.A.C. 8:43F-4.3 will provide a more reasonable standard by eliminating the need to perform or duplicate another admission medical history and report of physical examination which are performed by the patient's physician within 30 days prior to or upon admission and thus reduce cost to the patient and curtail Medicaid reimbursement cost.

The proposed amendment to N.J.A.C. 8:43F-4.20 will revise the requirements for social work consultation and thus reduce costs for the facilities affected by the revision. Under certain circumstances facilities will no longer have to provide social work consultation to social work designees.

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

#### 8:43F-4.3 Responsibilities of attending physician

(a) (No change.)

(b) Prior to or upon the admission of the patient, the facility shall obtain from the attending physician and shall document in the patient's medical record, the following:

1. A signed, dated admission and medical history and a report of physical examination, including results of chest X-ray (at the discretion of the physician), diagnoses, and rehabilitation potential. Patients under age 35 shall also have an intradermal tuberculin test (and follow-up if necessary), with the exception of positive tuberculin reactors, who shall have a chest X-ray given within a period of time specified and documented by a physician in the patient's medical record. The history and examination shall be performed within [five] **30** days prior to or upon admission;
- 2.-4. (No change.)

#### 8:43F-4.20 Social worker or [assignee] **designee**

(a) The facility shall appoint a social worker, or a designee who receives onsite consultation from a social worker. A social worker

or designee shall provide social work services in the facility at least one hour per week for every two patients. Social work consultation to the designee shall be at least two hours per week in facilities with more than 60 patients. Facilities with 60 or fewer patients shall have at least four hours of social work consultation per month. **Social work consultation shall be onsite and continued for the following periods of time based upon the designee's education and experience:**

1. For at least two years if the social work designee has an associate's degree with two years of social work experience; or
  2. For at least one year if the social work designee has a bachelor's degree other than in social work; or
  3. For at least six months if the social work designee has a bachelor's degree in social work without a practicum in a health care or geriatric setting.
  4. Social work consultation shall not be required when the social work designee has a bachelor's degree in social work and has completed a practicum in a health care or geriatric setting.
- (b)-(c) (No change.)

## HUMAN SERVICES

(a)

### DIVISION OF PUBLIC WELFARE

#### General Assistance Manual Determination of Municipal Responsibility

#### Proposed Amendment: N.J.A.C. 10:85-3.2(f)

Authorized By: George J. Albanese, Commissioner,  
Department of Human Services.  
Authority: N.J.S.A. 44:8-111(d).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-93.

The agency proposal follows:

#### Summary

In accordance with the provisions of N.J.S.A. 44:8-121, each director of welfare of a municipality makes inquiry into the facts, conditions, and circumstances of each person submitting an application for General Assistance. Among the matters about which inquiry is made is the "customary place of abode" of the applicant. The same subsection states that the cost of public assistance is borne by the municipality which grants it. The preceding subsection, N.J.S.A. 44:8-120, requires that assistance be granted by the director of welfare of the municipality ". . . where the person is found at the time of application . . .". It goes on to place payment responsibility with the municipality of the "customary place of abode" only for those recipients ". . . residing in public or private facilities providing residential therapeutic medical services . . .".

Thus, for persons in the community, the determination of "customary place of abode" is of no moment in the determination of payment responsibility. The municipality where the person is found is responsible.

The determination of "customary place of abode" is important for chargeability purposes only for those in residential medical facilities. The determination for persons in hospitals or nursing homes is usually not difficult to make and is seldom contested. However, persons in residential facilities who are receiving treatment for drug or alcohol related problems are at times individuals who have been homeless or have moved frequently from one municipality to another. Previous addresses can be difficult or impossible to verify. This leads to questions of chargeability. Responsibility for resolving such questions rests with the Bureau of Local Operations of the Department's Division of Public Welfare. While there has been no meaningful contest as to the authority of that Bureau, there have been problems in prompt and complete collection of the information necessary to the development of decisions. This proposal delineates the authority of the Bureau of Local Operations and establishes procedures by which the necessary information can be collected. That Bureau will thus be in a position to render decisions more promptly.

Further, because the decisions will be supported with more complete factual information, it is expected that objections, disputes, and appeals will be kept at a minimum. As with all administrative decisions, these decisions are subject to appeal. This proposal identifies the Bureau of Administrative Review and Appeals as the starting point of the appeal process.

Also included in the proposal is an expansion of the statements as to what is expected of the municipality which is not financially responsible but is the "servicing" municipality because the medical facility is located there. The changes are of an explanatory or interpretive nature and do not represent any actual change in regulation.

#### Social Impact

Assistance eligibility is not influenced in any way. The only perceivable change is that certain applicants will be required to sign an affidavit or residence history as part of the legally required inquiry as to "customary place of abode". The requirement to provide the information in the affidavit already exists but only as a part of the welfare director's inquiry. There is no reason or incentive for an applicant to refuse to sign as there is nothing in the affidavit which, assuming truthfulness, could be used against him or her. Its only use is for administrative purposes. The number of persons required to sign will be very limited because a State level decision is not needed for persons in the community in contrast to those in residential medical treatment facilities. Even persons among the latter group, those whose prior residence is not in question, will not be asked to sign.

It is expected that the inclusion of specific procedures leading to more prompt chargeability determinations will contribute to smoother program operation.

#### Economic Impact

The inclusion of a requirement that a person attest to a residence history is not viewed as one having any actual influence on assistance eligibility or dollar flow. While this proposal deals with a decision on chargeability, it is not expected to change the decision which would have been made anyway. It is only expected to allow somewhat more prompt decisions in a very limited number of cases. It is possible that a more prompt decision could result in more prompt payment but promptness of payment is not spoken to in this proposal. There will be a small and unidentifiable administrative cost to the agency in the handling of the paperwork.

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

## 10:85-3.2 Application process

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

(f) **Resident defined:** A resident of a municipality is a person who maintains a permanent customary home in the municipality, a person who is in the municipality with intention to remain, a person who did maintain such a home prior to entering a medical facility, or a person who enters a New Jersey medical facility from out of state and qualifies as a resident in accordance with (f)1iii below. No time intervals are relevant so long as the home is not established for a temporary purpose such as for a visit or vacation. A resident may live in his/[or her own home, a rented home or apartment, the home of a friend or relative, in a boarding home or, in accordance with (f)1iii below, in a residential medical facility.

1. A person in a hospital, nursing home, intermediate care facility, maternity home or a center for treatment of drug or alcohol abuse shall be considered a resident of the last municipality in which he/[or she was a resident prior to entering the facility. (Exception: a GA recipient who continues to reside in a municipality in which GA payment status was acquired prior to May 31, 1978 by reason of having achieved "legal settlement" there as a private patient in a medical institution will continue to be considered as living in that municipality.) When the last municipality of residence, other than in a medical facility, was not in New Jersey and the person qualifies in accordance with (f)1iii below, that person shall be considered a resident of the municipality in which the medical facility is located. Only facilities which are licensed by the New Jersey Department of Health in the stated categories are to be recognized as being a temporary residence of an applicant or recipient for medical care. **See (f)5 below for determination of municipal responsibility.**

i. For a person in such a facility who is a resident elsewhere in New Jersey, the MWD in the municipality in which the facility is located will process all parts of the application (to include authorization and "costing" of the provision of medical services) and all parts of subsequent case review and supervision except the making of payments. The local MWD will send the results of such [eligibility determinations] processing, including all bills and documentation, to the MWD of the responsible municipality for payment and/or other appropriate action. (Exception: Municipalities to which N.J.A.C. 10:85-5.8 applies will be charged for prescriptions for all patients in residential medical facilities, except hospitals subject to a per diem rate, and will bill the municipality responsible for charge when appropriate. See N.J.A.C. 10:85-6.8(b)2 regarding chargebacks.)

ii.-iii. (No change.)

2.-4. (No change.)

**5. Determination of municipal responsibility: Municipal welfare directors will attempt to resolve matters of payment responsibility among themselves. Any agreement reached between municipalities will be promptly reduced to written form. In event of dispute or unresolved questions, the MWD of the servicing municipality will help the client/applicant complete an affidavit showing the recent resident history of the client/applicant in sufficient detail to establish municipal responsibility. The client/applicant will, as a condition of eligibility, sign under oath, three copies of the affidavit. Form GA-9 is available for this purpose. The MWD of the servicing municipality will, within 30 days of the identification of an unresolved question, send one copy of the affidavit with any appropriate documentation to the alleged chargeable municipality, send one copy, with documentation, to DPW/BLO for determination and retain one copy. The alleged chargeable (respondent) municipality may, within the next subsequent 15 days, supply to DPW/BLO such information and/or documentation as it deems appropriate. Promptly thereafter, the BLO will render a decision designating as responsible that municipality in which the applicant most recently lived for 30 consecutive days or that municipality which most recently granted assistance to the applicant as a resident, whichever represents the more recent municipality of**

**residence. The municipality so designated may, within 30 days of the BLO decision, request a hearing by the Bureau of Administrative Review and Appeals, decision of which shall be final.**

(g) (See proposed amendment at 15 N.J.R. 314(a).)

(h)-(i) (No change.)

(a)

## DIVISION OF PUBLIC WELFARE

General Assistance Manual  
Determination of Unemployability

## Proposed Amendment: N.J.A.C. 10:85-3.2(g)

Authorized By: George J. Albanese, Commissioner,  
Department of Human Services.  
Authority: N.J.S.A. 44:8-111(d).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-94.

The agency proposal follows:

## Summary

In N.J.S.A. 44:8-109 as amended by Laws of 1977, chapter 286, section 2, two categories of General Assistance were established according to whether or not the recipient is employable. The authority to define the terms "employable person" and "unemployable person" was assigned to the Commissioner of the Department of Human Services by N.J.S.A. 44:8-108, specifically, section 1 of the same statutory revision. Actually, the employable/unemployable dichotomy had existed in regulation prior to the date of the statutory change but had, in **Pascucci v. Vagott, 71 N.J. 40 (1976)**, been found to be without statutory support. The change in statute served to validate the existing regulation.

The regulation established first, a list of groups of persons to be considered unemployable solely by reason of membership in the group, such as those who are hospitalized and those who are legally blind. It established a final group whose status as "unemployable" was the result of a determination by the municipal welfare director. The regulation required that such a determination be supported by any of several bases. Among those possible bases was a provision by which the determination could be supported by the director on the strength of observable and verifiable social factors, specifically a history of unemployment and lack of vocational training and/or education which negated all possibility of employment. It was believed that a physical or mental disability was implicit in any such situation and that the directors, to the extent that they used the authority at all, were judicious in so doing, especially with respect to the words "negates all possibility of employment".

Nonetheless, when other parts of the section were revised and the entire section recodified, the commentary from the Office of

Legislative Services opened the question of statutory support for the section. Consultation with the Office of the Attorney General served to confirm the view of the Office of Legislative Services in that the statute required the existence of a physical or mental disability. The Department's reliance on an implied disability was, thus, not adequate. This regulation removes that reliance by incorporating a requirement for medical evidence.

**Social Impact**

There is no change in social impact on any employable recipients, on anyone who is in one or more of the unemployable groups, or on anyone for whom medical evidence already exists. There will be minor impact on the agency and on the medical profession in those cases for which the required medical evidence can be obtained by the agency by simply communicating with a physician or clinic. There may be a few instances in which the recipient may be required to visit a physician. In such circumstances, there will also be social impact on the recipient.

**Economic Impact**

A small unidentifiable administrative cost will accrue to those agencies which have used the "socially unemployable" provision without medical documentation for they will not be required to collect that documentation. In a very few cases the agency may be required to pay for a special medical examination. It is not expected that the change will produce any change in assistance eligibility or amount of grant for any individual.

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

10:85-3.2 Application process

- (a)–(e) (No change.)
- (f) (See proposed amendment at 15 N.J.R. 313(a).)
- (g) **Work requirement:** Eligibility for public assistance in New Jersey is directly related to an individual's willingness to work when he/[ ] or she is able to do so. It is, therefore, a part of the application process to explain the work requirement to the applicant and to record in the case file the reasons for any exemption from this requirement.
  - 1.–2. (No change.)
  - 3. Exemptions from work requirement: An individual shall be exempt from the work requirement if any of the following exist:
    - i.–iv. (No change.)
    - v. The individual is unemployable: For purposes of General Assistance unavailability of employment cannot be the basis of a determination of unemployability. Only persons included in any of the following groups are unemployable:
      - (1)–(8) (No change.)
      - (9) Persons determined by the MWD to be unemployable when such determination is supported by any of the following:
        - (A)–(B) (No change.)
        - (C) The individual's history of unemployment and lack of vocational training and/or education [which], **combined with medical evidence of the existence of a mental or physical disability or impairment**, negates all possible employment. Facts leading to such determination must be recorded in the case file. A determination on this basis shall be valid for three months or such longer period as may be specified under (g)3v(9)(D) below.
        - (D) (No change.)
  - 4.–8. (No change.)
  - (h)–(i) (No change.)

**INSURANCE**

(a)

**DIVISION OF ADMINISTRATION**

**Automobile Insurance Insurance Identification Cards**

**Proposed Amendments: N.J.A.C. 11:3-6.1, 6.2, 6.3 and 6.4**

Authorized By: Joseph F. Murphy, Commissioner,  
Department of Insurance.  
Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 39:3-29.1.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

W. Morgan Shumake  
Executive Director of Insurance  
Department of Insurance  
CN 325  
Trenton, NJ 08625

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

This proposal is known as PRN 1983-113.

The agency proposal follows:

**Summary**

The proposed amendments to N.J.A.C. 11:3-6 provide for a standard insurance identification card to be issued by all companies insuring automobiles in the State of New Jersey. Currently, there is no standard insurance card; insurers print their own cards subject to the rules promulgated by the Department of Insurance.

The amendments establish a uniform card which utilizes the design, format and printing specifications provided by the ACORD form insurance identification card. Revisions to the rule would eliminate from the card the authorized signature of the agent, the use of red or blue ink for the company name, the use of company logos, and different colors for temporary identification cards. The proposal provides, however, that certain information on the standard card be printed with blue, non-reproducible ink.

The proposed amendments also modify or eliminate language which was necessary to implement the original rule, but is no longer necessary or is otherwise primarily historical in nature. Finally, the proposal includes modifications to the rule of a technical or editorial nature.

**Social Impact**

The creation of a uniform insurance identification card to be used by all companies insuring automobiles in this State should serve to simplify the processing of such forms by insurers and the review of same by law enforcement agencies and the like. The use of blue non-reproducible ink should serve to prevent fraudulent use of identification cards by photocopying.

**Economic Impact**

Insurers may incur certain additional costs as a result of modifying their procedures to effect compliance with the revised rule. Neither the Division of Motor Vehicles nor the Department

of Insurance expect to incur additional costs as a result of the amendments.

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

#### 11:3-6.1 Scope

In order to properly implement and administer the compulsory insurance law of New Jersey, which [becomes] **became** effective January 1, 1973, all insurance companies are required to issue an insurance identification card to all insureds.

#### 11:3-6.2 Permanent identification card (form IV-1)

[(a) All companies writing automobile liability insurance coverage in New Jersey are required to furnish a permanent insurance identification card to all named insureds no later than November 15, 1972, but not before November 1, 1972.

(b) The specifications on the permanent insurance identification card are as set forth below:

1. The size shall be approximately 3 1/2 inches by 5 inches (tolerance of 1/4 inch permitted).

2. The weight shall be 24 pound white ledger paper stock (minimum).

3. The color shall be white stock, black print;

4. The front of card shall include the following:

i. The company name: Group name may be shown instead if it will identify the specific company involved. Insurance company logos are permitted;

ii. Named insured: The surname of the insured must agree with surname shown on the motor vehicle registration certificate. The Division of Motor Vehicles will check on surname basis;

iii. Address: The replacement of identification cards when there is a change of address will be optional with the insurance companies;

iv. Policy number: The complete policy number will be listed;

v. Effective date and expiration date: Month, day and year must be shown;

vi. Description of the vehicle: Year, make and vehicle identification number shall be noted on the insurance identification card. The model of the vehicle (that is, Vega instead of Chevrolet) may be shown as the make. The make of the vehicle may be abbreviated, but the complete vehicle identification number must be shown. If only a portion of the vehicle identification number is available, that portion shall be indicated on the identification card. Any identification card without the vehicle identification number will be acceptable during the initial phases of this program;

vii. All insurance companies should immediately begin capturing the full vehicle identification number as the Division of Motor Vehicles' future requirement will include the complete vehicle identification number;

viii. In the case of fleets, dealerships or leasing companies where the owner insures the vehicles, the make, year and VIN need not be recorded. In lieu of the make, year and VIN, the insurance company may insert "ALL OWNED VEHICLES" or "FLEETS". If the lessee insures the vehicles, the name of the owner as shown on the motor vehicle registration must be shown on the I.D. card in addition to the name of the insured if the designation "FLEET" is used without the VIN;

ix. Red or blue ink is to be used in printing of one or more of the following areas:

(1) Company name; or

(2) Authorized signature; or

(3) Company logo (if logo is used);

x. The insurance company code will be printed immediately preceding the insurance company name. This code will be the same code presently used to identify companies licensed to do business in New York;

xi. The name and address of the office or agency issuing the identification cards must be shown. The cards must contain a

signature of an agent or other authorized representative of the named company (facsimile signatures are acceptable);

xii. Assignment of form number IV2A(2/73), to be shown in the upper left corner;

xiii. Inclusion of an unlabeled block directly above the title to be used by the motor vehicle examiner for insertion of license plate number for insurance verification.

NOTE: The above two changes are introduced at the request of the Division of Motor Vehicles. The color of the card is being changed from buff to pink. Until current supplies are exhausted, cards with either color will be in use for a limited time.]

(a) All companies writing automobile liability insurance coverage in New Jersey are required to furnish a permanent insurance identification card to all named insureds.

(b) The permanent insurance identification card shall be a standard card, approved by the Director of the Division of Motor Vehicles, designed and printed in accord with the specifications contained in (c) below.

(c) The specifications for the standard permanent insurance identification card are set forth below:

1. The size shall be 3 1/2 inches by five inches (tolerance of 1/4 inch permitted);

2. The weight shall be 24 pound white ledger paper stock (minimum);

3. Except as required under (c)4x and 5i below, the color shall be white stock, black printing;

4. The front of the permanent insurance identification card shall contain the following information:

i. The company code number;

ii. The company name: Group name may be shown instead if it will identify the specific company involved. Company logos are not permitted;

iii. Policy number: The complete policy number should be listed;

iv. Effective date and expiration date;

v. Description of the vehicle: Year, make and vehicle identification number (VIN). The model of the vehicle (for example, Vega instead of Chevrolet) may be shown as the make;

vi. In the case of fleets, dealerships or leasing companies where the owner insures the vehicles, the make, year and VIN need not be recorded. In lieu of the make, year and VIN, the insurance company may insert "ALL OWNED VEHICLES" or "FLEETS". If the lessee insures the vehicles, the name of the owner as shown on the motor vehicle registration must be shown on the I.D. card in addition to the name of the insured if the designation "FLEET" is used without the VIN;

vii. The name and address of the office or agency issuing the identification cards must be shown;

viii. Named insured: The surname of the insured must agree with surname shown on the motor vehicle registration certificate. The Division of Motor Vehicles will check on surname basis. The address of the insured will also be printed;

ix. All insurance companies should immediately begin capturing the full vehicle identification number as the Division of Motor Vehicles' future requirement will include the complete vehicle identification number.

x. The following statement shall be printed on the front of the card in blue, non-reproducible ink: SEE IMPORTANT NOTICE ON REVERSE SIDE.

5. The reverse side of the permanent insurance identification card shall contain the following statements:

i. "This card must be kept in the insured vehicle and presented upon demand."

(1) The statement in 5i above shall be printed in blue, non-reproducible ink.

ii. "In case of accident: Report all accidents to your Agent/Company as soon as possible. Obtain the following information:

- (1) Name and address of each driver, passenger and witness.
- (2) Name of Insurance Company and policy number for each vehicle involved."

6. Insurers shall utilize the design and format provided by the ACORD 50 (7-82) insurance identification card in complying with the informational requirements of 4 and 5 above.

11:3-6.3 Temporary identification card (form IV-2)

(a) The specifications for [the] temporary insurance identification cards for motor vehicles not insured through the New Jersey Automobile Insurance Plan are [as follows] set forth below:

- 1. [Size:] The size shall be the same as the permanent identification card;
- 2. [Weight: 24-pound stock] The weight shall be 24 pound white stock (minimum);
- 3. [Color: Pink stock, black print;] The color shall be the same as the permanent identification card;
- 4. (No change.)
- 5. [Content:] The content of the temporary card shall be the same as the permanent identification card except as noted below:
  - i.-iii. (No change.)
  - iv. Expiration: The [form] card shall contain the following statement: "This card expires 60 days after the effective date shown above".

(b) The specifications for [the] temporary identification cards for motor vehicles insured through the New Jersey Automobile Insurance Plan are set forth below:

- 1. [Size:] The size shall be the same as the permanent identification card;
- 2. [Weight: 24-pound stock] The weight shall be 24 pound white stock (minimum);
- 3. [Color: Buff stock, black print;] The color shall be the same as the permanent identification card;
- 4. (No change.)
- 5. [Content:] The content of the temporary card shall be the same as the permanent identification card except as noted below:
  - i. (No change.)
  - ii. Two check-off boxes with the following legend: 999 New Jersey Automobile Insurance Plan on behalf of an insurer to be designated by the plan.

An authorized New Jersey insurer will issue an owner's policy of liability insurance, in accordance with the provisions of the New Jersey Automobile Insurance Plan. If this vehicle is being added to or is replacing a vehicle presently insured in the plan, the name of the existing insurance company and policy number must be set forth as indicated below.

Next to second check-off box, space for the company code number, the name of the insurance company and the policy number[. Company code shall be in accordance with section 2(b) 4.x. of this Subchapter];

- iii. (No change.)
- iv. Expiration: The [form] card shall contain the following statement: "This card expires 60 days after the effective date shown above". [Notwithstanding such expiration date, temporary identification cards issued to Gateway Insurance Company policyholders shall continue in force pending resolution of insolvency proceedings regarding Gateway Insurance Company or until the policy has been effectively cancelled.]

11:3-6.4 General provisions

[(a) The order of the information to be contained on the identification cards may be rearranged in order to accommodate fixed printout systems already established by a company. No drastic changes shall be made without obtaining approval of the New Jersey Division of Motor Vehicles.

(b) Additional information may be printed on the reverse side of the identification cards provided the additional information is appropriately captioned and does not interfere or detract from the information required as per the attached samples.]

Renumber (c)-(d) as (a)-(b).

[(e) (c) [It is contemplated that to inaugurate this program, insurance companies will floodmail identification cards to their insureds prior to November 15, 1972. As this program is new, a letter of transmittal should be included. The letter should explain the basic requirements. The insured must be informed that the identification card must be carried in the vehicle at all times. It should be emphasized that he will need the card when his vehicle is presented for inspection. When he is involved in an auto accident; when stopped for a moving violation or a road spot check. Insurance companies may include other information they deem pertinent.] Identification cards will not be required for trailers as the liability burden is on the towing or power unit.

[(f) (d) The insurance company shall, prior to the expiration of a 60-day temporary identification card, issue to the insured a permanent identification card.

[(g) New Jersey law authorizes the Director of Motor Vehicles, after consultations with the Commissioner of Insurance, to promulgate rules concerning notice by insurers of termination of insurance. All terminations of insurance shall be forwarded to the Director of Motor Vehicles pursuant to N.J.S.A. 39:3-4.]

## TRANSPORTATION

### (a)

#### TRANSPORTATION OPERATIONS

##### Restricted Parking and Stopping Route 27

##### Proposed Amendment: N.J.A.C. 16:28A-1.18

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-97.

The agency proposal follows:

##### Summary

This proposal will establish "no parking" zones along Route 27 in South Brunswick Township, Middlesex County at established bus stops. Appropriate signs will be erected to advise the motoring public.

##### Social Impact

This amendment will restrict parking at the areas designated as established bus stops to provide the safe and efficient on/off loading of passengers and enhance safety within South Brunswick Township.

**Economic Impact**

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28A-1.18 Route 27

- (a) (No change.)
- (b) The certain parts of State highway Route 27 described in [(b) of] this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops:

- 1.-20. (No change.)
- 21. Along the northbound (easterly) side in South Brunswick Township, Middlesex County:**
  - i. Mid-Block bus stop:**
    - (1) Between Raymond Road and Old Road (mid-block) beginning 1,200 feet north of the northerly curb line of Raymond Road and extending 135 feet northerly therefrom.**

**(a)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Route 35**

**Proposed Amendment: N.J.A.C. 16:28A-1.25**

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-139.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-96.

The agency proposal follows:

**Summary**

This proposal will establish "no parking" zones along both sides of Route 35 in Dover Township, Ocean County instead of "no parking" zones east and west as previously proposed at 14 N.J.R. 324(b) and adopted at 14 N.J.R. 580(c). Appropriate signs will be erected to advise the motoring public.

**Social Impact**

This amendment will restrict parking along the areas designated and enhance the safety and well-being of the populace and the efficient flow of traffic in Dover Township.

**Economic Impact**

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28A-1.25 Route 25

- (a) The certain parts of State highway Route 35 described in [(a) of] this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

- 1.-6. (No change.)
- 7. No stopping or standing in Dover Township, Ocean County:
  - [i. Along eastside of Route 35:
    - (1) From the southerly curb line of 6th Avenue to a point 110 feet southerly therefrom.
  - ii. Along westside of Route 35:]

- i. Along both sides of Route 35:**
  - (1) From the southerly curb line of 6th Avenue to a point 61 feet southerly therefrom.
- 8.-20. (No change.)
- (b)-(c) (No change.)

**(b)**

**TRANSPORTATION OPERATIONS**

**Miscellaneous Traffic Rules  
Route 71**

**Proposed Amendment: N.J.A.C. 16:30-2.5**

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-140.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-98.

The agency proposal follows:

**Summary**

This proposal will establish a stop intersection on Route 71 in the Borough of Oceanport and Eatontown in Monmouth County. The stop intersection will replace the present yield intersection based upon a request from local officials and engineering studies conducted by the Department of Transportation. Appropriate signs will be erected to advise the motoring public.

**Social Impact**

This amendment will establish a stop intersection along Route 71 and area designated for the safety of the populace and the safe and efficient flow of traffic.

**Economic Impact**

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:30-2.5 Route 71

(a) [In consonance with the] **Under** provisions of N.J.S.A. 39:4-140 (as amended) the certain part of Route 71 situated in the Boroughs of Oceanport[,] and Eatontown, Monmouth County, and described [herein below shall be and hereby is] **in this section shall be** designated a [yield] **stop** intersection.

1. County Road 537 (Eatontown [Blvd.] **Boulevard**) and Route 71: [Yield] **Stop** sign shall be installed on the near right side of Route 71 (southerly approach) facing northbound traffic.

**(a)**

**TRANSPORTATION OPERATIONS**

**Turns**

**Routes 15 and 46**

**Proposed Amendment: N.J.A.C. 16:31-1.3**

**Proposed New Rule: N.J.A.C. 16:31-1.21**

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-183.6.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-95.

The agency proposal follows:

**Summary**

This proposal will establish "no left" turning movements along Routes 15 and 46 in the Town of Dover, Morris County. Appropriate signs will be erected advising the motoring public.

**Social Impact**

This amendment and new rule will restrict left turn movements along Routes 15 and 46 for the safety of the populace and the efficient flow of traffic.

**Economic Impact**

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

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

16:31-1.3 Route 46

(a) Turning movements of traffic on the certain parts of State highway Route 46 described [herein below] **in this section** are regulated as follows:

1. (No change.)

**2. No left turn north on Route 46 ramp to west on Richboynton Road.**

**16:31-1.21 Route 15**

(a) **Turning movements of traffic on the certain parts of State highway Route 15 described in this section are regulated as follows:**

**1. No left turn north on Route 15 to west on Richboynton Road.**

**TREASURY-GENERAL**

**(b)**

**DIVISION OF PENSIONS**

**Social Security**

**Late Filing Penalties**

**Proposed New Rule: N.J.A.C. 17:1-8.12**

**Proposed Repeal: N.J.A.C. 17:1-8.12**

Authorized By: William J. Joseph, Director, Division of Pensions.

Authority: N.J.S.A. 43:22-5(d) and 52:18A-96.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Director  
Division of Pensions  
20 West Front Street  
CN 295  
Trenton, NJ 08625

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

This proposal is known as PRN 1983-85.

The agency proposal follows:

**Summary**

The proposal clarifies the penalties to be charged for the delinquency of a public employer in sending to the Division of Pensions the applicable Social Security transmittals, reports and contributions. Such penalties include interest, which if not paid in a timely manner, could result in a deduction of other State monies that would have otherwise been payable to the public employer.

**Social Impact**

All public employers participating in the Social Security program in the State of New Jersey will be directly affected by this proposal if they become delinquent in forwarding Social Security transmittals, contributions and reports to the Division of Pensions. In such cases, their public employees and communities which they serve may be affected.

**Economic Impact**

To the extent that penalties may be imposed and, in some cases, State aid to the particular community may be reduced if a public employer is delinquent in forwarding the required items, those public employers, their public employees and the public which they serve will be economically affected by this proposal since the reduction in State aid for various programs could result in reduced services and employment in those programs.

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

## 17:1-8.12 Late filing penalties

[(a) If proper contributions based upon covered wages are not expected to be received by the State Agency for Social Security by the 15th day following the end of the preceding month, a late filing penalty will be due based upon the daily factor given in the transmittal form. Also, the penalty will apply where monies have been forwarded, but without the report needed to establish the wages subject to tax.

(b) Whenever participating employers are delinquent for a period of three months in forwarding to the State Agency for Social Security the appropriate contributions and reports mentioned in (a) above, the Division of Pensions shall notify the State Treasurer and the Director of the Division of Budget and Accounting of such delinquency. Upon receipt of such notice, the Director of the Division of Budget and Accounting, is authorized to deduct any amount due, plus applicable interest, from any monies payable to the employer by any department or agency of the State.]

**(a) If proper transmittals, reports and contributions, for the month, the quarter or the year, are not received by the State Agency for Social Security by the due date, the participating employer will be notified that a late filing penalty will be assessed. The penalty will be computed using the daily factor shown on the transmittal form and multiplying it by the days late.**

**1. The amount of the penalty will be determined by multiplying the covered wages by the full Social Security rate and the resulting contributions due by the factor developed. However, if in each of the first two months of a quarter, transmittals and contributions are filed timely and the contributions received do not appear to be understated, the State Agency will assume that proper contributions have been remitted. Reports and remittances must be in agreement and timely and if they are not, the penalty factor will be applied to the total contributions due.**

**(b) Whenever participating employers are delinquent for a period of three months in forwarding to the State Agency for Social Security the appropriate contributions and reports mentioned in (a) above, the Division of Pensions shall notify the State Treasurer and the Director of the Division of Budget and Accounting, who are authorized to deduct any amount due, plus applicable interest, from any monies payable to the employer by a department or agency of the State.**

**(c) When the participating employer has failed to file a report, or pay contributions due for a particular month, quarter or year the State Agency will estimate the penalty of the delinquency by using the information from the last transmittal, adding 25 percent and thus developing the estimated charge. The same estimate will be used in determining the amount to be recommended to the State Treasurer to be withheld from other State funds payable to the participating employer.**

**TREASURY-TAXATION****(a)****DIVISION OF TAXATION****Corporation Business Tax  
Computation of Tax by Short Tax Table****Proposed Amendment: N.J.A.C. 18:7-3.5**

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

Authority: N.J.S.A. 54:10A-1 et seq., specifically.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-100.

The agency proposal follows:

**Summary**

The Director of the Division of Taxation, using his rulemaking power, pursuant to N.J.S.A. 54:10A-27 proposes to amend N.J.A.C. 18:7-3.5 in order to advise taxpayers, their accountants and attorneys of the applicable short tax table as an alternative to the net worth base if total assets everywhere is \$150,000 or less. Authorization to the Director by the Legislature requires the Director to promulgate short tax tables until the net worth base of the tax is phased out. The Director retained the present table at N.J.A.C. 18:7-3.5 until it expires on March 31, 1983. See proposal at 14 N.J.R. 826(b), adopted at 14 N.J.R. 1221(b). See also 14 N.J.R. 1206(a) of the New Jersey Register dated Monday, November 1, 1982, in particular the second column of the page beginning at item 1. There will remain a \$25.00 minimum tax for domestic corporations and a \$50.00 minimum tax for foreign corporations even after the net worth is phased out, in accordance with the terms of the statute.

**Social Impact**

Taxpayers and the public will benefit from using the short tax table which saves money for taxpayers, accountants or attorneys that prepare the Corporation Business Tax Return, form CBT-100. The short tax table is easy to understand as opposed to some language that appears in the Corporation Business Tax Act, N.J.S.A. 54:10A-1, et seq.

**Economic Impact**

Taxpayers, their accountants, attorneys and perhaps other representatives will save a certain amount of money in preparing the Corporation Business Tax Return, form CBT-100, by not having to complete certain schedules that are required if the option to use the short tax table is not used. The savings to everyone, including the State, will depend upon the amount of time, the amount of money for printing, paper and preparation of return which is economically desirable and feasible if this table is used. Many taxpayers have used the short tax table in the past and we expect a good number of taxpayers will use the short tax table as long as the net worth base remains part of the franchise tax.

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

18:7-3.5 Computation of tax by short tax table

(a) [In lieu of the tax based on allocated net worth, allocated total real and tangible personal property, 11/100 of a mill of total assets and the tax based on the number of shares of capital stock, any taxpayer having less than \$150,000 of total assets everywhere may, at the election of the taxpayer, determine its net worth tax liability on the basis of a short tax table.] (Reserved)

(b) Tax liability under this provision of the Law may be computed by reference to the following tables:

1. For all accounting periods ending on or before March 31, 1983:

(No change in the table.)

2. For accounting periods beginning on or after April 1, 1983:

If total assets are at least	But less than	The tax shall be	
		For Domestic Corporations	For Foreign Corporations
\$ 0.00	\$ 22,000.00	\$ 25.00	\$ 50.00
22,000.00	26,000.00	28.00	50.00
26,000.00	30,000.00	33.00	50.00
30,000.00	34,000.00	37.00	50.00
34,000.00	38,000.00	42.00	50.00
38,000.00	42,000.00	46.00	50.00
42,000.00	46,000.00	51.00	51.00
46,000.00	50,000.00	55.00	55.00
50,000.00	54,000.00	60.00	60.00
54,000.00	58,000.00	64.00	64.00
58,000.00	62,000.00	69.00	69.00
62,000.00	66,000.00	73.00	73.00
66,000.00	70,000.00	78.00	78.00
70,000.00	74,000.00	82.00	82.00
74,000.00	78,000.00	87.00	87.00
78,000.00	82,000.00	91.00	91.00
82,000.00	86,000.00	96.00	96.00
86,000.00	90,000.00	100.00	100.00
90,000.00	94,000.00	105.00	105.00
94,000.00	98,000.00	109.00	109.00
98,000.00	102,000.00	114.00	114.00
102,000.00	106,000.00	118.00	118.00
106,000.00	110,000.00	123.00	123.00
110,000.00	114,000.00	127.00	127.00
114,000.00	118,000.00	132.00	132.00
118,000.00	122,000.00	136.00	136.00
122,000.00	126,000.00	141.00	141.00
126,000.00	130,000.00	145.00	145.00
130,000.00	134,000.00	150.00	150.00
134,000.00	138,000.00	154.00	154.00
138,000.00	142,000.00	159.00	159.00
142,000.00	146,000.00	163.00	163.00
146,000.00	150,000.00	168.00	168.00

There is a minimum tax of \$25.00 for a domestic corporation and \$50.00 for a foreign corporation.

3. For accounting periods beginning on or after July 1, 1984:

If total assets are at least	But less than	The tax shall be	
		For Domestic Corporations	For Foreign Corporations
\$ 0.00	34,000.00	25.00	50.00
34,000.00	38,000.00	28.00	50.00
38,000.00	42,000.00	31.00	50.00
42,000.00	46,000.00	34.00	50.00
46,000.00	50,000.00	37.00	50.00
50,000.00	54,000.00	40.00	50.00
54,000.00	58,000.00	43.00	50.00

58,000.00	62,000.00	46.00	50.00
62,000.00	66,000.00	49.00	50.00
66,000.00	70,000.00	52.00	52.00
70,000.00	74,000.00	55.00	55.00
74,000.00	78,000.00	58.00	58.00
78,000.00	82,000.00	61.00	61.00
82,000.00	86,000.00	64.00	64.00
86,000.00	90,000.00	67.00	67.00
90,000.00	94,000.00	70.00	70.00
94,000.00	98,000.00	73.00	73.00
98,000.00	102,000.00	76.00	76.00
102,000.00	106,000.00	79.00	79.00
106,000.00	110,000.00	82.00	82.00
110,000.00	114,000.00	85.00	85.00
114,000.00	118,000.00	88.00	88.00
118,000.00	122,000.00	91.00	91.00
122,000.00	126,000.00	94.00	94.00
126,000.00	130,000.00	97.00	97.00
130,000.00	134,000.00	100.00	100.00
134,000.00	138,000.00	103.00	103.00
138,000.00	142,000.00	106.00	106.00
142,000.00	146,000.00	109.00	109.00
146,000.00	150,000.00	112.00	112.00

There is a minimum tax of \$25.00 for a domestic corporation and \$50.00 for a foreign corporation.

4. For accounting periods beginning on or after July 1, 1985:

If total assets are at least	But less than	The tax shall be	
		For Domestic Corporations	For Foreign Corporations
\$ 0.00	\$ 66,000.00	\$ 25.00	\$ 50.00
66,000.00	70,000.00	26.00	50.00
70,000.00	74,000.00	28.00	50.00
74,000.00	78,000.00	29.00	50.00
78,000.00	82,000.00	31.00	50.00
82,000.00	86,000.00	32.00	50.00
86,000.00	90,000.00	34.00	50.00
90,000.00	94,000.00	35.00	50.00
94,000.00	98,000.00	37.00	50.00
98,000.00	102,000.00	38.00	50.00
102,000.00	106,000.00	40.00	50.00
106,000.00	110,000.00	41.00	50.00
110,000.00	114,000.00	43.00	50.00
114,000.00	118,000.00	44.00	50.00
118,000.00	122,000.00	46.00	50.00
122,000.00	126,000.00	47.00	50.00
126,000.00	130,000.00	49.00	50.00
130,000.00	134,000.00	50.00	50.00
134,000.00	138,000.00	52.00	52.00
138,000.00	142,000.00	53.00	53.00
142,000.00	146,000.00	55.00	55.00
146,000.00	150,000.00	56.00	56.00

There is a minimum tax of \$25.00 for a domestic corporation and \$50.00 for a foreign corporation.

[c] This optional short tax table shall expire with respect to taxpayers whose accounting or privilege periods begin on or after April 1, 1983. New tables will be added in the future to reflect changes in the reduced net worth tax rates.]

(a)

**DIVISION OF TAXATION****Local Property Tax  
Revaluation of Real Property****Proposed Repeal: N.J.A.C. 18:12-4  
Proposed New Rule: N.J.A.C. 18:12-4**

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

Authority: N.J.S.A. 54:1-35.35.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Samuel Temkin, Superintendent  
Local Property Tax Branch  
Division of Taxation  
West State and Willow Streets  
Trenton, NJ 08646

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

This proposal is known as PRN 1983-101.

The agency proposal follows:

**Summary**

The Director of the Division of Taxation, pursuant to P.L. 1971, Chapter 424 (N.J.S.A. 54:1-35.35), proposes to repeal the current rules and substitute new rules concerning the valuation and revaluation of real property. These rules establish standards and qualifications which appraisal companies must adhere to when valuing and revaluing real estate in the State of New Jersey. The current rules are being repealed because they are cumbersome, repetitive and wordy, which may be misleading. The new rules while more concise in form are substantively similar to the current rules. The intent of the proposal is to provide uniform standards for all municipalities throughout the State when they contract with appraisal firms for revaluing real property in those municipalities for local property tax purposes.

**Social Impact**

The proposal, if adopted, will provide local municipal officials and their assessor with guidance in exercising their legal functions in valuing and revaluing real property. The taxpayers of the municipality are assured of the proper qualifications of the appraisal firm selected by the governing body, since the Director of the Division of Taxation must approve the contract to be signed by the municipality and the revaluing appraisal firm.

**Economic Impact**

The consequence of hiring a competent appraisal firm will protect the taxpayers and the municipality involved. The municipality will have protection by having a competent firm conduct the revaluation which will lessen the change of default and taxpayer litigation.

**Full text** of the proposal follows. Delete in its entirety the current text of N.J.A.C. 18:12-4 and replace with the following text.

**SUBCHAPTER 4. REVALUATION OF REAL PROPERTY  
BY APPRAISAL FIRMS****18:12-4.1 Definitions**

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

"Contract" means any agreement between a firm, as defined below, and a municipality for a revaluation or reassessment of all or designated portions of the real property in a municipality.

"Director" means the Director of the Division of Taxation.

"Firm" means any individual, partnership, corporation or other association contracting to perform a revaluation.

**18:12-4.2 Authority of the Director; approval of contracts**

(a) The Director shall establish standards to be used in the valuation and revaluation of real property for assessment purposes and shall prescribe minimum qualifications for firms engaged in the business of providing such services to municipalities in this State.

(b) Prior to the execution of any contract, a municipality shall submit the contract to the Director for his review. The Director shall make a determination regarding the contract within 30 days of submission.

(c) No firm shall assign or transfer a contract or any interest therein without written permission from the municipality, surety company, county board of taxation and the Director.

(d) No changes will be permitted in the contract except upon mutual consent of the contractual parties and written permission of the surety company and the Director.

**18:12-4.3 Appeals from Director's disapproval of contract**

(a) Any municipality, firm or individual aggrieved by any determination of the Director respecting a contract may request a formal hearing before the Director who shall render a decision within 30 days of the completion of the said hearing.

(b) Such hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(c) An appeal of the Director's decision may be taken within 90 days of the date of decision to the Tax Court of New Jersey.

**18:12-4.4 Appraisal firm: required information to be submitted**

(a) A firm seeking approval from the Director shall initially provide the following information which shall be submitted annually thereafter:

1. Financial statements, including balance sheets and income statements for the past three years;

2. A list of municipalities in New Jersey and outside the State where revaluations have been performed during the past five years;

3. The names and addresses of the officers and the number of years each officer has been engaged in real property valuation;

4. A statement of whether any litigation involving the firm's performance or revaluation contract has occurred during the past five years and, if so, explain in detail the nature of such litigation and the results thereof;

5. Any additional information the Director deems pertinent to determine whether the firm has adequate staff and resources to undertake a municipal valuation project;

6. A written statement asserting that the firm shall meet State and Federal requirements with respect to Equal Employment Opportunity laws and minimum wage rates; and

7. The names and addresses of the firm's parent corporation and subsidiaries, if any, shall be submitted.

**18:12-4.5 Conflict of interest**

(a) A contract submitted to the Director shall include the following provisions with respect to officers, stockholders and employees of the firm:

1. No commissioner or employee of a county board of taxation

within the county and no assessor of a taxing district within the county shall have any interest whatsoever, directly or indirectly, as an officer, stockholder, employee or in any other capacity in the firm.

2. No company referred to in N.J.A.C. 18:12-4.4(a)7 shall represent any property owner or taxpayer filing a tax appeal with respect to a revaluation completed by the firm.

#### 18:12-4.6 Appraisal firm: qualifications of principals and employees

(a) The principals of the firm and the employees of the firm directly engaged in municipal evaluation programs in this State shall meet the following minimum requirements:

1. Principals shall have five years of practical and extensive appraisal experience in the valuation of the four classifications of property;

2. Supervisors shall have four years of practical and extensive appraisal experience in the appraisal of the particular type of properties for which they are responsible. Two years of this experience must have been in the mass appraisal field and occurred within the past five years;

3. Field personnel, building enumerators and listers shall have received 150 hours of in-service training pertaining to their particular phase of work and shall be generally aware of all other phases of the revaluation project before starting actual field work;

4. Personnel determining final land values shall meet the qualifications prescribed for supervisors in direct charge of the work; and

5. A resume shall be submitted in behalf of principals and supervisors.

#### 18:12-4.7 Municipality: conditions to be met

(a) A municipality shall facilitate a firm's performance of the revaluation by providing the following:

1. An up-to-date tax map:

i. Prior to the municipality's execution of a contract for revaluation, the tax map shall be submitted to the Local Property and Public Utility Branch to determine if it is suitable for revaluation use.

ii. A letter from a licensed land surveyor shall be submitted with the tax map to said branch certifying that the map is up-to-date.

2. Official records and such other assistance required as an aid to the firm's performance;

3. Letters of introduction to facilitate the firm's representative access to property; and

4. The mailing addresses of all property owners in the municipality to enable the revaluation firm to maintain a current mailing list. Informational letters mailed by the revaluation firm to property owners may require the signature of the assessor.

#### 18:12-4.8 Standards for revaluation

(a) Any firm engaged in the revaluation of all or a portion of the real property in a municipality shall comply with the standards and conditions set forth in this subchapter. The revaluation firm constitutes the agent of the assessor and all determinations made by the firm shall be submitted to the assessor.

1. Real property shall be valued in accordance with N.J.S.A. 54:4-1 et seq.;

2. With regard to real property being constructed or altered, the firm shall determine the percentage of completion and the appraised value of said property as of October 1 of the pretax year;

3. A separate list of exempt properties shall be provided indicating the values of said properties as if taxable;

4. Land qualified under the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq. shall be valued in accordance with its qualified farmland value and its highest and best use value;

5. In determining taxable values of all real property, the firm shall employ the three approaches to value where applicable. The

capitalization procedure shall be included with the property record card and reconciled with the other approaches to value;

6. To facilitate the use of the approaches to value the most recent edition of the Real Property Appraisal Manual for New Jersey Assessors shall be used. The use of any other appraisal manual as a basis for valuing real property shall require approval by the Director;

7. The firm shall include real property identification material on properly labeled individual property record cards similar in form and content to those illustrated in the Real Property Appraisal Manual. Distinct property record cards for each of the four classifications of real property shall be provided;

8. The real property identification material to be entered on property record cards shall include, but not necessarily be limited to, the following:

i. A scaled sketch of the exterior building dimensions;

ii. Notations of significant building components as ascertained from both an interior and exterior inspection;

iii. Entries on the property record cards respecting the values of each lot and building including such items as age, construction, condition, depreciation, obsolescence, additions and deductions, appraised value, recent sales prices, rental data and all other pertinent information pertaining to the valuation of the property;

iv. Where more than one property card is required in the description of a property, all cards shall be assembled in a standard file folder and properly labeled;

v. Each property record card shall identify the individual making the inspection and set forth the date when the interior inspection was made.

9. The inspection of each property shall be performed in the following manner:

i. No less than three attempts shall be made to gain entry to each property;

ii. If successful entry has not been made after the first attempt, a card shall be left at the property indicating a date when a second attempt to gain entry will be made;

iii. The card shall include a phone number and address to permit the property owner to contact the firm to make other arrangements, if necessary;

iv. If entry is not possible upon the second visit, written notice shall be left advising that an assessment will be estimated unless a mutually convenient arrangement is made for a third visit to gain access to the property;

v. The firm shall schedule inspections during reasonable hours which shall include evenings and Saturdays;

vi. The assessor shall be notified in writing of each failure to gain entry to a property and a list of all non-entries and reasons for same shall be provided to the assessor prior to the mailing of values.

10. Every contract shall include the following items respecting progress and control of operations:

i. A commencement date and a completion date, the latter not later than October 1, except for completion of taxpayer's reviews which shall be not later than November 1;

ii. A requirement providing for the submission to the assessor of a work schedule or plan of operations;

iii. The firm shall provide written monthly progress reports to the assessor for his review. The assessor shall forward the reports to persons designated by contract to receive the same;

iv. Each progress report shall indicate the status or work progress which shall serve as a basis for proportional payments by the municipality. In no event shall more than 90 percent of the total contract price be billed until full completion and performance of the contract, except any requirement for defense of tax appeals;

v. Any change in personnel shall be submitted in writing to the assessor and county board of taxation.

11. A provision committing the firm to conduct and/or assist the municipality in a program of taxpayer orientation and education regarding the revaluation program including, but not necessarily limited to, the following:

- i. Press releases describing the purpose and nature of the revaluation program;
- ii. Meetings with public groups in the community;
- iii. Mailings approved by the assessor, at the firm's expense, to all property owners explaining the nature and purpose of the revaluation and setting forth a proposed date for the commencement of inspections in the municipality.

12. The firm shall provide its representatives with photographic identification cards;

13. Following the formulation of land valuations, a land value map shall be prepared for the assessor for his review which will indicate all unit values and underlying data used to derive unit values;

14. The firm shall provide all office space, furniture, equipment, machines, and other items required in connection with this project unless otherwise provided by contract;

15. The firm shall assist by providing expert witnesses in the defense of all valuations rendered to the municipality which are appealed to the county tax board. The firm's obligation with respect to this requirement is limited to the initial appeal of an assessment filed during the year in which the revaluation is implemented or the following tax year. Such assistance shall include a qualified expert from the firm who is knowledgeable with regard to challenged assessments. In the event the municipality elects to utilize the defense services of the firm for appeals beyond the county board of taxation level and which are filed during the year in which the revaluation is implemented or the following tax year, an hourly rate for such services shall be set forth by the firm. Said hourly rate shall apply to services rendered by the firm in connection with preparation, reinspections, consultations and actual appearances at appeal proceedings.

#### 18:12-4.9 Taxpayer review procedure

(a) The firm shall provide each taxpayer with an opportunity to review the proposed assessment of his property.

(b) The firm, at its expense, shall mail a written notice, approved by the assessor, indicating the appraised value of the property and advising the taxpayer of his right to attend an individual informal review.

(c) Informal reviews shall be held at a designated location within the municipality and shall be scheduled so as to allow the firm sufficient time to fully review and discuss the proposed assessment with the taxpayer.

1. Each taxpayer attending a review shall be afforded an individual meeting with a qualified person employed by the firm;

2. Sufficient time shall be allotted to hear and conclude reviews on or before November 1;

3. A written record of each review shall be provided to the assessor in a format approved by the assessor;

4. Suggested revisions by the firm resulting from the taxpayers' reviews shall be made with the consent of the assessor;

5. Each taxpayer shall be informed in writing by the firm of the results of their assessment review within four weeks of the conclusion of all reviews.

#### 18:12-4.10 Surety and insurance

(a) Prior to the commencement of a contract, the firm shall provide assurance that the municipality will be adequately protected and saved harmless from any lawsuit, litigation, demand, or claim arising out of the revaluation contract. In support of the foregoing, the firm shall provide the following coverages:

1. Workers' compensation insurance coverage in accordance with the standards of this State as set forth in N.J.S.A. 34:15-1 et seq.;

2. Public liability and automobile liability in amounts not less than those provided for by law for any one person and any one occurrence respecting property damage;

3. A performance surety bond in the amount of the contract, executed by a reputable bonding company authorized to do business in this State, subject to reduction to 10 percent of the contract

amount upon acceptance of the completed revaluation by the assessor. Said reduced amount shall remain in effect until the firm has discharged all obligations respecting the defense of the contract;

4. The terms and conditions of all the foregoing may be in greater amounts if required by the municipality and copies of all policies shall be provided to the municipality prior to the commencement of any portion of the contract.

#### 18:12-4.11 Delivery and summary

(a) A firm shall provide the assessor with completed property record cards filed in sequence by block and lot numbers for all taxable and exempt properties. All supporting data, documentation and special procedures used in deriving values shall also be provided to the assessor.

(b) A firm shall make available qualified personnel for the purpose of giving full explanation and instructions to the assessor and his staff with regard to all materials submitted in all phases of the final revaluation.

(c) In the event a magnetic tape containing the new values is provided by the firm, said tape shall be in a format consistent with the New Jersey Property Tax System MOD IV so that entry of the data can be made directly into the taxing district's Master File.

(a)

## DIVISION OF TAXATION

### Sales and Use Tax Transitional Provisions for Increase in Tax Rate

#### Proposed New Rule: N.J.A.C. 18:24-11.3

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

Authority: N.J.S.A. 54:32B-1 et seq., specifically 54:32B-24 and P.L. 1982 c.227.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-102.

The agency proposal follows:

#### Summary

The proposed rule will clarify the six percent tax rate transitional provisions contained in the Sales and Use Tax Act, N.J.S.A. 54:32B-1 et seq. as amended by P.L. 1982 c.227 as they apply to taxable sales of property or services which occurred in the State of New Jersey before and on or after January 3, 1983. The rule covers taxable sales transactions which were completed prior to January 3, 1983 and taxable sales transactions initiated prior to January 3, 1983 but completed on or after that date. The rule also provides the conditions under which a refund of one percent can be granted to consumers.

**PROPOSALS****TREASURY-TAXATION****Social Impact**

The proposed rule clarifies the transitional provisions for New Jersey vendors. It indicates those receipts which are subject to sales tax at the rate of five percent and those upon which sales tax must be collected at the rate of six percent. It also informs ultimate consumers of taxable property or services in this State of the vendor's obligation to collect tax at the higher rate in the specified circumstances.

**Economic Impact**

The proposed rule will implement the transition of the sales and use tax rate on taxable sales transactions from five percent to six percent, as provided by P.L. 1982, c.227. It is estimated that the six percent sales and use tax rate will increase State revenue by \$140 million for the fiscal year ending June 30, 1983.

**Full text** of the proposal follows.

18:24-11.3 Transitional provisions for increase in tax rate

(a) This section clarifies the application of transitional provisions contained in the amendment to the Sales and Use Tax Act (N.J.S.A. 54:32B-5) pursuant to P.L. 1982, c.227 (approved December 31, 1982), effective January 3, 1983. The sales and use tax rate as of the effective date is increased from five percent to six percent of the taxable receipt.

(b) Transactions completed before January 3, 1983 shall be treated as follows:

1. In the case of sales made or services rendered, where delivery of tangible personal property which was the subject matter of the sale has been completed or the services have been entirely rendered prior to January 3, 1983, receipts received by the vendor on or after January 3, 1983 from such sales are subject to tax at the rate of five percent.

Example 1: X purchased a refrigerator on December 28, 1982 which was delivered to X by the vendor on December 30 1982. Since the sale was completed prior to January 3, 1983, the sales tax is collected at the rate of five percent of the purchase price.

Example 2: X called a repairman to service a cash register on December 22, 1982. X received an invoice for the service call and replacement parts used in the repair service on January 5, 1983. Since the service was entirely rendered prior to January 3, 1983, the sales tax is collected at the rate of five percent of the invoice amount.

(c) Sales of tangible personal property shall be treated as follows:

1. Where delivery of the property sold is made on or after January 3, 1983, whether or not payment has been made in whole or in part, the vendor shall collect the tax at the rate of six percent. In such case, the purchaser shall be entitled to a refund of one percent upon making application for a refund with the Division of Taxation within 90 days of the payment of the tax at the rate of six percent and:

i. The tax payment was made on or before June 30, 1983; and  
ii. The purchaser presents proof of a written contract which was accompanied by a deposit or partial payment; however, the deposit or partial payment requirement can only be waived where the purchaser presents clear and convincing evidence that, in the usage of the trade, contracts for the purchase of property are not customarily accompanied by a deposit or partial payment.

Example 1: X entered into a written contract for the purchase of an automobile on November 10, 1982 and paid the dealer \$100.00 as a deposit. X took delivery of the automobile on January 15, 1983. Since X took delivery of the automobile on or after January 3, 1983, the dealer must collect sales tax at the rate of six percent.

Example 2: On the facts given in Example 1, X filed an application for a refund of the one percent additional tax on January 28, 1983. X supplied a copy of his contract of sale which showed a deposit of \$100.00 on the automobile and the dealer's paid invoice for the automobile and sales tax at six percent. Under these circumstances, since the tax was paid prior to July 1, 1983 and the

application for refund was received within 90 days of payment of the tax, X is entitled to a refund of one percent of the tax collected on the purchase price of the automobile.

(d) Sales of services shall be treated as follows:

1. Unless the services have been entirely rendered prior to January 3, 1983, the vendor shall collect the tax at the rate of six percent.

2. In the case of a taxable service or maintenance contract in existence prior to January 3, 1983, only those receipts applicable to that portion of the services rendered after January 2, 1983 are taxable at six percent. Receipts applicable to periods prior to January 3, 1983 are taxable at five percent.

i. The rate applicable to each period as set forth above shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

3. Where a service is performed on or after January 3, 1983 which was the subject of a written contract entered into prior to January 3, 1983, the purchaser shall be entitled to a refund of one percent upon making application for a refund with the Division of Taxation within 90 days of the payment of tax at the rate of six percent and:

i. The tax payment was made on or before June 30, 1983;  
ii. The purchaser presents proof of a written contract which was accompanied by a deposit or partial payment;  
iii. The deposit or partial payment requirement can only be waived where the purchaser presents clear and convincing evidence that, in the usage of the trade, contracts for the purchase of services are not customarily accompanied by a deposit or partial payment.

(e) Room occupancy.

1. Periods of taxable occupancy after January 2, 1983 are subject to tax at six percent notwithstanding any prior lease or other rental agreement. Periods of taxable occupancy prior to January 3, 1983 are taxable at five percent.

2. Where rent is paid on a weekly, monthly or other term basis, the rent applicable to each period as set forth herein above shall be apportioned on the basis of the ratio of the number of days falling within each of the said periods to the total number of days covered thereby.

Example 1: X rented a motel room on December 23, 1982 for one week. The sales tax is to be collected at the rate of five percent.

Example 2: X reserved a hotel room on September 1, 1982 for a three day occupancy beginning on January 7, 1983. The sales tax is to be collected at the rate of six percent.

Example 3: X rented a room in a hotel on December 31, 1982 for a period which ended on January 9, 1983. The rent was paid weekly. The period of occupancy subject to sales tax at the rate of five percent and at the rate of six percent, respectively, is found by dividing the number of days the room was occupied on and after January 3, 1983 by the total number of days in the rental period. In this case 70 percent of the total receipt is subject to sales tax at the rate of six percent.

(f) Admission charges shall be treated as follows:

1. The tax on taxable admission charges on or after January 3, 1983 is at the rate of six percent even though the charges for the tickets were paid prior to such date, unless the tickets were actually delivered prior to January 3, 1983 and the tax of five percent was paid.

Example 1: X purchased tickets for a sporting event in New Jersey on December 21, 1982. The tickets were delivered to X after January 3, 1983. Since the tickets were not received prior to January 3, 1983, the vendor must collect the tax at the rate of six percent.

(g) Sales to contractors of materials, supplies or services shall be treated as follows:

1. In all cases where taxable building materials or supplies are delivered or services rendered on or after January 3, 1983, the vendor of such materials, supplies or services shall collect the tax at the rate of six percent.

2. The purchaser shall be entitled to a refund of one percent upon making application for a refund with the Division of Taxation within two years of the date of payment of the tax at the rate of six

percent and:

- i. The purchaser presents proof that such sales were for use in the performance of a contract which is either of a fixed price not subject to change or modification or entered into pursuant to the obligation of a formal written bid which cannot be altered or withdrawn; and
- ii. The purchaser presents proof that such contract was entered into or such bid was made prior to January 3, 1983.

Example 1: X, a construction company, entered into a contract on October 1, 1982 for the construction of a new house. Building materials and supplies were delivered by the vendor to the construction site on January 17, 1983. On these facts, the vendor must collect the sales tax at the rate of six percent.

Example 2: On the facts given in Example 1, the construction company applied for a refund on July 14, 1983 of the one percent additional sales tax paid on the building materials and supplies purchased for use in performing under the contract. The price for the new house was fixed at \$60,000 and the contract by its terms did not allow for the modification or alteration of the building material costs in any manner. Under these circumstances and inasmuch as application for the refund is made within two years of payment of the tax, the construction company is entitled to a refund of one percent of the sales tax paid on the purchase of building materials on and after January 3, 1983.

Gregory E. Nagy, Esq.  
 Staff Counsel  
 Election Law Enforcement Commission  
 Suite 1114, National State Bank Building  
 28 W. State Street  
 Trenton, NJ 08608

The Commission specifically invites comments on whether, as a matter of public policy in carrying out the purposes of disclosure, a candidate should be required to disclose significant sources of income to corporations, partnerships, sole proprietorships, associations or other business entities if that candidate holds a substantial or controlling interest in such business entities. For example, if a candidate holds a substantial or controlling interest in a business entity that in fact derives its income from a relatively limited number of sources, disclosure of only the business entity as a source does not reach the names and addresses of sources who in fact may be in a position to impact substantially on the candidate's income. The Personal Financial Disclosure Act and these proposed rules do not require such disclosure.

The Election Law Enforcement Commission after public hearing and expiration of the public comment period on April 6, 1983 may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the New Jersey Register of notice of adoption.

This proposal is known as PRN 1983-99.

The agency proposal follows:

**Summary**

These proposed new rules for Personal Financial Disclosure Statements of Candidates for the Office of Governor and Candidates for the Senate or General Assembly are intended to implement P.L. 1981, c.129 (N.J.S.A. 19:44B-1 et seq.) by clarifying what financial information candidates must disclose. Clarification is accomplished in the following manner:

1. The term "relative" is defined in N.J.A.C. 19:25-19.2 so that candidates may know precisely which family members must be included in determining whether the candidate must disclose receipt of a gift. The statutory definition of the term "gift" uses the word "relative". Other definitions appearing in the proposed rules are from the statute.

2. The reporting by candidates on the Personal Financial Disclosure Statement of earned income, such as salaries, bonuses, royalties, fees, commissions and profit sharing is clarified in N.J.A.C. 19:25-19.3. The names and addresses of sources of earned income that total more than \$1,000 for the preceding calendar year must be reported. Only a source exceeding \$1,000 within any category must be disclosed. Sources of earned income from public bodies, except the State of New Jersey, must be reported. Retirement benefits, except Social Security payments, also must be reported by identifying the source. The calendar year in which income is reportable as received is clarified.

3. The reporting of sources of unearned income, such as rents, dividends and other income received from named investments, trusts and estates is described and clarified in N.J.A.C. 19:25-19.4.

4. The Commission has provided for the issuance by it of advisory opinions as to the applicability of the Personal Financial Disclosure Act and these proposed rules in N.J.A.C. 19:25-19.5.

**Social Impact**

The proposed rules promote the public interest in achieving disclosure of certain financial information from candidates for State public elective office required by P.L. 1981, c.129, and provide guidance to candidates in meeting their obligations to prepare and file Personal Financial Disclosure Statements with the Commission.

**Economic Impact**

The proposed rules do not result in any additional cost to the

**OTHER AGENCIES**

**(a)**

**ELECTION LAW ENFORCEMENT COMMISSION**

**Financial Disclosure Statements of Candidates for the Office of Governor and Candidates for the Senate or General Assembly**

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

**Public Hearing: March 23, 1983, 10:00 A.M., Chambers of the General Assembly, State House, West State Street, Trenton, New Jersey**

Authorized By: Election Law Enforcement Commission at its Public Meeting of February 2, 1983, Scott A. Weiner, Executive Director.

Authority: N.J.S.A. 19:44B-1 et seq., specifically N.J.S.A. 19:44B-7.

A public hearing concerning this proposal will be held on March 23, 1983 at 10:00 A.M. at:

Chambers of the General Assembly  
 State House  
 West State Street  
 Trenton, New Jersey

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

**PROPOSALS****OTHER AGENCIES**

Commission, or to candidates, because they merely clarify reporting requirements under the Personal Financial Disclosure Act (P.L. 1981, c. 129). The proposed rules do not create any new or additional filing requirements. By providing guidance as to the substantive reporting requirements, the Commission anticipates the costs to candidates, if any, of preparing Personal Financial Disclosure Statements may be reduced.

**Full text of the proposed new rule follows.**

#### SUBCHAPTER 19. PERSONAL FINANCIAL DISCLOSURE STATEMENTS

##### 19:25-19.1 Authority

The provisions of this subchapter, covering personal financial disclosure statements of candidates for the Office of Governor or for State legislative office are promulgated pursuant to the Act requiring the filing of financial disclosure statements by certain candidates, Laws 1981, c. 129 (N.J.S.A. 19:44B-1, and following—the Personal Financial Disclosure Statement Act).

##### 19:25-19.2 Definitions

The following words and terms when used in this subchapter shall have the following meanings unless a different meaning clearly appears from the context.

“Gift” means any money or thing of value received other than as income, and for which a consideration of equal or greater value is not received, but does not include any political contribution reported as otherwise required by law, any loan made in the ordinary course of business, or any devise, bequest, intestate estate distribution or principal distribution of a trust or gift received from a member of a person(s) household or from a relative within the third degree of consanguinity of the person or his spouse, or from the spouse of that relative.

“Income” means any money or thing of value received, or to be received, as a claim on future services, whether in the form of a fee, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense, or any combination thereof.

“Member of household” means the spouse of a candidate for the Office of Governor or of a candidate for the Senate or General Assembly residing in the same domicile and any dependent children.

“Relative” shall mean a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle, or aunt. Relatives by adoption, half-blood, marriage, or re-marriage shall be treated as relatives of the whole kinship.

##### 19:25-19.3 Reporting of earned income

(a) Personal Financial Disclosure Statements shall include the name and address of the corporation, professional association, partnership or sole proprietorship which is the source of each of the following categories of earned income totalling more than \$1,000 for the preceding calendar year: salaries, bonuses, royalties, fees, commissions and profit sharing.

(b) Only each source which exceeds \$1,000 within any category must be identified by name and address.

Example: 1. Candidate A receives commissions each year in the amount of \$1,100 from BCD Corporation, and also receives commissions each year in the amount of \$900.00 from EFG Corporation. The Personal Financial Disclosure Statement filed by Candidate A must include only the name and address of BCD Corporation as a source.

Example: 2. Candidate B receives fees each year in the amount of \$750.00 from XYZ Corporation, and also receives royalties each year in the amount of \$750.00 from the same XYZ Corporation. The Personal Financial Disclosure Statement filed by Candidate B may exclude the name and address of XYZ Corporation as a source.

(c) Income received from a public body, other than from the State of New Jersey, must be included under the category of earned income.

(d) Retirement benefits, including pension benefits, (but excluding Social Security payments) are deemed to be income for purposes of reporting under the Act.

(e) Income is received in a calendar year for purposes of the reporting requirements under N.J.S.A. 19:44B-1 et seq. and this subchapter if it is includible as a receipt on a cash accounting basis or as a receivable on an accrual accounting basis.

##### 19:25-19.4 Reporting of unearned income.

(a) Personal Financial Disclosure Statements shall include the name and address of the corporation, professional association, partnership or sole proprietorship which is the source of each of the following categories of unearned income totalling more than \$1,000 for the preceding calendar year: rents, dividends and other income received from named investments, trusts and estates; except that no address need be provided with respect to a source of dividends if the source of dividends is a listed security.

(b) Only each source which exceeds \$1,000 within any category must be identified by name.

Example: 1. Candidate A receives dividends each year in the amount of \$1,100 from BCD Corporation, and also receives dividends each year in the amount of \$900.00 from EFG Corporation. The Personal Financial Disclosure Statement filed by Candidate A must include only the name and address of BCD Corporation as a source.

Example: 2. Candidate B receives rents each year in the amount of \$750.00 from XYZ Corporation, and also receives dividends each year in the amount of \$750.00 from the same XYZ Corporation. The Personal Financial Disclosure Statement filed by Candidate B may exclude the name and address of XYZ Corporation as a source.

(c) Where such rents, dividends or other income are received by joint owners, one of whom is the candidate, the interest of the candidate shall be reportable if the proportionate share of such rents, dividends or other income exceeds \$1,000.

(d) In calculating whether rental income exceeds \$1,000, the rental used shall be gross rental, without deduction of any of the expenses of operating or maintaining the rented property.

(e) Interest payments received from named investments, trusts and estates are deemed to be unearned income for purposes of reporting under the Act. Other miscellaneous income such as alimony or child support payments, educational financial aid program payments to a dependent child, and other kinds of miscellaneous income are not deemed to be income for purposes of reporting under the Act unless they are in fact received from named investments, trusts and estates.

(f) Cash or accrual income is received in a calendar year for purposes of the reporting requirements under N.J.S.A. 19:44B-1 et seq. and this subchapter if it is includible as a receipt on a cash accounting basis or as a receivable on an accrual accounting basis.

##### 19:25-19.5 Advisory opinions

The Commission may issue advisory opinions as to the applicability of the Personal Financial Disclosure Act and this subchapter to a given set of facts and circumstances.

**Recodification** of existing text follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

#### SUBCHAPTER [19.]20. SEVERABILITY CLAUSE

[19:25-19.1] **19:25-20.1** Severability clause  
(No change in text.)

**(a)**

**CASINO CONTROL COMMISSION**

**Gaming Equipment  
Slot Machine Purchase: The 50 Percent Rule**

**Rule Pre-proposal: N.J.A.C. 19:46-1.32**

**Supersedes Pre-proposal at 15 N.J.R. 242(a)**

Authorized By: Casino Control Commission, Walter N. Read, Chairman.

Authority: N.J.S.A. 5:12-66, 70(i), 72 and 52:14B-4(e) as implemented by N.J.A.C. 1:30-3.2.

A public hearing concerning this pre-proposal will be held on Tuesday, March 22, 1983 at 10:00 A.M. and, if necessary, Wednesday, March 23, 1983 immediately following the Casino Control Commission's public meeting at:

Casino Control Commission  
Atlantic City Commission Office  
Public Meeting Room, Second Floor  
Tennessee and Boardwalk  
Atlantic City, NJ 08401

Anyone interested in presenting testimony at the public hearing(s) should submit a synopsis of their statement, including an estimate of the time needed for presentation by March 18, 1983. This material should be submitted to:

Steve Crist, Applications Analyst  
Licensing Division  
Arcade Building  
Atlantic City, NJ 08401

Additionally, on the day of the hearing participants may give the Commission six copies of their written statement.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello, Deputy Director  
Casino Operations  
Financial Evaluation & Control  
Casino Control Commission  
3131 Princeton Pike Office Park  
Building No. 5, CN 208  
Trenton, NJ 08625

This is a notice of pre-proposal for a rule (see N.J.A.C. 1:30-3.2). Any rule concerning the subject of this pre-proposal must still comply with the rulemaking provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as implemented by the Office of Administrative Law's Rule for Agency Rulemaking, N.J.A.C. 1:30.

This pre-proposal is known as PRN 1983-2.

The agency pre-proposal follows:

Take notice that the Casino Control Commission will conduct a hearing concerning the "50 Percent Rule" (N.J.A.C. 19:46-1.32). This rule presently prohibits licensed casinos from acquiring more than 50 percent of their slot machines from any one manufacturer.

Anticipated areas of discussion include reasons for the retention, amendment or repeal of the rule.

This notice of pre-proposal and hearing has been previously publicized so as to comply with the provisions of N.J.A.C. 1:30-3.3(b)2. A Notice of Petition for Rulemaking was published in the October 4, 1982 issue of the New Jersey Register at 14 N.J.R.

1103(d). The commission has individually notified the casino by letter of the proposed action.

This pre-proposal for a rule supersedes the notice published in the February 22, 1983 Register at 15 N.J.R. 242(a).

**(b)**

**CASINO CONTROL COMMISSION**

**Gross Revenue Taxes**

**Proposed Readoption: N.J.A.C. 19:54**

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-69a. and b. 5:12-70e and 5:12-144a.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before April 6, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

David C. Missimer, Esq.  
Casino Control Commission  
3131 Princeton Pike Office Park  
Building No. 5, CN 208  
Trenton, NJ 08625

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

This proposal is known as PRN 1983-103.

The agency proposal follows:

**Summary**

In accordance with the "sunset" and other provisions of Executive Order 66 (1978), the Casino Control Commission proposes to readopt N.J.A.C. 19:54 concerning the gross revenue tax. These rules were originally filed and became effective on May 25, 1978. The rules implement the provisions of the Casino Control Act (N.J.S.A. 5:12-1 et seq.) concerning the gross revenue tax (N.J.S.A. 5:12-144(a)) and the Commission's obligation to promulgate rules to facilitate its collection (N.J.S.A. 5:12-70(e)).

The Casino Control Act imposes a tax of eight percent on the gross revenues of operating casinos. Upon collection, these monies are deposited in the Casino Revenue Fund, a special account created in the Department of the Treasury by Section 145 of the Casino Control Act. These rules establish procedures for the computation, collection, verification and enforcement of the gross revenue tax. Because Section 144 of the Act merely establishes the existence of the tax without specifying particular requirements for its computation or collection, these rules provide the controls, standards and procedures needed to implement the underlying legislation.

Several sections of N.J.A.C. 19:54 were amended in 1980 as a result of statutory amendments made to Section 144 of the Act (see L. 1979 c. 198). These amendments, which became effective on March 31, 1980, conformed the implementing rules to the new requirements of the Act. At the same time, amended deposit procedures were adopted in response to the Department of the Treasury's recommendation that these changes would provide a more efficient method of payment.

These rules have historically provided an efficient and effective mechanism for the enforcement and collection of the gross revenue tax. The assessment and enforcement standards which they provide

have enabled the commission and the industry to cooperate in successfully fulfilling the payment and collection obligations of the Act. Upon review, it is the commission's opinion that these rules should continue to be just as effective in the future. The collection and other procedures provided by these rules have received no significant public or industry comment. Therefore, N.J.A.C. 19:54 is proposed for reoption without change.

**Social Impact**

Pursuant to constitutional Art. 4, §7, ¶2) and legislative command (N.J.S.A. 5:12-145), the gross revenue tax provides monies for reductions in the property taxes, rentals, and telephone, gas electric and municipal utilities charges of eligible senior citizens and disabled residents of the State. As result of a 1981 amendment to the Constitution, other allowable uses for the gross revenue taxes collected and deposited in the Casino Revenue Fund include additional or expanded health and transportation services or benefits provided to eligible senior citizens and disabled residents. Although funds for these programs are derived from the taxes collected by the commission pursuant to Section 144, the distribution of these funds to the various eligible programs is solely the product of legislative action. Therefore, these rules are only indirectly related to the establishment, and the operational success or failure, of the various social programs funded as a result of the collection of the gross revenue tax. However, the extent to which these rules insure the verification and collection of the tax revenues which fund these programs is, of course, a key element to their ultimate success. Thus, the failure to readopt these rules could seriously jeopardize those social programs which rely upon the accurate and complete assessment and collection of the gross revenue tax by the commission.

**Economic Impact**

One of the most significant responsibilities of the commission is the assessment and collection of the gross revenue tax. To the extent that commission staff time must be directed toward this responsibility, there is an expenditure of time and money. The money expended is ultimately recoverable from the casino industry through licensing fees.

However, as indicated above, because these rules only concern the collection and not the disbursement of the gross revenue tax, their indirect economic effect is of greater significance than the direct costs of enforcement. Thus, because the Constitution and the Act direct that the tax be used in support of certain specified programs to be created by the Legislature, the primary economic effect of the efficient collection of the tax is largely the product of its ultimate disbursement.

In accordance with the constitutional and legislative mandate, the Legislature originally established two programs. The Homestead Rebate Program, administered by the Department of the Treasury, provides property tax rebates for eligible senior citizens and disabled persons. The second program, "Lifeline", administered by the Department of Human Services, provides financial assistance to eligible senior citizens and disabled persons for the payment of utility bills. In November 1981, New Jersey's voters approved a constitutional amendment to allow money in the Casino Revenue Fund to be used for transportation and medical programs to aid senior citizens and disabled persons. In response to this amendment, the Legislature directed funds to the Pharmaceutical Assistance for the Aged and Disabled program, (PAAD) which is administered by the Department of Human Services.

A schedule of revenues from the Casino Revenue Fund which have been appropriated to the above-noted programs during the last two fiscal years follows:

	FY '82	FY '83
Lifeline	\$51.7 million	\$60.8 million
Homestead Rebate	80 million	19.4 million
PAAD	5.3 million	18 million

A schedule of the gross revenue taxes collected by the commission for fiscal years 1982 and 1983 (through December, 1982) follows:

	FY 1982	FY 1983 (through Dec. 1982)
Resorts	\$ 15,398,991	\$ 9,221,825
Regency	15,527,487	7,941,121
Bally	14,863,367	8,633,298
Sands	9,730,787	6,320,243
Marina	12,642,307	7,634,936
Golden Nugget	12,584,308	8,641,300
Playboy	10,261,549	5,957,728
Claridge	5,754,739	3,898,194
Tropicana	6,091,492	6,575,319
<b>TOTAL</b>	<b>\$102,855,027</b>	<b>\$64,823,964</b>

Full text of the rules proposed for reoption appear in the New Jersey Administrative Code at N.J.A.C. 19:54.

# RULE ADOPTIONS

## BANKING

### (a)

#### DIVISION OF BANKING

##### Foreign Banks Biennial Fee

##### Adopted New Rule: N.J.A.C. 3:6-14

Proposed: January 3, 1983 at 15 N.J.R. 6(a).  
Adopted: February 9, 1983 by Michael M. Horn,  
Commissioner, Department of Banking.  
Filed: February 9, 1983 as R.1983 d.42, **without  
change**.

Authority: N.J.S.A. 17:1-8.1 and 17:9A-334.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
March 7, 1988.

Summary of Public Comments and Agency Responses:  
**No comments received.**

## COMMUNITY AFFAIRS

### (b)

#### DIVISION OF HOUSING

##### Relocation Assistance Fire Displacement; Emergency Relocation

##### Adopted Amendments: N.J.A.C. 5:11-2.1 and 3.11

Proposed: January 3, 1983 at 15 N.J.R. 6(b).  
Adopted: February 15, 1983 by John P. Renna,  
Commissioner, Department of Community Affairs.  
Filed: February 17, 1983 as R.1983 d.59, **without  
change**.

Authority: N.J.S.A. 52:31B-10, 20:4-10 and P.L.1981,  
c.491.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
April 1, 1984.

Summary of Public Comments and Agency Responses:  
**No comments received.**

### (c)

#### DIVISION OF HOUSING

##### Rooming and Boarding Houses License Fees

##### Adopted Amendment: N.J.A.C. 5:27-1.6

Proposed: January 3, 1983 at 15 N.J.R. 7(a).  
Adopted: February 15, 1983 by John P. Renna,  
Commissioner, Department of Community Affairs.  
Filed: February 15, 1983 as R.1983 d.60, **without  
change**.

Authority: N.J.S.A. 55:13B-4, 13B-5 and 13B-7.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
July 1, 1985.

Summary of Public Comments and Agency Responses:  
**No comments received.**

## ENVIRONMENTAL PROTECTION

### (d)

#### DIVISION OF WASTE MANAGEMENT

##### Guidelines Governing County Fees for Solid Waste Enforcement Activities

##### Adopted New Rule: N.J.A.C. 7:26-4.10 Adopted Amendment: N.J.A.C. 7:1H-3.4

Proposed: December 6, 1982 at 14 N.J.R. 1328(a).  
Adopted: February 4, 1983 by Robert E. Hughey,  
Commissioner, Department of Environmental  
Protection.  
Filed: February 9, 1983 as R.1983 d.50, **with substantive  
changes** not requiring additional public notice and  
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 13:1E-1 et seq. and P.L. 1981, c.436  
(N.J.S.A. 13:1E-9), and N.J.S.A. 26:3A2-21 et seq.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
N.J.A.C. 7:1H, August 5, 1985; 7:26-4, June 20,  
1983.

DEP Docket No. 036-82-08.

Summary of Public Comments and Agency Responses:

**ADOPTIONS****ENVIRONMENTAL PROTECTION**

A number of commentors indicated their support for the action taken here. These commentors recognized that landfill are a prime potential source of contamination of ground and surface water and noted the need for funding county enforcement activities relating to solid waste collection and disposal.

One commentor recommended that authority to collect such fees should be granted for all environmental health programs, and another commentor suggested an amendment which would authorize collection of fees by qualified agencies providing services as approved by the Department. Since the Department is only able to regulate within the parameters granted by the Act, resort to the Legislature is necessary to obtain a grant of such authority.

One commentor inquired whether there would be any financial impact on the owners of closed landfills as a result of this adoption. Since the fees are based on waste accepted, no fees will be chargeable against non-operational facilities. Another commentor contended that non-commercial industrial landfills for plant wastes should not be subject to these fees. We disagree. If an on-site industrial landfill is registered, or is required to be registered, as a sanitary landfill facility, it is subject to inspection and is, therefore, amenable to the fee assessment.

One commentor contended that the statute did not mandate that fees be charged and collected or that county departments shall have enforcement duties relating to solid waste collection and disposal. It is agreed that the collection of fees has not been mandated by the Act. In order to avoid any further confusion, this rule has been revised (N.J.A.C. 7:26-4.10(b) and (b)2i(4)) to specify that the fee schedule applies only to those facilities within the jurisdiction of a county health department, which department has opted to charge and collect fees for its solid waste control program in accordance with this rule. We do not agree, however, that county departments are not mandated to enforce all codes, rules and regulations related to solid waste collection and disposal. Indeed the Act specifically mandates such duties, although the authority to charge and collect the fees therefor is discretionary only, (N.J.S.A. 13:1E-9a).

One industry commentor inquired whether county department employees inspecting facilities would be acting on behalf of the State. This commentor suggested that the county should show, as part of its program submission, minimum liability insurance coverage for each inspector and should show internal control procedures for handling confidential information. In response, each county's undertaking of a solid waste control program will be at its own risk, and each county will be solely responsible for the implementation of its program, except as otherwise provided in the rule. Since county health departments (and local boards of health) are mandated to perform these enforcement duties, there has been no delegation of State duties, but instead original authority to perform such duties has been given them by the Legislature. As regards procedures for handling confidential information, N.J.A.C. 7:26-4.10(b)1ii(4)(C) and (D), as adopted, require that a program include a description of the procedures for actions to be taken after inspections have been performed and procedures for taking legal action.

Several commentors opposed this rule on the ground that the county's program would duplicate the State's efforts or the efforts of a municipal health department, that no control has been provided to assure use of the funds for program purposes only, or that assessment of such fees would invite abuse on the part of local government. There is more than enough enforcement work in this State to warrant county assistance. This certainly includes enforcement of the solid waste flow rules, N.J.A.C. 7:26-6. Every effort shall be made by the Department to avoid any duplication of duties by the State which are being properly performed by the county. So far as municipal enforcement is concerned, it is up to municipal and county officials to reach an amicable agreement as to their appropriate duties. For the purposes of control of the use of the monies, N.J.A.C. 7:26-4.10(b)1ii(5), as adopted, requires that an annual report be submitted setting forth the previous year's activities, receipts and expenditures. In addition, the county is

restricted to collecting a maximum amount of \$.01 per cubic yard, unless it can persuade the Department that there are circumstances which require the assessment of a higher fee. In that regard, several commentors contended that \$.01 per cubic yard would not defray the costs of their program. Once again, upon the approval of the Department, a county may, where circumstances warrant, gain the ability to charge a higher fee. One commentor inquired whether there would be any State or Federal aid to counties for this program. The Department has no knowledge of any other assistance which will be available other than the fees provided for herein.

Two comments were received concerning the use to which these fees may be put. One commentor inquired whether the fees could be utilized for general monitoring of groundwater and air quality at existing and closed sanitary landfill facilities. No costs such as these would be permissible at an existing facility where there is an owner or operator who should be held responsible for same. Another commentor suggested the term "monitoring" should be removed from the rule because it would encourage county departments to impose monitoring activities unrelated to enforcement. The only monitoring which may be funded from these fees will be that required as part of a solid waste enforcement action being taken, procedures for which have been submitted to the Department as part of a county program. Sufficient justification that the fees are to be utilized exclusively for such activities will be necessary prior to such expenditures. Local government is, of course, subject to the same legal constraints on the exercise of its authority as is the State government, and, therefore, may be held similarly accountable by and to the public.

One commentor suggested that the rule does not provide adequate training for county personnel. The rule provides for joint facility inspections with experienced Department personnel, together with additional local training. The Department believes the county must bear primary responsibility for proper training of its personnel. Where appropriate, university seminar instruction in state-of-the-art procedures may be an acceptable budgetary cost of training.

One comment was received suggesting that a county should be permitted to recover attorneys' fees which result from solid waste enforcement activities. N.J.A.C. 7:26-4.10(b)1iii(1), as adopted, identifies certain items relating to personnel which are appropriate for inclusion in a county budget. The inclusion of a proportion of a county attorney's salary actually related to time spent providing legal services in a solid waste control program area may be a legitimate cost of personnel.

One commentor contended that the Board of Public Utilities should allow haulers to add the fee directly to the hauler's customers' bills instead of requiring a rate increase petition and hearing before the Board. The Department has brought this suggestion to the attention of the Board, which is currently considering this proposal.

One commentor suggested that the Department define "equivalents" as the use of an appropriate, commonly accepted factor which converts the unit in question to cubic yards. The example given was a factor of 0.005 to convert gallons to cubic yards, i.e., 10,000 gallons equals 50 cubic yards (10,000 x 0.005). The Department is currently considering this recommendation.

One comment was received which suggested that date for compliance with the rule should be extended from six months from the effective date of the rule (i.e., March 7, 1983) to one year from such date. Under the County Environmental Health Act, N.J.S.A. 26:3A2-33, a county department is already required to prepare a work program. Although this rule requires that additional information be submitted in order to charge and collect fees for an enforcement program, this may be accomplished, where appropriate, as a supplement to an already existing work program. In subsequent years, of course, this additional information should be made a part of the annual work program submission itself. The words "and approval" have been removed from N.J.A.C. 7:26-4.10(b)2i since a work program is already required to be reviewed

under the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq. There is no need for departmental "approval" of a program as long as it is equivalent to the County Environmental Health Act Standards and the provisions of this rule. The words "or lower" and "or lesser" have been removed from N.J.A.C. 7:26-4.10(b)2ii because departmental approval would not be necessary where fees are being decreased. In addition, the Department does not intend that a county department which cannot currently implement such fee collection be prohibited from doing so at some future date.

Several minor revisions have been made in order to resolve ambiguities which may have arisen. The term "development" has been substituted for "planning" in N.J.A.C. 7:26-4.10(a)3i in order to clarify that fees collected pursuant to this section are not eligible to be used for general solid waste planning purposes, but are to be used exclusively for solid waste enforcement activities. The words "Methods of" in N.J.A.C. 7:26-4.10(b)1ii(4)(D) and "per month" in N.J.A.C. 7:26-4.10(b)2i(1) have been removed because they are redundant.

**Full text** of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks **\*thus\***; deletions from proposal shown in brackets with asterisks **\*[thus]\***).

7:1H-3.4 Performance standards for conducting a solid waste control program

(a)-(u) (No change.)

(v) Fees for enforcement activities may be charged and collected from the owner or operator of any sanitary landfill facility in accordance with N.J.A.C. 7:26-4.10.

7:26-4.10 County enforcement activity fees for solid waste control program

(a) General provisions are as follows:

1. Scope: Unless otherwise provided by rule or statute, the following shall constitute the rules of the Department of Environmental Protection concerning fees to be charged for enforcement activities undertaken by county health departments pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., and the County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H.

2. Construction: This section shall be liberally construed to permit the Department and its component divisions to effectuate the purposes of the above referenced laws.

3. Purpose: This section is promulgated for the following purposes:

i. To aid counties in the **\*[planning]\* \*development\*** and implementation of a solid waste control program; and

ii. To provide a basis for the Department to review county department fees for enforcement activities related to their solid waste control program based upon the objectives in N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26-1.

4. Definitions: The following words and terms, when used in this **\*[chapter]\* \*section\***, shall have the following meanings. Where words and terms are used which are not defined herein, the definitions of those words and terms will be the same as the definitions found in the Department rules, N.J.A.C. 7:26\*-1.4\*.

"County department" means a county department of health established pursuant to P.L. 1975, c. 329 (N.J.S.A. 26:3A2-1 et seq.) as amended and supplemented, with the purpose of providing environmental health programs throughout the county and other local health programs in any municipality which contracts therefor with the county board (N.J.S.A. 26:3A2-21 et seq.).

"Department" means the Department of Environmental Protection.

"Owner or operator" means and includes, in addition to the usual meanings thereof, every owner of record of any interest in land whereon a sanitary landfill facility is located, and any person or corporation which owns a majority interest in any other corporation which owns a majority interest in any sanitary landfill facility.

"Program" means a solid waste control program prepared by the county department pursuant to this section and the procedures and standards authorized by the County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H, and which has been submitted to the Department for review.

(b) Enforcement activity fee schedule established: In accordance with N.J.S.A. 13:1E-9, there is hereby established a fee schedule which shall apply to all sanitary landfill facilities **\*[requiring registration]\* \*required to be registered\*** with the Department **\*and subject to a county department program\***.

1. Duties and powers of the county department are as follows:

i. Any county department may charge and collect from the owner or operator of any sanitary landfill facility fees established by ordinance or resolution adopted by the county governing body. Such fees shall be established in accordance with this section for the purpose of enforcing the rules and regulations adopted by the Department related to solid waste collection and disposal, and in conformance with all applicable County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H, adopted pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.

ii. Within six months of the effective date of this section and by September 1 of each succeeding year as part of its annual work program, pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq., a county department shall submit to the Department a Solid Waste Control Program (Program). The Program shall be submitted to each municipality located in the county for review and comment prior to its submittal to the Department and shall contain monitoring and enforcement activities at least equivalent to those set forth in N.J.A.C. 7:1H-3.4(a) through (u) and shall also include the following:

(1) Identification and number of operating facilities to be inspected;

(2) Projection of the number of inspections to be conducted by facility name (minimum twice per month);

(3) Purpose of inspections;

(4) A description of the procedures for:

(A) Determining inspection frequency;

(B) Accounting for activities performed;

(C) Actions to be taken after inspections have been performed; and

(D) **\*[Methods of taking]\* \*Taking\*** legal action.

(5) In each succeeding year, a report on the previous year's activities, including a detailed financial statement of the previous year's expenditures, actual amount of fees collected and any surplus which can be credited to the next year's costs.

iii. The Program shall include certain county budgetary costs as follows, provided they are both reasonable and necessary. The Department may consider additional costs based upon particular local needs and abilities provided the Department is satisfied that those additional costs are both reasonable and necessary.

(1) Personnel: Identify type, number, and salary required, including benefits therefor;

(2) Local training: In addition to county department training costs, personnel performing solid waste inspections shall also be trained by the Department through the arrangement of joint inspections with departmental inspectors experienced in facility inspections. It shall be the responsibility of the county department to arrange such joint training inspections;

(3) Protective equipment;

(4) Vehicles and maintenance;

(5) Test equipment;

(6) Laboratory analysis;

(7) Office equipment and supplies;

(8) Secretarial, office and general administrative support; and

(9) Costs based on (b)1ii(1) through (5) above.

2. Fees for the Program are as follows:

i. After review **\*[and approval]\*** by the Department of its Program, and pursuant to a resolution or ordinance adopted by the county governing body, any county department may charge and

collect fees from the owner or operator of any sanitary landfill facility within its jurisdiction, as follows:

(1) At the maximum rate of \$0.01 per cubic yard of solid waste accepted \*[per month]\* for disposal at a facility;

(2) In the event that any solid waste is measured, upon acceptance for disposal, by other than cubic yards, the fee shall be assessed on the equivalents utilized pursuant to the Sanitary Landfill Closure and Contingency Fund Act, P.L. 1981, c. 306, and the Recycling Act, P.L. 1981, c. 278;

(3) Fees shall be assessed and collected by a county department each month in the manner provided for in (b)2 of this section;

(4) Except as otherwise provided for herein, the owner or operator of every sanitary landfill facility **\*subject to a county department program\*** shall submit to the appropriate county department, on or before the 20th of each month, a fee equal to \$0.01 per cubic yard of solid waste accepted for disposal during the preceding month, together with a completed copy of Department form No. SFA-001 which is submitted for that month to the Department in accordance with the escrow account reporting requirements pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act, P.L. 1981, c. 306.

ii. Subject to the approval of the Department, a higher \*[or lower]\* fee may be assessed in the event that the county department documents the need for a greater \*[or lesser]\* amount in a succeeding year's program.

3. Utilization of fees: Fees provided for in this section shall be utilized exclusively to fund county solid waste monitoring and enforcement activities as identified in the Program.

## (a)

### DIVISION OF WATER RESOURCES

#### Pollutant Discharge Elimination System Hazardous Waste Management

##### Notice of Correction: N.J.A.C. 7:26-1.4

An error appeared in the February 7, 1983 issue of the New Jersey Register at 15 N.J.R. 146(a) concerning the definition of "Authorized facility". The New Jersey Administrative Code citation 7:14-4.2(a)5 in the last sentence of the definition should have read N.J.A.C. 7:14A-4.2(a)5.

## (b)

### BUREAU OF PESTICIDE CONTROL

#### New Jersey Pesticide Control Code Pesticide Use

##### Adopted New Rule: N.J.A.C. 7:30-10

Proposed: August 2, 1982 at 14 N.J.R. 787(a).  
Adopted: February 17, 1983 by Robert E. Hughey,  
Commissioner, Department of Environmental  
Protection.

Filed: February 18, 1983 as R.1983 d.63, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5), and **with a portion of the proposal not adopted but still pending.**

Authority: N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 13:1F-4.

Effective Date: March 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):  
December 6, 1987.

DEP Docket No. 024-82-06.

#### Summary of Public Comments and Agency Responses:

On August 2, 1982, a regulatory program was proposed by the New Jersey Department of Environmental Protection to repeal the then-existing regulatory program (N.J.A.C. 7:30-1, 30-2, and 30-3) and to establish a more comprehensive and efficient regulatory scheme addressing each aspect of the pesticide industry (to be cited as N.J.A.C. 7:30 and containing nine subchapters). Public hearings were held on August 19, 20, and 23 and September 21, 1982. Public comments were received until the end of the comment period on September 21, 1982. Five hundred two commentators provided written and oral testimony on the nine proposed subchapters. The department carefully reviewed these comments in the preparation of final regulations. On November 17, 1982, N.J.A.C. 7:30-1, 2, 4 and 8 were adopted and they became effective on December 6, 1982 (see 14 N.J.R.1385).

In response to and after evaluation of the comments presented on the proposed N.J.A.C. 7:30-10, the following major revisions have been incorporated into the adopted new rule:

Rewording and clarification of definitions for greater consistency with FIFRA and the Act and greater technical accuracy.

Rewording of the aquatic use permit subsections to clarify the limitation of the permit program to aquatic pesticides only and extending the permit exemption to any person who applies aquatic pesticides without labels having specified restrictions.

Rewording of the section relating to the posting of signs on pesticide storage areas to clarify what additional languages may be required by the department.

Amendment of the subsection on labeling of pesticide containers to clarify the exclusion of pesticides contained in application equipment.

Elimination of the phrase "unreasonable adverse effects" as used throughout N.J.A.C. 7:30-10, and replacement with more clearly definable terminology.

Rewording of the subsection dealing with the pesticide exposure to clarify its intent.

Revision of the subsection requiring adequate protective clothing during agricultural applications to limit this to the label requirements of the pesticide being applied.

Addition of a subsection restricting certain gypsy moth applications over residential areas during the time period when children are walking to school.

Addition of a subsection restricting the application of pesticides toxic to bees within one mile of blueberry fields during the blueberry pollination period.

Revision of the community or area-wide notification system to clarify the concepts of newspaper notification, inclusion of a contact person and exemption of additional specified pesticide applications.

Deletion of the statewide ornamental applications notification requirements. The department will be publishing shortly a pesticide control model ordinance to serve as a guide for local governments. The ordinance will be comprehensive in nature and will include a provision for ornamental applications notification. The department at this time believes that notification of individual ornamental applications is most appropriately regulated at the local level.

Revision of the beekeeper notification system to provide a 36 hour warning period, registration of the beekeepers with the department, establishment of a computerized listing, extension of exemptions to any person applying to less than three acres as specified and agricultural applications except those listed.

For a complete explanation and full text of the summary of public comments and agency responses, please contact:

Raymond Ferrarin, Chief  
Bureau of Pesticide Control  
38 Scotch Road  
Trenton, New Jersey 08628

OFFICE OF ADMINISTRATIVE LAW NOTE: The original proposal found at 14 N.J.R. 787(a) deleted in its entirety the then existing text of N.J.A.C. 7:30 and proposed new rules in its place. The Department of Environmental Protection subsequently adopted N.J.A.C. 7:30-1, 2, 4 and 8 of the proposed new rules, effective December 6, 1982, with 7:30-3, 5, 6, 7 and 10 not adopted but still pending. The Department also adopted the repeal of the then existing text of N.J.A.C. 7:30-1.1 through 1.9 and 3.13 through 3.18 with the remaining sections not repealed but still in effect (see: 14 N.J.R. 1385(a)). The Department now adopts the proposed new N.J.A.C. 7:30-10 and adopts the repeal of N.J.A.C. 7:30-1.10 through 1.13. The current text of N.J.A.C. 7:30-3.1 through 3.12 and 3.19 through 3.22 has not yet been repealed and remains in effect.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks \*thus\*; deletions from proposal shown in brackets with asterisks \*[thus]\*).

#### 7:30-10.1 Definitions

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

“Non-target site” means any location \*[, thing, or organism]\* that is not a target site.

#### \*“Pest” means:

1. Any insect, rodent, nematode, fungus, weed; or

2. Any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria or other micro-organisms on or in living man or other animals) which is injurious to health or the environment.\*

“Pesticide” means and includes any substance or mixture of substances labeled, designed \*[,]\* \*or\* intended for \*[or capable of]\* use in preventing, destroying, repelling\*[, sterilizing]\* or mitigating any \*[insects, rodents, nematodes, predatory animals, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. The term “pesticide” shall also include]\* \*pest, or\* any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant, or plant regulator \*; provided, that the term “pesticide” shall not include any substance or mixture of substances which the EPA does not consider to be a pesticide\*.

\*“Significant risk of injury or damage” means a potential for injury or damage which is not purely remote or highly speculative, but capable of being perceived or recognized based on the location, type and amount of pesticide involved, and available scientific information about the pesticide and its effects on persons, property and the environment.\*

“Target site” means \*[the]\* \*a\* specific location, \*[thing or organism,]\* including but not limited to, any crop, commodity, \*[vehicle, article,]\* object, \*[surface, organism (including humans),]\* delineated field or area, or structure or part thereof, that is intended to be treated by a pesticide so that any pests therein or thereon are controlled \*[killed or detrimentally affected]\*.

This term does not include any similar site which was not a part of the original agreement between the contracting parties even if such site is included on the label or labeling of a pesticide.

\*[“Unreasonable adverse effects” means any risk to man or the environment which exceeds the bounds of reason or moderation

after a person has taken into account the economic, social, and environmental costs and benefits of the use of any pesticide in the specific situation being reviewed.]\*

#### 7:30-10.2 Community or area-wide mosquito or fly applications

(a) No person shall apply any pesticide on a community or area-wide basis for the control of larval or adult forms of mosquitoes and/or flies (in the Order Diptera) unless the application is approved under the \*department’s mosquito permit\* \*[Bureau of Pesticide Control Mosquito Permit]\* program.

(b)–(c) (No change from proposal.)

#### 7:30-10.3 Aquatic use permits

(a) No person shall apply \*[a]\* \*an aquatic\* pesticide to any waters of the State without having obtained approval for an aquatic application from the \*[Bureau of Pesticide Control]\* \*department\* prior to the proposed date of application.

(b) An approval is not required if the application is made by a \*[recognized water purveyor who is approved by the Bureau of Potable Water and]\* \*person\* who uses \*[only copper sulfate or copper chelates during the application for the control of algae.]\* \*any aquatic pesticide that contains no label restrictions if the treated water is to be used for potable water, irrigation, agricultural sprays, stock watering or swimming, or if the fish in the treated waters are to be used for food or feed.\*

(c) An approval shall not be required if the application is to waters of the State which are not used as a source of potable water and:

1.–2. (No change from proposal.)

3. The application is made to sanitary or storm sewers owned and maintained by any governmental body of this State or any agencies or instrumentalities thereof if the application is made by a properly certified and registered employee \*or contractor\* of said governmental agency; or

4. (No change from proposal.)

(d) Applications for approval of an aquatic application must be made on forms supplied by the department at least 21 days prior to the proposed application date.

1. (No change from proposal.)

2. The department may request any \*pertinent\* additional information which it deems necessary to evaluate the application.

3. (No change from proposal.)

4. The applicant must \*[immediately]\* notify the department of any proposed changes in the application and receive approval for such changes prior to the application.

(e)–(h) (No change from proposal.)

#### 7:30-10.4 Storage \*[and]\* \*of\* pesticides

(a) Restricted use pesticides and containers contaminated by residues of restricted use pesticides shall, when unattended, be stored in a secure, locked enclosure. Such an enclosure shall bear prominently displayed warnings in English and any other language or languages as may be designated by the department \*to reflect the ethnic majority of the local geographical area in which the storage area is located\*.

(b) Any person who stores any pesticide must maintain a list of the pesticides stored or likely to be stored during the calendar year and must notify the local fire department of the location of the storage area; provided that the provisions of \*[ (b) of this section]\* \*this subsection\* shall not apply to individuals who are storing pesticides for their \*[own]\* personal use on their private residence or persons who are storing pesticides for less than seven calendar days at loading or application sites in connection with their use.

1.–2. (No change from proposal.)

#### 7:30-10.5 Containers and \*[containers]\* \*container\* labeling

(a) No person shall store, transport, or otherwise possess any pesticide if part or all of its registered label or labeling is missing,

obscured, altered, unreadable or otherwise damaged beyond use or recognition. The provisions of this subsection shall not apply to pesticides in service containers, pesticides **\*[in the process or being mixed or applied.]\*** **\*contained in application equipment,\*** pesticides in the process of manufacturing or formulating, or pesticides in the possession of public officials of this State or Federal government while engaged in the performance of their official duties in administering State or Federal pesticide **\*[laws or rules and regulations]\*** **\*law\*.**

(b) No person shall store, transport, or otherwise possess any pesticide in any service container or any rodent control bait box which is not locked or secured against tampering, or which is **\*[not]\*** in an **\*[inaccessible]\*** **\*accessible\*** area, unless the service container **\*has attached to it\*** or bait box has **\*[attached to]\*** **\*with\*** it, either a copy of the registered label that represents the pesticide contained therein or a readable label **\*[securely attached]\*** with the following information:

- 1.-2. (No change from proposal.)
  3. Name and percentage of active ingredients in the service container or bait box **\*[.]\***; **and\***
  4. (No change from proposal.)
- (c) (No change from proposal.)

#### 7:30-10.6 Pesticide use and/or application

(a) (No change from proposal.)

(b) No person shall transport, handle, store, mix or load any pesticide or pesticide container in a manner that causes **\*[or may tend to cause unreasonable adverse effects on man, property, or the environment.]\*** **\*harm or injury to persons or the environment, or a significant risk of injury or damage.\***

(c) No person shall apply pesticides in a manner that **\*[either]\*** causes **\*[or may tend to cause unreasonable]\*** damage to non-target sites, **\*[unreasonable]\*** harm or injury to persons or **\*[property,]\*** **\*the environment,\*** or **\*[unreasonable adverse effects on the environment.]\*** **\*a significant risk of injury or damage.\***

(d) (No change from proposal.)

(e) No person shall make any application of a pesticide unless he takes **\*[all]\*** reasonable precautions, **\*[both prior to and]\*** **\*before,\*** during **\*and after\*** the application, to **\*[insure that individuals are not exposed to the pesticide.]\*** **\*minimize exposure of individuals to the pesticide and insure the safety of any individuals necessarily exposed. Such precautions may include relaying precautionary label statements to such individuals.\***

(f) (No change from proposal.)

(g) No person shall clean or rinse containers or application equipment which holds or has held a pesticide in a manner that **\*[either]\*** causes **\*[or may tend to cause unreasonable adverse effects on man, property, or the environment.]\*** **\*harm or injury to persons or the environment, or a significant risk of injury or damage.\***

(h)-(i) (No change from proposal.)

(j) No person shall apply or use pesticides on a field or any other area used for agricultural purposes when persons other than those involved in the application or evaluation of the applied pesticide are in the area to which the pesticide is being applied; unless such persons have appropriate protective clothing and/or equipment **\*as required by the labels or labeling of the pesticides being applied\*.**

**\*[k] No person shall perform a community or area wide pesticide application for gypsy moth control between 7:30 and 8:30 A.M. within two miles of a school including part or all of grades K through 8 and within 2 1/2 miles of a school including part or all of grades 9 through 12. Provisions of this subsection shall not apply on those days when a school is not in session.**

(l) No person shall apply a community or area wide application of a pesticide product, which has information on its label or labeling noting that the product is toxic to bees, on hardwood tree species within one mile of a commercial blueberry field during the period April 15 through May 31.\*

#### 7:30-10.7 Disposal

(a) No person shall dispose of pesticides, pesticide containers, or equipment that holds or has held a pesticide in a manner that causes **\*[or may tend to cause unreasonable adverse effects on man, property, or the environment.]\*** **\*harm or injury to persons or the environment, or a significant risk of injury or damage.\***

(b) No person shall dispose of pesticides, pesticide containers, or equipment that holds or has held a pesticide in a manner that is in violation of **\*[rules and regulations of the Federal government or the State of New Jersey Office of Solid Waste Administration]\*** **\*State or Federal law\*.**

#### 7:30-10.8 Pesticide application and safety equipment (No change from proposal.)

#### 7:30-10.9 Notification-community or areawide applications

(a) No person shall apply any pesticide on a community or areawide basis unless prior notification of the proposed application has been given to persons residing in the **\*vicinity of the\*** proposed target site **\*[and within 200 feet of the outer limits of the proposed target site]\*.**

1. The notification **\*[can be made personally, by the person involved or by any person he designates to represent him, or]\*** **\*shall be made\*** through advertisement in at least two newspapers having the greatest likelihood of informing the public within the area of application.

2. The **\*newspaper\*** notification must be given **\*[at least 24 hours]\*** **\*a maximum of 60 days and a minimum of seven days\*** prior to the proposed application **\*date\*.**

3. The notification **\*[must]\*** **\*shall\*** contain at least:

- i. The **\*[time and date of the]\*** proposed application **\*date(s)\*;**
- ii.-iii. (No change from proposal.)
- iv. The brand name**\*[, EPA product registration number,]\*** and active ingredients of the pesticide**\*[s]\*** to be used; **\*[and]\***
- v. **\*[Alternate application dates should be initially proposed application dates shall not include more than five individual dates nor extend for period greater than 14 days after the initially proposed application date.]\*** **\*Application equipment to be used; and\***

**\*vi. The name, address and phone number of a person who may be contacted and is responsible for supplying updated information on the advertised pesticide applications to those persons requesting it.\***

4. **\*[Any person who does not make an application on the original or alternate application dates must re-notify any affected person by using the procedures delineated in (a) of this section.]\*** **\*Upon the request by a person residing in the vicinity of the proposed target site, to a person designated pursuant to (a)3vi above, such designated person shall provide, at a minimum, the following information at least 12 hours prior to the application, except that if a reasonable attempt to provide notice is unsuccessful, an attempt to notify such person, by telephone, shall be made immediately prior to the application.**

- i. The actual time and date of application;
- ii. The actual pesticide to be applied including the EPA registration number; and
- iii. Any precautionary statement(s) on the product's Federal registered label.

5. The person designated pursuant to (a)3vi above shall maintain a record of all telephone calls, attempted and completed, with persons requesting information referred to in (a)4 above, and a file of related correspondence. Such records and files shall be made available to the department upon request. The minimum information required to be kept on the call record shall include:

- i. Name and phone number of the person contacted; and
- ii. The time and date of the call.

6. The person making the application subject to the notification requirements shall keep a record of the newspapers

in which the advertisement was placed and the dates published. This information shall be made available to the department upon request.

(b) The provisions of this section shall **\*not\*** apply to any pesticide application which is made for the purpose of producing an agricultural commodity **\***, **mosquito larviciding applications, or the application of granular formulations in non-residential areas\***.

**\*(c) A waiver from the provisions of this section may be granted by the department, at its discretion, for the purpose of controlling emergency outbreaks of pests.\***

7:30-10.10 **\*[Notification—ornamental applications]\*  
\*(Reserved)\***

**\*(a) No person shall perform an outdoor ornamental pest control application utilizing hydraulic spraying equipment operating at a rate greater than 300 psi and 10 gpm, airblast sprayers, or aerial application equipment unless he has first:**

1. Ascertained which residents, if any, having a property line with 100 feet of the target site desire notification.

2. Notified those persons as to the time and place of application, the active ingredient of the pesticide to be applied, and any precautions pertinent to the application which appear on the label for that pesticide; and

3. Allowed those persons a reasonable amount of time prior to the application to take any actions necessary to avoid exposure to the pesticide applied.

(b) The provisions of this section shall not apply to any application of pesticides made in an area where a local ordinance approved by the department provides for an alternate system of notification in cases of outdoor ornamental applications, providing the person applying the pesticide has obtained from the person required by the ordinance to give notification a written statement asserting that required notifications have been made.

(c) The provisions of this section shall not apply to any person required to supply advance notification pursuant to the provisions of N.J.A.C. 7:30-10.9.]\*

7:30-10.11 Notification: apiarists

(a) No person shall make an outdoor application of a pesticide product which has information on its label or labeling noting that the product is toxic to bees unless such person first notifies, at least **\*[24]\* \*36\*** hours prior to the application, each apiarist who:

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

3. Has been registered with either the **\*[Department of Agriculture]\* \*department\*** or the New Jersey Beekeepers Association **\*[for at least 15 days prior to the date of application.]\* \*by April 1 of the calendar year in which the applications subject to the notification requirements of this section will occur.\***

**\*i. The department may charge a nominal fee to offset its registry costs.\***

(b) **\*[The notification]\* \*Notification pursuant to (a) above\*** may be given to the apiarist directly or, in the case of any apiarist registered with the New Jersey Beekeepers Association, through the local designated agent of **\*[the]\* \*that\*** association; provided that **\*[that]\* \*the\*** agent has agreed to make the required notification and has himself been given notification at least 72 hours prior to the intended application.

(c) The notification must include the following information:

1. (No change from proposal.)

2. The approximate time of **\*the\*** application;

3. The brand name **\*and active ingredient\*** of the pesticide to be applied;

**\*[4. The active ingredient of the pesticide to be applied;]\***

**\*[5]\* \*4.\*** The location of the land on which the application is to be made; and

**\*[6]\* \*5.\*** (No change in text from proposal.)

(d) (No change from proposal.)

(e) The department may alter the interval of time needed for

notification if any person can demonstrate to the satisfaction of the department that an emergency situation has occurred and an immediate application is required to control a sudden and unexpected pest infestation **\*[and that]\* \***, **but\*** time does not reasonably allow the giving of an advance **\*[24]\* \*36\***-hour notice; provided, however, that notice of emergency applications shall be given to the apiarist himself as soon as reasonably possible before or after the application.

(f) If the owner or operator of an apiary does not choose to move, cover, or otherwise protect the **\*[apiary]\* \*apiary\***, the application may be made without delay; provided that such application complies with the pesticide labeling and any provisions of the Act or any rules and regulations promulgated thereunder.

(g) The provisions of this section shall not apply to any person using a **\*[general use]\*** pesticide on an aggregate area less than three acres **\*[on property which is owned or rented by him]\***; provided that the application is not made with hydraulic spraying equipment operating at a rate greater than 300 psi and 10 gpm, airblast sprayers, or aerial equipment.

(h) Any person required to notify apiarists pursuant to the provisions of this section shall not be responsible for notifying any apiarist who cannot be notified because:

1. The **\*department\*** **\*[State of New Jersey Department of Agriculture]\*** and the New Jersey Beekeepers Association have failed to provide information deemed necessary by the department for such notification; or

2. The New Jersey Beekeepers Association has failed to or been unable to notify any apiarist **\*(s)\*** after agreeing to do so.

**\*(i) The provisions of this section shall not apply to any pesticide application which is made for agricultural purposes, except to the crops within the dates and/or stage as stated below:**

1. Apples	April 15 to May 15
2. Pears	April 15 to May 15
3. Strawberries	April 15 to May 15
4. Blueberries	April 15 to May 31
5. Cranberries	June 15 to August 15
6. Holly	June 1 to June 30
7. Vine Crops (Cucurbits)	June 1 to August 31
8. Sweet Corn	Flowering Stage.*

## HEALTH

### (a)

#### DIVISION OF HEALTH FACILITIES EVALUATION

##### All Health Care Facilities Licensure Fees

**Adopted Amendments: N.J.A.C. 8:30-1.4,  
8:39-1.4, 8:42-1.4, 8:42-2.4, 8:42A-2.2,  
8:43-1.4, 8:43A-1.5, 8:43B-1.8 and 8:43F-  
2.3**

**Adopted New Rules: N.J.A.C. 8:31-26.5 and  
8:37-4.7**

Proposed: November 15, 1982 at 14 N.J.R. 1273(a).

Adopted: February 14, 1983 by Allen N. Koplin, M.D.,  
M.P.H., Acting Commissioner, Department of Health  
(with approval of Health Care Administration Board).

Filed: February 18, 1983 as R.1983 d.66, **without  
change.**

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

Effective Date: March 7, 1983.  
 Expiration Date pursuant to Executive Order No. 66 (1978):  
 N.J.A.C. 8:30, June 19, 1983; 8:39, June 19, 1983;  
 8:42-1, February 1, 1985; 8:42-2, November 1, 1983;  
 8:42A, June 12, 1986; 8:43-1, August 8, 1985; 8:43A,  
 August 9, 1983; 8:43B-1, December 1, 1984; 8:43F,  
 January 2, 1985.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**(a)**

**DIVISION OF HEALTH FACILITIES  
 EVALUATION**

**All Health Care Facilities**

**Adopted Amendment: N.J.A.C. 8:31-26.3**

Proposed: November 15, 1982 at 14 N.J.R. 1274(a).  
 Adopted: February 14, 1983 by Allen N. Koplin, M.D.,  
 M.P.H., Acting Commissioner, Department of Health  
 (with approval of Health Care Administration Board).  
 Filed: February 18, 1983 as R.1983 d.69, **without  
 change.**

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

Effective Date: March 7, 1983.  
 Expiration Date pursuant to Executive Order No. 66 (1978):  
 July 1, 1984.

**Summary of Public Comments and Agency Responses:**

The Department received one comment from a hospital indicating that, based on their experience and research, they did not agree with the requirement for the two step Mantoux tuberculin skin test because they doubted the occurrence of the booster phenomenon.

The Department does not concur with the hospital's comment. Based upon consultation with the Tuberculosis Services Program and the recommendation of the Center for Disease Control, the Department has concluded there is merit in retaining the two step Mantoux tuberculin skin test.

The Department received another comment from a hospital regarding rubella screening suggesting "it prudent to screen everyone except those who have documentation of a previous titer and were found to be immune."

The Department does not concur with the hospital's comment. Based upon consultation with the Department's Division of Epidemiology and Disease Control who agreed that, while some immunized individuals would still be nonimmune, the numbers are small enough to be disregarded.

**(b)**

**THE COMMISSIONER**

**Computerized Tomography Scanners  
 Certificate of Need Reviews**

**Adopted Amendments: N.J.A.C. 8:33G-1.2  
 and 1.4**

Proposed: November 15, 1982 at 14 N.J.R. 1275(a).  
 Adopted: February 14, 1983 by Allen N. Koplin, M.D.,  
 M.P.H., Acting State Commissioner, Department of  
 Health (with approval of Health Care Administration  
 Board).

Filed: February 18, 1983 as R.1983 d.64, **without  
 change.**

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

Effective Date: March 7, 1983.  
 Expiration Date pursuant to Executive Order No. 66 (1978):  
 August 15, 1984.

**Summary of Public Comments and Agency Responses:**

COMMENT: Two written comments were received during the comment period. The first was from a hospital administrator who urged that the Department's rules for reviewing applications for additional computerized tomography (CAT/CT) scanners, beyond the first approved unit, be based on the number of scans being performed by the applicant on its existing scanner(s) and not on the requirement that each existing scanner(s) be operating at least 76 hours per week inclusive of scheduled down-time and exclusive of non-scheduled down-time, as proposed. The second commentor was a radiologist and member of the Commissioner's technical advisory committee. He urged that the standard for reviewing applications for second and subsequent scanners be based on 50 hours per week rather than the proposed standard of 76 hours per week.

RESPONSE: The Department prepared a written response to the first commentor and indicated that the use of "number of scans performed on existing CAT/CT scanners" as the basis for reviewing applications for additional scanners, beyond the first approved unit, as suggested by the commentor, would potentially raise a serious equity problem and might place some applicants, with more recently acquired scanners, at an advantage over applicants with older models. The reason for this is that there is in place within the State an array of computerized tomographic scanners with different capacities including the time they require to complete the same diagnostic procedure. The newer models have a much greater capacity than first-generation units and require substantially less time to complete a diagnostic procedure. Because of these differences in capacity and processing times, the older models, even when adequately and efficiently operated, may not be able to compete with less efficiently operated newer models, against a standard based on number of scans. Even units of comparable vintage will represent differences in their capacities. To use a standard based on hours of operation of existing units as the basis for the rule, as proposed, is in the Department's view a much more equitable approach and avoids the problems of capacity and processing differentials.

In suggesting 50 hours per week as an appropriate utilization of an existing scanner, the second commentor argued that this level

would allow a scanner to be heavily utilized before purchasing a second scanner. He suggested that the proposed 76 hour standard would be difficult to achieve, would not be efficient, and is contrary to the Commissioner's technical advisory committee's recommendation.

In responding, the Department recognizes that the Commissioner's technical advisory committee did indeed initially propose 50 hours as an appropriate level of utilization of an existing scanner before an application for a second or subsequent scanner should be approved. The Department recognizes, as did the commentor, that there was much committee debate on this point.

When the technical advisory committee's recommendations were reviewed by the Statewide Health Coordinating Council (SHCC) a number of members raised concern over the 50 hour recommendation. One SHCC member suggested that the 50 hour standard was very low and perhaps a second or third shift on existing units was more cost effective than purchasing additional scanners. Another SHCC member suggested that since many of the existing scanners in the State were already operating at least 50 hours per week that the Department would be deluged with applications for second units. He cautioned that the 50 hour standard might encourage the unnecessary proliferation of CAT/CT scanners in the State and would lead to unnecessary increases in health care costs.

The Statewide Health Coordinating Council asked Department of Health staff to study the issue and invited the Commissioner's technical advisory committee to meet with them to discuss this matter. Department staff analyzed the operations of existing scanners in New Jersey and submitted its study for review to the Statewide Health Coordinating Council and later to the Health Care Administration Board in the Department. The study found that the mean weekly hours of operation of scanners in New Jersey was 63.7. The lowest value was 42.0 hours per week and the highest value was 91.0 hours per week. The number of scans per hour consistent with the mean was 1.73. The study recommended that the standard for second and subsequent scanners be set at the 90th percentile, the point below which 90 percent of the hospitals studied fell. Since there were 28 hospital-based operated CAT/CT scanners in the analysis, and since 90 percent of 28 is 25.2, the value of the 90th percentile was set at one-fifth the distance from the 25th and 26th value. This value was set at 76.0 hours per week, as proposed.

The 76.0 hour recommendation was subsequently reviewed by the technical advisory committee in a telephone survey conducted by its chairman. The chairman of the Commissioner's technical advisory committee reported to the Statewide Health Coordinating Council at its meeting of September 24, 1982 that the technical advisory committee had no objection to the 76.0 hour standard which was being recommended and which was subsequently officially proposed by the Department. Within this context, the Department views the commentor's recommendation of 50 hours as unrealistically low, as potentially contributing to the unnecessary proliferation of units, and, thereby, as potentially leading to unnecessary increases in health care costs, which is not in the best interests of the public which it serves.

While the commentor has noted, and the Department agrees, that increased use of existing scanners will increase staffing costs, the data suggest that these additional personnel costs are far outweighed by the cost savings achieved by increased utilization of existing units as opposed to installing less efficiently operated second and subsequent units.

(a)

## DIVISION OF HEALTH FACILITIES EVALUATION

### Manual of Standards for Hospital Facilities Maternal and Newborn Services

#### Adopted Amendments: N.J.A.C. 8:43B-8.3 and 8.6

Proposed: November 15, 1982 at 14 N.J.R. 1276(a).  
Adopted: February 14, 1983, by Allen N. Koplin, M.D.,  
M.P.H., Acting Commissioner, Department of Health  
(with approval of Health Care Administration Board).  
Filed: February, 18, 1983 as R.1983 d.68, **without  
change.**

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

Effective Date: March 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):  
March 7, 1988.

Summary of Public Comments and Agency Responses:  
**No comments received.**

(b)

## PUBLIC HEALTH COUNCIL

### State Sanitary Code: Chapter II Reportable Diseases

#### Adopted Amendment: N.J.A.C. 8:57-1.1

Proposed: November 15, 1982 at 14 N.J.R. 1277(a).  
Adopted: February 17, 1983 by Evelyn Geddes,  
Chairperson, Public Health Council.  
Filed: February, 18, 1983 as R.1983 d.67, **without  
change.**

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

Effective Date: March 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):  
October 1, 1983.

Summary of Public Comments and Agency Responses:

Four written comments were received during the comment period and one individual commented at the public hearing. The commentors represented four professional organizations and one hospital. All comments supported the proposed amendments. There were no recommendations regarding changes of any nature.

**ADOPTIONS**

**HUMAN SERVICES**

**(a)**

**DRUG UTILIZATION REVIEW COUNCIL**

**Interchangeable Drug Products**

**Adopted Amendment: N.J.A.C. 8:71**

Proposed: November 15, 1982 at 14 N.J.R. 1278(a).  
 Adopted: February 17, 1983 by the Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman.  
 Filed: February 18, 1983 as R.1983 d.65, with portions of the proposal **not adopted** and portions **still pending**.

Authority: N.J.S.A. 24:6E-6b.

Effective Date: March 7, 1983.  
 Expiration Date pursuant to Executive Order No. 66 (1978):  
 March 6, 1984.

**Summary of Public Comments and Agency Responses:**

Regarding Warfarin sodium tablets:  
 Endo Laboratories objected to the proposed action because: (1) the U.S. Food and Drug Administration lists Bolar's warfarins as "BX" - not shown to be therapeutically equivalent to Coumadin; (2) little saving to consumers would result; (3) the extra lab tests required would offset any saving; (4) patients accustomed to Coumadin would become apprehensive.

Bolar Laboratories supported the proposed action on Warfarin, stating that: (1) the FDA has granted Bolar an approved new drug application; (2) consumers would have substantial savings of approximately 50 percent; (3) new lab tests would not be needed, since lab tests are routinely needed for any Warfarin product; (4) Bolar's product is bioequivalent to Coumadin.

The Drug Utilization Review Council, acting on the advice of their bioequivalency consultants, found that Bolar's Warfarin products have not been demonstrated to be bioequivalent to Coumadin. Since proven bioequivalency is the basic prerequisite before any generic drug can be added to the New Jersey Formulary, the other Bolar arguments are moot, and Bolar's Warfarin will **not** be added to the New Jersey Formulary.

The following products and their respective manufacturer's were **not adopted**:

Chlorothiazide Tabs 500 mg	Bolar
Dipyridamole Tabs 50, 75 mg	Cord
Doxycycline Hyclate Tabs 100 mg	Barr
Trimethoprim Tabs 100 mg	Roche
Warfarin Sodium Tabs 2, 2 1/2, 5, 7 1/2, 10 mg	Bolar

The following products and their respective manufacturers were **adopted**.

<b>Bacitracin, Neomycin, Polymyxin B, Hydrocortisone</b>	<b>Pharmafair</b>
Ophthalmic Oint.	
Diphenoxylate/Atropine Tabs	KV
Doxycycline Hyclate Caps, 100 mg	Lemmon
Ergoloid mesylates S.L. Tabs, 1 mg	KV
Erythromycin ethylsuccinate oral susp, 200/5, 400/5 ml	KV
Gramicidin, Neomycin, Polymyxin B Ophth. Sol.	Pharmafair
Hydrochlorothiazide Tabs, 25 mg	Cord
Hydrocortisone Cream 1%	Pharmafair
Hydroxyzine HCL Tabs 10, 25, 50, 100 mg	KV
Meclizine HCL Tabs 12 1/2, 25 mg	KV
Methocarbamol Tabs 500, 750 mg	KV
Metronidazole Tabs 250 mg	Danbury
Sulfamethoxazole/Trimethoprim Tabs 400/80,	

800/160 mg	B-W, Roche
Triamcinolone Acetonide Cream 0.025, 0.1, 0.5%	Pharmafair
Trifluoperazine HCL conc. 10 mg/ml	Cord

The following products are still pending.

Doxycycline Hyclate Caps 50, 100 mg	Rachelle
Doxycycline Hyclate Tabs 100 mg	Rachelle
Ergoloid mesylates oral Tabs 1 mg	Danbury
Hydroxyzine Pamoate Caps 100 mg	Danbury
Oxycodone 5 mg/Acetaminophen 325 mg Tabs	Barr
Phenylbutazone Caps 100 mg	Cord
Quinidine Sulfate Tabs 200 mg	KV
Sulfipyrazone Tabs 100 mg	Barr
Sulfipyrazone Caps 200 mg	Barr

**HUMAN SERVICES**

**(b)**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Pharmaceutical Services Manual Dispensing Fees and Delivery Services**

**Adopted Amendments: N.J.A.C. 10:51-1.14 and 1.17**

Proposed: December 6, 1982 at 14 N.J.R. 1336(a).  
 Adopted: February 15, 1983 by George J. Albanese, Commissioner, Department of Human Services.  
 Filed: February 16, 1983 as R.1983 d.56, **without change**.

Authority: N.J.S.A. 30:4D-6b(6), 30:4D-7 and 7b, 30:4D-22b.

Effective Date: March 7, 1983.  
 Operative Date: April 1, 1983.  
 Expiration Date pursuant to Executive Order No. 66 (1978):  
 November 2, 1985.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**(c)**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Manual for Physicians Services Sterilization by Hysterectomy**

**Adopted Amendment: N.J.A.C. 10:54-1.20**

Proposed: December 6, 1982 at 14 N.J.R. 1337(a).  
 Adopted: February 2, 1983 by George J. Albanese, Commissioner, Department of Human Services.  
 Filed: February 16, 1983 as R.1983 d.55, **without change**.

Authority: N.J.S.A. 30:4D-6a(1) and (5), 4D-7 and 7b.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
February 16, 1984.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Clarification of Summary Statement:**

There are no changes in the actual text of the rule. However, the Division would like to clarify a statement that was made in the explanatory material under the "Summary" heading in the proposal.

The FD-189 form, entitled Hysterectomy Receipt of Information Form, is still required for all medically necessary hysterectomies, and must be signed by the patient being sterilized. The form contains information about the procedure, including the possible discomforts, risks, and the fact that it will render the patient sterile.

This particular form (the FD-189) requires **only** the patient's signature.

**(a)**

**DIVISION OF PUBLIC WELFARE**

**Public Assistance Manual  
Requirements for Periodic Redetermination**

**Adopted Amendment: N.J.A.C. 10:81-5.2**

Proposed: December 6, 1982 at 14 N.J.R. 1341(a).  
Adopted: February 2, 1983 by George J. Albanese,  
Commissioner, Department of Human Services.  
Filed: February 16, 1983 as R.1983 d.54, **without change.**

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

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
October 18, 1984.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**(b)**

**DIVISION OF PUBLIC WELFARE**

**General Assistance Manual  
Emergency House Furnishings**

**Adopted Amendment: N.J.A.C. 10:85-4.6**

Proposed: December 6, 1982 at 14 N.J.R. 1342(a).  
Adopted: February 15, 1983 by George J. Albanese,  
Commissioner, Department of Human Services.  
Filed: February 17, 1983 as R.1983 d.58, **without change.**

Authority: N.J.S.A. 44:8-111(d).

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
June 1, 1983.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**(c)**

**DIVISION OF PUBLIC WELFARE**

**General Assistance Manual  
Completion of Forms GA-30 and GA-30A**

**Adopted Amendment: N.J.A.C. 10:85-6.5**

Proposed: December 6, 1982 at 14 N.J.R. 1342(b).  
Adopted: February 15, 1983 by George J. Albanese,  
Commissioner, Department of Human Services.  
Filed: February 17, 1983 as R.1983 d.57, **without change.**

Authority: N.J.S.A. 44:8-111(d).

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
June 1, 1983.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**STATE**

**(d)**

**DIVISION OF COMMERCIAL  
RECORDING**

**Expedited Service**

**Adopted New Rule: N.J.A.C. 15:2**

Proposed: January 3, 1983 at 15 N.J.R. 14(a).  
Adopted: February 17, 1983 by Jane Burgio, Secretary of  
State.  
Filed: February 17, 1983 as R.1983 d.61, **with substantive and technical changes** not requiring additional public notice and comment (see: N.J.A.C. 1:30-3.5).

Authority: P.L. 1982, c.150.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
March 7, 1988.

**Summary of Public Comments and Agency Responses:**

The Department received two comments on the proposed rule. These comments, and the Department's response follow:

A. Comment from Charles J. Coyle Office of Business Advocacy, Department of Commerce and Economic Development.

1. Text of Comment.  
"The proposed new rules appear to provide a mechanism for timely response to problems and assistance requests that have been brought to this Department, therefore they are considered as constructive changes".

## 2. Summary of our Response.

The Department thanked Mr. Coyle for his support.

## B. Comment from Linda Irene-Green, Attorney.

## 1. Summary of Comment.

Supports the rule in every aspect, except one. Feels the \$1.00 per page charge for photocopies to be exorbitant.

## 2. Summary of our response.

The photocopy fee is not being instituted by this regulation. This \$1.00 page fee is mandated by P.L. 1982, c.52 § 7, effective August 16, 1982. It is merely reiterated in the proposed regulation for information purposes.

**Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks \*thus\*; deletions from proposal shown in brackets with asterisks \*[thus]\*).**

## 15:2-1.1 Services which will be provided on an expedited basis

(a) The Division of Commercial Recording shall provide expedited over the counter corporate services for the following requests:

1.-7. (No change from proposal.)

8. **\*[The date of incorporation of a domestic corporation or the date of qualification of a foreign corporation;]\* \*The filing date of a certificate of incorporation for a domestic corporation or the filing date for a certificate of qualification for a foreign corporation;\***

9.-12. (No change from proposal.)

(b) The Division of Commercial Recording shall provide expedited telephone service for the following requests:

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

4. **\*[The date of incorporation of a domestic corporation or the date of qualification of a foreign corporation;]\* \* The filing date of a certificate of incorporation for a domestic corporation or the filing date for a certificate of qualification for a foreign corporation;\***

5.-6. (No change from proposal.)

## 15:2-1.2 Definitions

(a) (No change from proposal.)

**\*(b)\*** "Same day" means as soon as possible but no later than 8 1/2 business hours from the time the request is received. The business day runs from 8:30 A.M. to 5:00 P.M. on all weekdays other than State holidays.

## TRANSPORTATION

### (a)

#### DIVISION OF DESIGN

#### Utility Accommodation Railroad Grade Crossing and Bridge Cases

#### Adopted New Rule: N.J.A.C. 16:25-13

Proposed: November 1, 1982 at 14 N.J.R. 1197(a).  
Adopted: February 2, 1983 by Michael F. Barrett, Assistant Commissioner for Management.  
Filed: February 9, 1983 as R.1983 d.45, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 52:14B-1 et seq.

Effective Date: March 7, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):  
February 5, 1984.

#### Summary of Public Comments and Agency Responses:

A total of one comment in support of the proposed rule was received from the Department of Commerce and Economic Development.

The comment suggested the establishment of time frames. (1) Under N.J.A.C. 16:25-13.2(a)1, within which the memorandum of record will be prepared from a starting time commencing with the receipt of application; (2) Under N.J.A.C. 16:25-13.2(a)2 for the publication of public notice and deadline for public response and; (3) Under N.J.A.C. 16:25-13.2(a)3, from the date of public comment closing to the date of formal decision as to status as a contested or non-contested case.

The Department staff viewed these suggestions as having validity. However, it was the opinion of the staff that sufficient time frames were already established within the administrative rules governing the filing of petitions and contested cases under N.J.S.A. 52:14B-9, 52:14B-10, 52:14B-11, 52:14B-12 and N.J.A.C. 1:1-1 et seq., and that to reiterate these would be duplicative in nature and would not have adversely affected the rule as proposed.

In view of this, the proposed rule will not establish time frames, but include an added paragraph to the effect that all petitions shall comply with the appropriate statute(s) and administrative rules.

**Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks \*thus\*).**

## 16:25-13.2 Railroad grade crossing and bridge matters

(a) The Bureau of Utilities, Railroad Safety and Engineering hereby adopts the following procedure for processing formal matters involving railroad crossings and bridges:

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

**\*4. All petitions shall be forwarded in compliance with the appropriate statute(s) and Administrative rules (N.J.S.A. 52:14B-9 et seq. and N.J.A.C. 1:1).\***

### (b)

#### TRANSPORTATION OPERATIONS

#### Speed Limits for State Highways Route 18

#### Adopted Amendment: N.J.A.C. 16:28-1.23

Proposed: December 20, 1982 at 14 N.J.R. 1446(a).  
Adopted: February 1, 1983 by David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid.  
Filed: February 10, 1983 as R.1983 d.51, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Effective Date: March 7, 1983.

Expiration Date pursuant to Executive Order No. 66 (1978):  
August 1, 1983.

**Summary of Public Comments and Agency Responses:  
No comments received.**

**(a)**

**TRANSPORTATION OPERATIONS**

**Restricted Parking and Stopping  
Route 41**

**Adopted Amendment: N.J.A.C. 16:28A-1.64**

Proposed: December 20, 1982 at 14 N.J.R. 1446(b).  
Adopted: February 1, 1983 by David W. Gwynn, Chief  
Engineer Transportation Operations and Local Aid.  
Filed: February 10, 1983 as R.1983 d.52, **without  
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and  
39:4-199.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
August 1, 1983.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**(b)**

**TRANSPORTATION OPERATIONS**

**Turns  
Route 28**

**Adopted New Rule: N.J.A.C. 16:31-1.20**

Proposed: December 20, 1982 at 14 N.J.R. 1447(a).  
Adopted: February 1, 1983 by David W. Gwynn, Chief  
Engineer, Transportation Operations and Local Aid.  
Filed: February 10, 1983 as R.1983 d.53, **without  
change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 39:4-183.6.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
August 1, 1983.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**TREASURY-GENERAL**

**(c)**

**DIVISION OF PENSIONS**

**Police and Firemen's Retirement System  
Liability for Unenrolled Members**

**Adopted Repeal: N.J.A.C. 17:4-3.6**

Proposed: November 15, 1982 at 14 N.J.R. 1291(a).

Adopted: February 3, 1983 by the Board of Trustees,  
Police and Firemen's Retirement System, Anthony P.  
Ferrazza, Secretary.  
Filed: February 9, 1983 as R.1983 d.47, **without  
change.**

Authority: N.J.S.A. 43:16A-13(7).

Effective Date: March 7, 1983.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**(d)**

**DIVISION OF PENSIONS**

**State Police Retirement System  
Proof of Age**

**Adopted New Rule: N.J.A.C. 17:5-1.9**

Proposed: November 1, 1982 at 14 N.J.R. 1205(a).  
Adopted: February 3, 1983 by the Board of Trustees,  
State Police Retirement System, Anthony P. Ferrazza,  
Secretary.  
Filed: February 9, 1983 as R.1983 d.49, **without  
change.**

Authority: N.J.S.A. 53:5A-8, 53:5A-30h.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
May 12, 1985.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**(e)**

**DIVISION OF PENSIONS**

**State Police Retirement System  
Insurance Liability; Unenrolled Members**

**Adopted Repeal: N.J.A.C. 17:5-2.4**

Proposed: December 20, 1982 at 14 N.J.R. 1448(a).  
Adopted: February 7, 1983 by the Board of Trustees,  
State Police Retirement System, Anthony P. Ferrazza,  
Secretary.  
Filed: February 9, 1983 as R.1983 d.48, **without  
change.**

Authority: N.J.S.A. 53:5A-30h.

Effective Date: March 7, 1983.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**ADOPTIONS**

**TREASURY-TAXATION**

**(a)**

**DIVISION OF PENSIONS**

**State Police Retirement System  
Interfund Transfers**

**Adopted Repeal: N.J.A.C. 17:5-6.1 and 6.2  
Adopted New Rule: N.J.A.C. 17:5-6.1**

Proposed: November 15, 1982 at 14 N.J.R. 1292(a).  
Adopted: February 3, 1983 by the Board of Trustees,  
State Police Retirement System, Anthony P. Ferrazza,  
Secretary.  
Filed: February 9, 1983 as R.1983 d.46, **without  
change.**

Authority: N.J.S.A. 53:5A-30h.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
May 12, 1985.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**(b)**

**DIVISION OF PENSIONS**

**State Health Benefits Commission  
Update of Commission's Rules**

**Adopted Amendment: N.J.A.C. 17:9**

Proposed: November 15, 1982 at 14 N.J.R. 1293(b).  
Adopted: February 7, 1983 by the State Health Benefits  
Commission, William J. Joseph, Secretary.  
Filed: February 9, 1983 as R.1983 d.44, **without  
change.**

Authority: N.J.S.A. 52:14-17.27.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
May 15, 1983.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**(c)**

**DIVISION OF PENSIONS**

**State Health Benefits Commission  
Employees: Local, Full-Time Defined**

**Adopted Amendment: N.J.A.C. 17:9-4.6**

Proposed: November 15, 1982 at 14 N.J.R. 1296(a).

Adopted: February 7, 1983 by the State Health Benefits  
Commission, William J. Joseph, Secretary.  
Filed: February 9, 1983 as R.1983 d.43, **without  
change.**

Authority: N.J.S.A. 52:14-17.27.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66 (1978):  
May 15, 1983.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**TREASURY-TAXATION**

**(d)**

**DIVISION OF TAXATION**

**Corporation Business Tax  
ACRS-Uncoupling; Safe-Harbor Leases; Net  
Worth Phase-Out**

**Proposed Amendments: N.J.A.C. 18:7-1.1,  
3.1, 3.3, 3.4, 4.1, 4.10, 5.2 and 8.5**

Proposed: November 1, 1982 at 14 N.J.R. 1206(a).  
Adopted: February 18, 1983 by Sidney Glaser, Director,  
Division of Taxation.  
Filed: February 18, 1983 as R.1983 d. 62 **with substantive  
changes** not requiring additional public notice and  
comment (see: N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 54:10A-27.

Effective Date: March 7, 1983.  
Expiration Date pursuant to Executive Order No. 66(1978):  
February 6, 1984.

Summary of Public Comments and Agency Responses:

There were three written comments submitted regarding the  
proposal. The Director's responses clarified the contents of the  
proposed rules and are in conformity with the suggestions raised by  
a taxpayer, a group of accountants, and a business and industry  
association.

All of the comments were to the effect that there should be  
complete recovery of depreciation. The adopted rules meet that  
objective. One comment led to the deletion of the last sentence in  
N.J.A.C. 18:7-4.1(a) and the insertion of additional language  
therein. The other two comments led to the clarification of the  
language in the proposed rules in a more meaningful shorter  
context.

There were many telephone conversations throughout the  
Division that covered the same areas as the written comments.

**Full text** of the changes between proposal and adoption follows  
(additions to proposal shown in boldface with asterisks **\*thus\***;  
deletions from proposal shown in brackets with asterisks **\*[thus]\***).

18:7-4.1 "Entire net worth"; definition; computation  
(a) As used in the Tax Act, entire net worth relates, in general,  
to the stockholders' equity defined in a conventional accounting

sense, subject to adjustments, among which is the inclusion of [all] certain indebtedness owing directly or indirectly to stockholders holding 10 percent or more of the aggregate outstanding shares of the taxpayer's capital stock of all classes, and the authority of the Director to make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets carried on the books of the corporation, in accordance with sound accounting principles. \*[Net worth may not include the excess depreciation disallowed at N.J.A.C. 18:7-5.2(a)11.]\* \*Where a taxpayer accounts for depreciation on its books using its Federal income tax method, net worth must exclude the accumulated excess of depreciation disallowed at N.J.A.C. 18:7-5.2(a)10 over depreciation allowed at N.J.A.C. 18:7-5.2(b)4.\*

(b) (No change from proposal.)

18:7-5.2 Entire net income; how computed

"Taxable income before net operating loss deduction and special deductions", hereinafter referred to as Federal taxable income, is the starting point in the computation of the entire net income. After determining Federal taxable income, it must be adjusted as follows:

(a) Add to Federal taxable income:

1.-9. (No change from proposal.)

10. \*[Any amount deducted in arriving at Federal taxable income solely as a result of an election made pursuant to Section 168(f)(8) of the Federal Internal Revenue Code for accounting years ending after December 31, 1982, provided, however, that if the accounting period begins in 1981 and ends in 1982, no addback is required for that return with respect to property placed in service during that part of such return which occurs in 1981. Any such deduction with respect to a qualified mass commuting vehicle pursuant to Federal Internal Revenue Code Section 168(f)(8)(D)(iii) shall be allowed.]\*

\*In any year or short period which ends after 1981, any depreciation or cost recovery (ACRS) which was deducted in arriving at Federal taxable income and which was determined in accordance with Section 168 of the Federal Internal Revenue Code in effect after December 31, 1980. See (b)4 below for depreciation allowable in computing entire net income.\*

11. \*[For any return with an accounting period ending after December 31, 1981, any cost recovery on property placed in service after 1980 in excess of depreciation allowable under the Internal Revenue Code as it existed at December 31, 1980. Where depreciation allowable under the Internal Revenue Code on December 31, 1980 exceeds cost recovery deducted on the United States Corporation Income Tax Return, no modification to entire net income is permitted. To determine whether an excess exists, the taxpayer must determine depreciation in accordance with the provisions of (a)11ii, iii and iv below. On the return for an accounting period beginning in 1981 and ending in 1982, cost recovery on property placed in service during that part of such period which occurred in 1981 is allowed consistent with the amount properly claimed on such property in the determination of Federal taxable income.

i. On any return for an accounting period ending before January 1, 1982, depreciation allowed is the amount of depreciation properly deducted in the determination of Federal taxable income.

ii. A taxpayer may adopt any method of depreciation under the Federal Internal Revenue Code as it existed at December 31, 1980 with respect to property placed in service during any year in its computation of the "excess", but may not make any change in that method which would have required the consent of the Commissioner of Internal Revenue in determining allowable depreciation under the Internal Revenue Code as it existed at December 31, 1980 on that property for any subsequent year.

iii. A taxpayer may determine the "excess" by assuming that it estimated economic useful lives or by Class Life Asset Depreciation Range limits as authorized under the Federal Internal Revenue Code as it existed at December 31, 1980.

iv. Personal property placed in service after 1980 must be treated using multiple asset accounts and the half-year convention must be used by claiming a half year of depreciation in the accounting year that property is placed in service in computing the "excess". If property is disposed of before the end of its useful life, no depreciation is allowable for that property for the year of disposition in computing the "excess".

v. Gain or loss on property sold or exchanged is to be determined with reference to the amount properly to be recognized in the determination of Federal taxable income as adjusted by the provisions of P.L. 1982, c. 50.

Example: A calendar-year taxpayer places machinery in service during each of the years 1983 and 1984 which had a Class Life Asset Depreciation Range lower limit of eight years, at a cost of \$10,000 and with a certain salvage value. It also acquired a building with a basis of \$125,000 and a salvage value of \$25,000 which is placed in service on April 1, 1983. The building has an estimated useful life of 25 years. It may determine its "excess" to be added to Federal taxable income before net operating loss deduction and special deduction on its 1984 return as follows, based upon the assumption that it elects the additional 20 percent bonus depreciation of \$2,000 under the old Federal Internal Revenue Code Section 179 and depreciated the machinery under the double declining balance method and real property under the straight line method:

1984 CORPORATION BUSINESS TAX RETURN (CBT-100)

	ACRS	Depreciation allowable as it existed at Dec. 31, 1980	Excess
Five year property placed in service during 1983	\$ 2,200	\$ 1,750	\$ 450
Five year property placed in service during 1984	1,500	3,000	-0-
15 year property placed in service during 1983	13,750	4,000	9,750
Capital cost recovery on 1984 United States Corporation Income Tax Return	<u>\$17,450</u>		
"Excess" to be added back in determining entire net income on 1984 return			<u>\$10,200</u>

The computation presumes that the taxpayer made all of the same assumptions for property placed in service during 1983 in making the computation on its 1983 return. It must use these assumptions for all succeeding years.]\*

\*In any year or short period ending after 1981, any interest, amortization or transactional costs, rent, or any other deduction which was claimed in arriving at Federal taxable income as a result of a "safe harbor leasing" election made under Section 168(f)(8) of the Federal Internal Revenue Code; provided, however, that for a fiscal year or short period which begins in 1981 and ends in 1982, any such amount which relates to property placed in service during that part of the return year which occurs in 1981 shall be allowed as a deduction in arriving at entire net income for that year only; and provided further that any such amount with respect to a qualified mass commuting vehicle pursuant to Federal Internal Revenue Code Section 168(f)(8)(D)(v) (formerly 168(f)(8)(D)(iii)) shall be allowed in any event.

i. Where the "user/lessor" of qualified lease property which is precluded from claiming a deduction for rent under this rule would have been entitled to cost recovery on property which is subject to such "safe harbor lease" election in the absence of that election, it may claim depreciation on that property under the provisions of (b)4 and 5 below. See (b)6 below for the treatment to be accorded related income on such "safe harbor lease" transactions.\*

12. (No change from proposal.)

(b) Deduct from Federal taxable income:

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

4. \*[Any amount included in arriving at Federal taxable income solely as a result of an election made pursuant to Section 168(f)(8) of the Federal Internal Revenue Code for accounting years ending after December 31, 1982, provided, however, that if the accounting period begins in 1981 and ends in 1982, no inclusion is required for that return with respect to property placed in service during that part of such return which occurs in 1981. No such inclusion with respect to a qualified mass commuting vehicle pursuant to Federal Internal Revenue Code Section 168(f)(8)(D)(iii) shall be required.]\*

\*Depreciation on property placed in service after 1980 on which ACRS has been disallowed under (a)10 above using any method, life and salvage value which would have been allowable under the Federal Internal Revenue Code at December 31, 1980. A method, once adopted, must be used for all succeeding years for purposes of computing depreciation on that particular recovery property, except only that a taxpayer may make a change in method which would not have required the consent of the Commissioner of Internal Revenue. Personal property placed in service during any year after 1980 must be treated using the half year convention by claiming a half year of depreciation in the year that property is placed in service. No depreciation is allowable in the year of disposal. Aggregate depreciation claimed under this paragraph for all years is limited to the basis for depreciation under the Federal Internal Revenue Code at the date the property is placed in service less whatever salvage value would have been required to be considered under the Federal Internal revenue Code at December 31, 1980.

5. Gain or loss on property sold or exchanged is to be determined with reference to the amount properly to be recognized in the determination of Federal taxable income. However, on the physical disposal of recovery property, whether or not a gain or loss is properly to be recognized under the Federal Internal Revenue Code, there shall be allowed as a deduction any excess or there must be restored as an item of income any deficiency of depreciation disallowed under (a)10 above over related depreciation claimed on that property under (b)4 above. A statutory merge or consolidation shall not constitute a disposal of recovery property.

6. In any year or short period ending after 1981, any item of income included in arriving at Federal taxable income solely as a result of a "safe harbor leasing" election made under Section 168(f)(8) of the Federal Internal Revenue Code; provided, however, that for the accounting period which begins in 1981 and ends in 1982, such income which relates to property placed in service during 1981 is not to be excluded; and provided, further, that any such income which relates to a qualified mass commuting vehicle pursuant to Federal Internal Revenue Code Section 168(f)(8)(D)(v) (formerly 168(f)(8)(D)(iii)) shall be included in entire net income in any event.

i. Where income relating to such safe harbor leasing election would have been included in Federal taxable income whether or not the election is made, no exclusion is permitted.

Example: A corporation which finances the acquisition of machinery and equipment is not permitted to exclude interest income merely because it is one of the parties to a "safe harbor lease" whereby it agreed that all parties to the transaction

characterize it as a lease for Federal income tax purposes.

ii. For treatment of deductions relating to such safe harbor lease transactions, see (a)11 above.\*

18:7-8.5 Business allocation factor; property fraction derived from average values

(a) (No change from proposal.)

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

3. ~~The average values used in determining the property fraction of the allocation factor shall be based on book value.~~ The numerator and the denominator shall take into account depreciation disallowed at N.J.A.C. 18:7-5.2 \*where the taxpayer accounts for its property on a Federal income tax basis on its books\*.

# MISCELLANEOUS NOTICES

## BANKING

(a)

### THE COMMISSIONER

#### Notice of License Revocation Home Repair Contractor

Take notice that Michael M. Horn, Commissioner of Banking, pursuant to the authority of N.J.S.A. 17:16C-84, revoked the home repair contractor license of Joseph DeSenna on January 13, 1983.

This notice is published as a matter of public information and is not subject to codification in the New Jersey Administrative Code.

## COMMUNITY AFFAIRS

(b)

### DIVISION OF HOUSING

#### Examinations for Uniform Construction Code Licensure

#### Public Notice

The Department of Community Affairs hereby announces that Multi-State test modules for the following Uniform Construction Code Enforcement license specialties will be given on April 23, 1983.

1. Building Inspector – RCS
2. Building Inspector – ICS
3. Electrical Inspector – ICS
4. Plumbing Inspector – ICS
5. Fire Protection Inspector – ICS
6. Inplant Inspector
7. Facility Fire Protection Supervisor
8. Elevator General

The cut-off date for registration is **March 16, 1983**.

Information concerning registration, location, and the time schedule for administration of the test modules can be obtained by calling or writing to:

Ms. Judy Gregorio  
National Certification Program  
for Construction Code Inspectors  
Box 2883  
Princeton, NJ 08541  
(609) 734-3683

Information concerning the education, experience, and test module requirements for licensure can be obtained by writing or calling:

The Bureau of Construction Code  
Enforcement Licensing Office  
Department of Community Affairs  
CN 805  
620 West State Street  
Trenton, NJ 08625  
(609) 292-0960

## HUMAN SERVICES

(c)

### DIVISION OF PUBLIC WELFARE

#### Assistance Standards Handbook Exempt Resources

#### Notice of Correction: N.J.A.C. 10:82-3.2

An error appears in the New Jersey Administrative Code at N.J.A.C. 10:82-3.2(b)9i, Loans for specific purposes. The text should read as follows (replace bracketed text with boldfaced text):

10:82-3.2 Exempt resources

(b) The exempt resources are as follows:

1.-8. (No change in text.)

9. Loans:

i. Loans for specific purposes:

[(1) Loans and grants made to members of an eligible unit for scholarships or for other conditions which preclude their use for meeting current living costs and which are held and used in accordance with the conditions of the loan are exempt. Examples are:

(A) Loans made by the Farmers Home Administration, United States Department of Agriculture, under Title III of the Economic Opportunity Act, and loans made by the Farmers Home Administration under provisions in Title V of the Housing Act of 1949, as amended; and

(B) Loans or grants to any undergraduate student for education purposes made or ensured under any program administered by the Commissioner of Education, United States Department of Health, Education and Welfare; and

(C) Other educational grants and scholarships to eligible AFDC children. (See N.J.A.C. 10:82-1.7.)]

**(1) Loans and grants which are not to be used to meet current living costs and which are held and used in accordance with the conditions of the loan are exempt. Examples are:**

**(A) Loans made by the Farmers Home Administration, U.S. Department of Agriculture, under Title III of the Economic Opportunity Act, and loans made by the Farmers Home Administration under provisions in Title V of the Housing Act of 1949, as amended.**

**(2) Loans or grants to any undergraduate student for education purposes made or ensured under any program administered by the Commissioner of Education, U.S. Department of Health, Education and Welfare and other educational grants and scholarships are exempt in accordance with N.J.A.C. 10:82-1.7.**

ii. (No change in text.)

10.--11. (No change in text.) \_\_\_\_\_

## LAW AND PUBLIC SAFETY

(a)

### BOARD OF BEAUTY CULTURE CONTROL

#### Beauty Culture Schools

#### Notice of Correction: Executive Order No. 66 (1978) Expiration Date, N.J.A.C. 13:28-2

An error appears in the New Jersey Administrative Code at N.J.A.C. 13:28-2, Beauty Culture Schools, concerning the expiration date of Subchapter 2. The Executive Order No. 66 (1978) Expiration Date for Subchapter 2 should read **February 25, 1985**.

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# INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. Rules which are being promulgated in this Register, and which appear in the *Table of Rules* in this issue, do not appear in this index. These rules will appear in next month's Index of Adopted Rules.

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption.

An N.J.A.C. citation which includes a **section** number, such as 1:30-1.1, means that only that section has been modified. An N.J.A.C. citation which includes a **subchapter** number, such as 5:23-3, but no *section designation*, or which includes only title and **chapter**, such as 1:30, means that there have been extensive changes involving all or most sections of that subchapter or chapter.

At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The *Index of Adopted Rules* appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings  
CN 301  
Trenton, New Jersey 08625

**To be certain that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with October 5, 1979.**

## N.J.A.C.

### CITATION

#### ADMINISTRATIVE LAW—TITLE 1

		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
1:1-2.2	Contested cases and OAL jurisdiction	14 N.J.R. 486(a)	R. 1982 d. 467	15 N.J.R. 23(a)
1:1-3.3	Pre-hearing conferences and tape-recording	14 N.J.R. 606(a)	R. 1982 d. 297	14 N.J.R. 975(a)
1:1-3.11	Succession of parties in contested cases	14 N.J.R. 606(b)	R. 1982 d. 295	14 N.J.R. 975(b)
1:1-9.1, 9.2, 9.6, 9.7, 13.2, 13.3, 14.5	Interlocutory review and emergency relief	14 N.J.R. 1182(a)	R. 1982 d. 472	15 N.J.R. 25(a)
1:1-14.1	Consolidation of cases	14 N.J.R. 674(b)	R. 1982 d. 296	14 N.J.R. 975(c)
1:1-16.5	Substantiation of final decisions	14 N.J.R. 608(a)	R. 1982 d. 292	14 N.J.R. 975(d)
1:6A	Special Education Program hearing rules	14 N.J.R. 930(a)	R. 1982 d. 462	15 N.J.R. 25(b)
1:30	Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d. 466	15 N.J.R. 29(a)
1:30-3.7	Correction: Agency rulemaking	14 N.J.R. 780(a)	R. 1982 d. 466	15 N.J.R. 101(a)
1:31	Organization of OAL	Organizational	R. 1982 d. 291	14 N.J.R. 976(a)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R. 1982 d. 339	14 N.J.R. 1163(b)

(Title 1, Transmittal 2 dated June 21, 1982)

#### AGRICULTURE—TITLE 2

2:2-2.1, 2.6, 2.10, 2.13, 2.14, 2.15, 2.17, 2.18	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d. 237	14 N.J.R. 833(a)
2:2-2.2	Official calfhood brucella vaccination	13 N.J.R. 114(b)	R. 1981 d. 173	13 N.J.R. 318(a)
2:2-2.3	Vaccination of female bovines	13 N.J.R. 256(a)	R. 1981 d. 288	13 N.J.R. 471(a)
2:2-2.3	Calfhood brucellosis vaccination	14 N.J.R. 487(a)	R. 1982 d. 234	14 N.J.R. 833(b)
2:2-2.16	Slaughtering of market cattle and goats	13 N.J.R. 5(a)	R. 1981 d. 40	13 N.J.R. 115(b)
2:2-2.19	Brucellosis testing for intrastate movement	14 N.J.R. 865(a)	R. 1982 d. 360	14 N.J.R. 1154(a)
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle	13 N.J.R. 4(b)	R. 1981 d. 39	13 N.J.R. 115(a)
2:3-3.7	Swine brucellosis control	14 N.J.R. 487(b)	R. 1982 d. 237	14 N.J.R. 833(a)
2:3-4.1	Movement of livestock	13 N.J.R. 5(b)	R. 1981 d. 41	13 N.J.R. 115(c)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R. 1982 d. 235	14 N.J.R. 833(c)
2:3-6.2	Goats for exhibition: Disease testing	14 N.J.R. 489(a)	R. 1982 d. 235	14 N.J.R. 833(c)
2:5-1	Repeal hog cholera quarantines	13 N.J.R. 5(c)	R. 1981 d. 42	13 N.J.R. 115(d)
2:22-2	Mediterranean fruit fly control	13 N.J.R. 550(a)	R. 1981 d. 508	14 N.J.R. 101(a)
2:48-5.1	Use of coupons in milk promotion	13 N.J.R. 181(b)	R. 1981 d. 166	13 N.J.R. 318(b)
2:50-1.1	Dairy farmers and relief from notice of intent	14 N.J.R. 489(b)	R. 1982 d. 238	14 N.J.R. 833(d)
2:54-1.1	Milk marketing order	13 N.J.R. 551(a)	R. 1981 d. 416	13 N.J.R. 833(a)
2:54-1.1, 2.1	Milk Marketing Order 57-3 and Order 63-1	13 N.J.R. 798(a)	R. 1981 d. 512	14 N.J.R. 101(b)
2:69-1.6	Slow-release nitrogen products	14 N.J.R. 258(a)	R. 1982 d. 159	14 N.J.R. 471(b)
2:69-1.11	Commercial values of primary plant nutrients	13 N.J.R. 114(c)	R. 1981 d. 172	13 N.J.R. 318(c)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R. 1982 d. 236	14 N.J.R. 833(c)
2:71-2.28, 2.29, 2.31	Farm products inspection and grading fees	14 N.J.R. 66(a)	R. 1982 d. 75	14 N.J.R. 277(a)

(Title 2, Transmittal 18 dated January 14, 1981)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
<b>BANKING—TITLE 3</b>				
3:1-1.1	Interest rates	Emergency	R.1981 d.429	13 N.J.R. 753(b)
3:1-1.1	Readoption: Interest rates on mortgages	13 N.J.R. 753(b)	R.1981 d.511	14 N.J.R. 101(c)
3:1-1.1	Correction: Interest rates on mortgages	13 N.J.R. 753(b)	R.1981 d.511	14 N.J.R. 205(a)
3:1-2	Procedural rules	13 N.J.R. 182(a)	R.1981 d.258	13 N.J.R. 382(b)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R.1982 d.242	14 N.J.R. 834(a)
3:1-11	"Executive officer" and affiliated persons	14 N.J.R. 490(b)	R.1982 d.243	14 N.J.R. 834(b)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R.1982 d.213	14 N.J.R. 755(a)
3:2-2.1-2.3	Plain language in consumer contracts	13 N.J.R. 184(a)	R.1981 d.259	13 N.J.R. 383(a)
3:6-1.1	Savings bank parity rule	13 N.J.R. 383(b)	R.1981 d.352	13 N.J.R. 551(b)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R.1982 d.244	14 N.J.R. 834(c)
3:6-7, -9	Class II and Small Business Loans	14 N.J.R. 182(a)	R.1982 d.126	14 N.J.R. 383(b)
3:6-7.1-7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R.1982 d.307	14 N.J.R. 988(a)
3:6-12.1	Commercial bank parity	13 N.J.R. 383(c)	R.1981 d.351	13 N.J.R. 552(a)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R.1982 d.245	14 N.J.R. 834(d)
3:8-3, -4	Nonmember commercial bank reserves	14 N.J.R. 183(a)	R.1982 d.125	14 N.J.R. 383(c)
3:11-2.1	Commercial bank lending: Approved subsidiaries	13 N.J.R. 799(a)	R.1981 d.516	14 N.J.R. 101(d)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R.1982 d.263	14 N.J.R. 909(a)
3:11-10.1, 10.2	Savings banks participation in credit card operations	13 N.J.R. 61(b)	R.1981 d.91	13 N.J.R. 185(b)
3:17-4.4,-7	Small loan licensees	13 N.J.R. 115(e)	R.1981 d.257	13 N.J.R. 384(a)
3:17-7.1, 7.3	Permits to small loan licensees	13 N.J.R. 471(b)	R.1981 d.430	13 N.J.R. 754(a)
3:19-2	Energy rules on home repair financing	Emergency	R.1981 d.29	13 N.J.R. 116(a)
3:21-2	State chartered credit unions	13 N.J.R. 522(b)	R.1981 d.414	13 N.J.R. 754(b)
3:23	License fees for credit sales and loan businesses	Emergency	R.1982 d.76	14 N.J.R. 277(b)
3:23	Readoption: License fees for credit and lending	14 N.J.R. 277(b)	R.1982 d.158	14 N.J.R. 471(c)
3:26-4.1	Parity with federally-chartered savings and loan	13 N.J.R. 634(a)	R.1981 d.506	14 N.J.R. 40(a)
3:27-6	Repealed: Variable rate mortgage rules	13 N.J.R. 715(a)	R.1981 d.507	14 N.J.R. 40(b)
3:28-5.1-5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R.1982 d.306	14 N.J.R. 989(a)
3:30-2.1	Reserve requirements	13 N.J.R. 61(c)	R.1981 d.90	13 N.J.R. 185(a)
3:38-1	Licensing of mortgage bankers and brokers	Emergency	R.1981 d.165	14 N.J.R. 977(a)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R.1982 d.302	14 N.J.R. 977(b)
3:38-1.1	Mortgage bankers and brokers license fees	13 N.J.R. 256(c)	R.1981 d.260	13 N.J.R. 384(b)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation	14 N.J.R. 493(a)	R.1982 d.303	14 N.J.R. 977(b)
<b>(Title 3, Transmittal 17 dated January 14, 1981)</b>				
<b>CIVIL SERVICE—TITLE 4</b>				
4:1-2.1	"Base salary" defined	14 N.J.R. 679(a)	R.1982 d.331	14 N.J.R. 1089(a)
4:1-8.8B	Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:1-10.1, 10.2, 10.3, 10.5	Noncompetitive and labor titles	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:1-12.10	Notifying eligibles of certification	14 N.J.R. 940(a)	R.1983 d.17	15 N.J.R. 141(a)
4:1-13.4	Police and firefighters: Working test periods	14 N.J.R. 115(a)	R.1982 d.204	14 N.J.R. 709(a)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:2-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:2-6.8, 10.1, 10.2	Repealed: see 4:1-10	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:2-17.14	Repealed: Sick leave advance	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:2-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
4:3-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R.1982 d.326	14 N.J.R. 1089(b)
4:3-6.9	Repealed: see 4:1-10	14 N.J.R. 1186(a)	R.1982 d.496	15 N.J.R. 83(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4.101	14 N.J.R. 115(a)	R.1982 d.204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R.1982 d.300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R.1983 d.18	15 N.J.R. 141(b)
<b>(Title 4, Transmittal 16 dated June 21, 1982)</b>				
<b>COMMUNITY AFFAIRS—TITLE 5</b>				
5:10-1.3, 2.2	Hotels and multiple dwellings	13 N.J.R. 387(b)	R.1981 d.363	13 N.J.R. 704(a)
5:10-1.17	Hotel and multiple dwelling inspection fees	Emergency	R.1982 d.259	14 N.J.R. 909(b)
5:10-1.17	Readoption: Hotel and multiple dwelling inspection fees	14 N.J.R. 909(b)	R.1982 d.334	14 N.J.R. 1089(c)
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R.1982 d.253	14 N.J.R. 910(a)
5:10-25.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R.1981 d.363	13 N.J.R. 704(a)
5:11-3.2	Duplicate rental assistance	14 N.J.R. 72(a)	R.1982 d.71	14 N.J.R. 278(a)
5:11-9.2	Relocation assistance hearings	13 N.J.R. 186(d)	R.1981 d.183	13 N.J.R. 332(a)
5:11-9.2	Parties to relocation assistance hearing	14 N.J.R. 1188(a)	R.1982 d.487	15 N.J.R. 83(b)
5:12	Repeal State aid for urban renewal projects	13 N.J.R. 187(a)	R.1981 d.180	13 N.J.R. 333(a)
5:12	Plain language review of residential leases	13 N.J.R. 473(a)	R.1981 d.424	13 N.J.R. 782(b)
5:12	Repealed: Plain language review of leases	14 N.J.R. 222(a)	R.1982 d.139	14 N.J.R. 426(a)
5:17	Expiration date for retirement community disclosure	13 N.J.R. 560(d)	R.1981 d.425	13 N.J.R. 782(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:21	Repealed: Uniform standards for mobile homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:22-2.6	Multiple dwelling exemptions and tax list designations (joint adoption, see 18:12-6A.8)	14 N.J.R. 72(b)	R. 1982 d.78	14 N.J.R. 278(b)
5:23-1.4	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-1.4, -2	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d.133	13 N.J.R. 258(c)
5:23-2.5	Uniform Construction Code	13 N.J.R. 390(a)	R. 1981 d.462	13 N.J.R. 885(d)
5:23-2.6	Uniform Construction Code inspections	13 N.J.R. 187(b)	R. 1981 d.182	13 N.J.R. 333(b)
5:23-2.8	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R. 1982 d.436	14 N.J.R. 1449(a)
5:23-3	Uniform Construction Code	13 N.J.R. 121(a)	R. 1981 d.132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Uniform Construction Code interpretations	13 N.J.R. 561(a)	R. 1981 d.454	13 N.J.R. 886(a)
5:23-3.3	Uniform Construction Code: Casino hotels	13 N.J.R. 561(b)	R. 1981 d.455	13 N.J.R. 886(b)
5:23-3.9	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-3.14, 3.15	Building and plumbing subcode supplements	14 N.J.R. 1326(a)	R. 1983 d.12	15 N.J.R. 141(c)
5:23-4.3	Temporary appointments of municipal code officials	13 N.J.R. 863(a)	R. 1982 d.23	14 N.J.R. 142(b)
5:23-4.6	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-4.8	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d.133	13 N.J.R. 258(c)
5:23-4.8	Interlocal Construction Code enforcement (recodified as 5:23-4.17(d))	14 N.J.R. 495(a)	R. 1982 d.401	14 N.J.R. 1300(a)
5:23-4.8(c)	Now codified as 5:23-4.19	14 N.J.R. 456(a)	R. 1982 d.220	14 N.J.R. 755(b)
5:23-4.8, 4.10	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-4.10A	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.42	14 N.J.R. 233(a)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R. 1982 d.232	14 N.J.R. 834(e)
5:23-4.15, 4.26	Licensing	14 N.J.R. 734(a)	R. 1982 d.436	14 N.J.R. 1449(a)
5:23-4.17, 4.20	UCC enforcing agency fees	14 N.J.R. 943(a)	R. 1982 d.402	14 N.J.R. 1300(b)
5:23-4.19	Remitting of UCC training fees	14 N.J.R. 456(a)	R. 1982 d.220	14 N.J.R. 755(b)
5:23-4.20	Uniform Construction Code: Periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d.463	15 N.J.R. 32(a)
5:23-4.20	Correction: UCC periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d.463	15 N.J.R. 84(a)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R. 1982 d.232	14 N.J.R. 834(e)
5:23-5.2	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d.134	13 N.J.R. 258(b)
5:23-5.2, 5.9, 5.11	Licensing	14 N.J.R. 734(a)	R. 1982 d.436	14 N.J.R. 1449(a)
5:23-5.3, 5.5	Uniform Construction Code	13 N.J.R. 390(a)	R. 1981 d.462	13 N.J.R. 885(d)
5:23-5.5	Uniform Construction Code	13 N.J.R. 635(a)	R. 1981 d.463	13 N.J.R. 886(c)
5:23-5.5	Licensing of Code officials	13 N.J.R. 801(a)	R. 1982 d.10	14 N.J.R. 143(b)
5:23-5.5	Fire subcode officials and construction licensing	14 N.J.R. 8(a)	R. 1982 d.56	14 N.J.R. 234(a)
5:23-5.5, 5.6, 5.7	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R. 1982 d.8	14 N.J.R. 143(a)
5:23-5.8, 5.9	Licensing of Code officials	13 N.J.R. 801(a)	R. 1982 d.10	14 N.J.R. 143(b)
5:23-5.11	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R. 1982 d.8	14 N.J.R. 143(a)
5:23-5.11	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	13 N.J.R. 70(a)	R. 1981 d.131	13 N.J.R. 258(e)
5:24-1.3	Correction: Condominium and cooperative conversion	13 N.J.R. 70(a)	R. 1981 d.131	13 N.J.R. 333(c)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	13 N.J.R. 392(a)	R. 1981 d.354	13 N.J.R. 562(a)
5:24-2	Protected tenancy for disabled and seniors	13 N.J.R. 802(a)	R. 1982 d.9	14 N.J.R. 144(a)
5:25-2.8	Restoration of builders' registrations	14 N.J.R. 9(a)	R. 1982 d.55	14 N.J.R. 234(b)
5:25-3.1	New home warranty and mixed use property	13 N.J.R. 863(b)	R. 1982 d.22	14 N.J.R. 145(a)
5:25-5.5	New home warranties and builders' registration	13 N.J.R. 187(c)	R. 1981 d.181	13 N.J.R. 333(d)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R. 1982 d.386	14 N.J.R. 1210(a)
5:26	Planned real estate development full disclosure	12 N.J.R. 631(b)	R. 1981 d.130	13 N.J.R. 259(a)
5:26-2.4	Registration fees for planned developments	14 N.J.R. 609(a)	R. 1982 d.260	14 N.J.R. 912(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	13 N.J.R. 474(a)	R. 1981 d.365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	13 N.J.R. 393(a)	R. 1981 d.359	13 N.J.R. 704(c)
5:27-1.6, 2.1	Multi-building rooming and boarding houses	14 N.J.R. 1075(a)	R. 1982 d.422	14 N.J.R. 1365(a)
5:27-1.6, 3.2	Rooming and boarding houses and discrimination	13 N.J.R. 562(b)	R. 1981 d.435	13 N.J.R. 842(e)
5:27-2.1, 4.8, 5.1-5.3, 5.8, 5.9	Fire safety in boarding house; safety improvement loans	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1210(b)
5:27-3.5, 10.6	Boarding houses: Non-ambulatory residents; self-administration of medicine	14 N.J.R. 499(a)	R. 1982 d.379	14 N.J.R. 1211(a)
5:27-5.1	Fire drills in rooming houses	14 N.J.R. 1248(a)	R. 1982 d.490	15 N.J.R. 84(b)
5:27-5.3	Correction: Fire safety in boarding houses	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1300(c)
5:27-12	Safety improvement loans	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1210(b)
5:29	Petitions for rules	13 N.J.R. 259(b)	R. 1981 d.242	13 N.J.R. 395(a)
5:30-1.11	Realized revenue analysis report	13 N.J.R. 475(a)	R. 1981 d.381	13 N.J.R. 755(a)
5:30-3.3	"Dedication by rider" to local budgets	14 N.J.R. 301(a)	R. 1982 d.186	14 N.J.R. 654(a)
5:30-3.4	Filing of municipal budget amendments	13 N.J.R. 188(a)	R. 1981 d.216	13 N.J.R. 395(b)
5:30-9.2	Form of tax collection record	13 N.J.R. 121(b)	R. 1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	13 N.J.R. 70(d)	R. 1981 d.121	13 N.J.R. 260(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R. 1982 d.272	14 N.J.R. 912(b)
5:71	County offices on aging	13 N.J.R. 395(c)	R. 1981 d.356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	12 N.J.R. 385(a)	R. 1981 d.255	13 N.J.R. 397(a)
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R. 1982 d.288	14 N.J.R. 983(a)
<b>(Title 5, Transmittal 16 dated March 19, 1981)</b>				
<b>EDUCATION-TITLE 6</b>				
6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R. 1982 d.268	14 N.J.R. 913(a)
6:11-3.3	Teacher certification fees	13 N.J.R. 8(b)	R. 1981 d.82	13 N.J.R. 191(a)
6:11-3.3	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R. 1983 d.40	15 N.J.R. 244(a)
6:11-3.7	Revocation of teaching certificate	14 N.J.R. 73(a)	R. 1982 d.122	14 N.J.R. 383(d)
6:11-3.12, 4.7	County substitute certification: School nurse, athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:11-3.18	Teacher education and academic credentials	12 N.J.R. 452(e)	R. 1981 d.22	13 N.J.R. 123(b)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:20-2.3	Budget and cost distribution records	13 N.J.R. 333(e)	R. 1981 d.353	13 N.J.R. 563(b)
6:20-2.3	Program-oriented budgeting format	14 N.J.R. 309(a)	R. 1982 d.194	14 N.J.R. 654(b)
6:20-3.1	Building use charge by receiving districts	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 914(b)
6:20-3.1	Correction: Operative date of building use charge	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 978(b)
6:21-10.4	Private auto use for pupil transportation	13 N.J.R. 914(a)	R. 1982 d.121	14 N.J.R. 384(a)
6:22-1.14, 1.19	Inspection fees for school facilities	14 N.J.R. 74(a)	R. 1982 d.119	14 N.J.R. 384(b)
6:24-1.3	Format of petition for controversies and disputes	13 N.J.R. 190(a)	R. 1981 d.265	13 N.J.R. 397(b)
6:24-1.3	Correction: Petition format	13 N.J.R. 190(a)	R. 1981 d.265	13 N.J.R. 481(a)
6:28-5.10, 5.11, 6.10, 6.11	Approval of auxiliary services for private school students	14 N.J.R. 617(a)	R. 1982 d.316	14 N.J.R. 1054(a)
6:29-4.2	Tuberculosis testing	13 N.J.R. 914(b)	R. 1982 d.120	14 N.J.R. 385(a)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:29-8.1, 8.2	Hearing screening of pupils	14 N.J.R. 108(a)	R. 1982 d.195	14 N.J.R. 654(c)
6:30	Adult diploma requirements	13 N.J.R. 721(a)	R. 1982 d.39	14 N.J.R. 205(c)
6:44-6,-7	Recodified as 6:30	13 N.J.R. 721(a)	R. 1982 d.39	14 N.J.R. 205(c)
6:46-1.1	"Technical education" in local area districts	14 N.J.R. 9(b)	R. 1982 d.118	14 N.J.R. 385(b)
6:46-1.1-1.5	Local area vocational school districts	13 N.J.R. 635(b)	R. 1981 d.495	14 N.J.R. 41(c)
6:53	Vocational education safety standards	14 N.J.R. 619(a)	R. 1982 d.368	14 N.J.R. 1154(b)
6:66	Archives and history records management	13 N.J.R. 190(b)	R. 1981 d.202	13 N.J.R. 397(c)
<b>(Title 6, Transmittal 17 dated November 10, 1980)</b>				
<b>ENVIRONMENTAL PROTECTION-TITLE 7</b>				
7:1A	Water Supply Bond Act loans	14 N.J.R. 10(a)	R. 1982 d.167	14 N.J.R. 573(c)
7:1A	Extension of application closing date	Public Notice	R. 1982 d.167	14 N.J.R. 1172(a)
7:1A-2.5, 2.12, 2.13	Water Supply Bond Act loans	14 N.J.R. 499(c)	R. 1982 d.281	14 N.J.R. 915(a)
7:1A-3	Emergency interim repair of water systems	14 N.J.R. 1075(b)	R. 1983 d.26	15 N.J.R. 141(d)
7:1C-1.5	Fees for 90-day construction permits	13 N.J.R. 123(c)	R. 1981 d.187	13 N.J.R. 334(b)
7:1C-1.5	Maximum fees for waterfront development permits	13 N.J.R. 564(a)	R. 1981 d.473	13 N.J.R. 943(b)
7:1C-1.13	90-day construction permits	Procedural	R. 1981 d.48	13 N.J.R. 128(b)
7:7-2	Waterfront development permits	13 N.J.R. 73(c)	R. 1981 d.355	13 N.J.R. 564(b)
7:7A-1.13	Correction to Code: Wetlands maps	_____	_____	14 N.J.R. 1403(a)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	13 N.J.R. 75(a)	R. 1981 d.267	13 N.J.R. 401(b)
7:7E	Coastal resource and development policies	13 N.J.R. 76(a)	R. 1981 d.186	13 N.J.R. 338(a)
7:7E	Coastal Management Program: "Routine implementation" determination	_____	_____	14 N.J.R. 1467(b)
7:7E-3.10, 3.30, 3.33, 3.37, 4.10, 4.11, 5.5	Coastal resources and development policies	13 N.J.R. 565(a)	R. 1982 d.114	14 N.J.R. 385(c)
7:7E-5.3, 5.6, 5.7	Coastal resource and development	14 N.J.R. 1129(b)	R. 1983 d.27	15 N.J.R. 142(a)
7:7E-5.5	Correction: Coastal resources and development	13 N.J.R. 565(a)	R. 1982 d.114	14 N.J.R. 1155(a)
7:7E-7.2	Affordable housing and coastal development	13 N.J.R. 864(a)	R. 1982 d.31	14 N.J.R. 206(a)
7:7E-8.7, 8.16, 8.17	Coastal resources and development policies	13 N.J.R. 565(a)	R. 1982 d.114	14 N.J.R. 385(c)
7:7F	Shore Protection Program	14 N.J.R. 865(b)	R. 1982 d.421	14 N.J.R. 1365(b)
7:8	Storm water management	14 N.J.R. 1022(a)	R. 1983 d.24	15 N.J.R. 142(b)
7:9-4, -5, -6	Water quality standards	12 N.J.R. 108(c)	R. 1981 d.80	13 N.J.R. 194(b)
7:9-8,-11,-14	Repealed	12 N.J.R. 108(c)	R. 1981 d.80	13 N.J.R. 194(b)
7:9-10.2, 10.3, 10.9	Pinelands and coastal area sewerage approval	14 N.J.R. 504(a)	R. 1982 d.298	14 N.J.R. 979(a)
7:9-10.4, 10.5, 10.6	One-year suspension of rules	14 N.J.R. 504(a)	R. 1982 d.298	14 N.J.R. 979(a)
7:9-13.3, 13.5, 13.6	Sewer extension ban	12 N.J.R. 639(b)	R. 1981 d.224	13 N.J.R. 402(a)
7:10-8	Repealed: See 7:18	13 N.J.R. 260(d)	R. 1981 d.279	13 N.J.R. 481(c)
7:11-2, -4	Water rate schedule: D and R, Spruce Run-	14 N.J.R. 681(a)	R. 1982 d.455	14 N.J.R. 1449(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
	Round Valley			
7:12-1.1, 1.3,	Condemnation of certain shellfish beds	13 N.J.R. 191(b)	R.1981 d.190	13 N.J.R. 339(b)
7:12-1.2-1.5	Shellfish beds: Reclassification	14 N.J.R. 310(a)	R.1982 d.182	14 N.J.R. 655(a)
7:12-1.3	Condemnation of certain shellfish areas	13 N.J.R. 566(a)	R.1981 d.431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	13 N.J.R. 191(b)	R.1981 d.190	13 N.J.R. 339(b)
7:13-1.11	Flood plain delineation of Great Egg Harbor River	12 N.J.R. 506(a)	R.1981 d.88	13 N.J.R. 194(d)
7:13-1.11	Flood plain delineation of Mullica River and tributaries	12 N.J.R. 506(b)	R.1981 d.89	13 N.J.R. 194(e)
7:13-1.11	Flood hazard area delineations	12 N.J.R. 640(b)	R.1981 d.144	13 N.J.R. 339(c)
7:13-1.11	Flood hazard area delineations	12 N.J.R. 640(a)	R.1981 d.145	13 N.J.R. 340(a)
7:13-1.11	Delaware Basin floodway delineations	13 N.J.R. 805(a)	R.1982 d.154	14 N.J.R. 472(b)
7:13-1.11	Floodway delineations along Tuckahoe River	13 N.J.R. 921(a)	R.1982 d.155	14 N.J.R. 473(a)
7:13-1.11	Floodway delineations in Hackensack basin	14 N.J.R. 19(a)	R.1982 d.156	14 N.J.R. 473(b)
7:13-1.11	Floodway delineations: Woodbridge and Rahway rivers	13 N.J.R. 920(a)	R.1982 d.157	14 N.J.R. 473(c)
7:13-1.11	Delineated streams along Upper Mullica River	14 N.J.R. 367(b)	R.1982 d.209	14 N.J.R. 755(c)
7:13-1.11	Delineated streams in Somerset County	14 N.J.R. 367(a)	R.1982 d.392	14 N.J.R. 1211(b)
7:13-1.11	Floodway delineations in Union County	14 N.J.R. 870(a)	R.1982 d.428	14 N.J.R. 1365(c)
7:13-1.11	Floodway delineations along Cedar Creek, Lacey Twp.	14 N.J.R. 683(a)	R.1982 d.430	14 N.J.R. 1365(d)
7:13-1.11	Floodway delineations along Big Timber Creek	14 N.J.R. 505(a)	R.1982 d.431	14 N.J.R. 1366(a)
7:13-1.11	Floodway delineations along Pond Run, Mercer County	14 N.J.R. 506(a)	R.1982 d.432	14 N.J.R. 1366(b)
7:13-1.11	Floodway delineations in Morris County	14 N.J.R. 870(b)	R.1982 d.453	14 N.J.R. 1451(a)
7:13-1.11	Floodway delineations in Essex County	14 N.J.R. 1027(a)	R.1982 d.478	15 N.J.R. 32(b)
7:14	Pollutant discharge and waste management	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:14-2	Construction of wastewater treatment facilities	14 N.J.R. 75(a)	R.1982 d.338	14 N.J.R. 1155(b)
7:14-5, App. A	Statewide septage management	13 N.J.R. 124(a)	R.1982 d.82	14 N.J.R. 336(c)
7:14A	Conditions for users of DTW	12 N.J.R. 569(f)	R.1981 d.84	13 N.J.R. 194(c)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R.1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-4	Industrial waste management facilities	12 N.J.R. 569(f)	R.1981 d.373	13 N.J.R. 705(a)
7:14A-4.2, 4.3	Hazardous waste management	14 N.J.R. 1137(a)	R.1983 d.25	15 N.J.R. 146(a)
7:14A-4.3	"Wastewater treatment unit" defined	14 N.J.R. 506(b)	R.1982 d.310	14 N.J.R. 1054(b)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R.1983 d.9	15 N.J.R. 145(a)
7:14A-11, 13.1	Hazardous waste management	13 N.J.R. 724(a)	R.1982 d.97	14 N.J.R. 338(a)
7:14A-13.4	Pollutant discharge and waste management	13 N.J.R. 89(a)	R.1981 d.214	13 N.J.R. 403(a)
7:17	Hard clam depuration pilot plant program	13 N.J.R. 253(a)	R.1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	13 N.J.R. 260(d)	R.1981 d.279	13 N.J.R. 481(c)
7:19	Water diversion and water supply allocation permits	13 N.J.R. 639(a)	R.1981 d.488	14 N.J.R. 42(a)
7:19-3	Water diversion fees for non-growing use	14 N.J.R. 459(a)	R.1982 d.239	14 N.J.R. 834(f)
7:21	Water policy and supply council	Organizational	R.1981 d.366	13 N.J.R. 705(b)
7:22	Natural Resources Bond Fund	13 N.J.R. 481(d)	R.1981 d.456	13 N.J.R. 886(d)
7:23-2	Flood control bond grants	13 N.J.R. 192(a)	R.1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	13 N.J.R. 9(a)	R.1981 d.104	13 N.J.R. 195(b)
7:25-4.6	Nongame and exotic wildlife inspection	13 N.J.R. 806(a)	R.1981 d.513	14 N.J.R. 102(a)
7:25-5	Game Code	13 N.J.R. 262(a)	R.1981 d.253	13 N.J.R. 403(c)
7:25-5	1982-83 Game Code	14 N.J.R. 402(b)	R.1982 d.212	14 N.J.R. 755(d)
7:25-5.13, 5.28, 5.29	1982-83 Game Code changes	14 N.J.R. 871(a)	R.1982 d.351	14 N.J.R. 1158(a)
7:25-6	1982-1983 Fish Code	13 N.J.R. 483(a)	R.1981 d.470	13 N.J.R. 887(a)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R.1982 d.429	14 N.J.R. 1366(c)
7:25-7.2	Oyster seed beds recodification	13 N.J.R. 193(a)	R.1981 d.189	13 N.J.R. 340(b)
7:25-7.10	Taking of oysters	13 N.J.R. 125(a)	R.1981 d.199	13 N.J.R. 403(d)
7:25-7.10	Senior citizen's oyster license	14 N.J.R. 629(a)	R.1982 d.337	14 N.J.R. 1158(b)
7:25-7.13	Crab dredging	13 N.J.R. 125(b)	R.1981 d.200	13 N.J.R. 404(a)
7:25-9.2	Hard clam harvest penalties	13 N.J.R. 404(b)	R.1981 d.362	13 N.J.R. 706(a)
7:25-9.4	Bay scallops	13 N.J.R. 126(a)	R.1981 d.256	13 N.J.R. 404(c)
7:25-12.1	Sea clam harvesting (emergency adoption)	Emergency	R.1981 d.448	13 N.J.R. 843(a)
7:25-12.1	Harvest of sea clams	13 N.J.R. 613(a)	R.1981 d.486	13 N.J.R. 943(c)
7:25-12.1	1982 sea clam harvest limits	Emergency	R.1982 d.80	14 N.J.R. 288(a)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R.1982 d.393	14 N.J.R. 1213(a)
7:25-14	Atlantic Coast crabbing	13 N.J.R. 262(b)	R.1981 d.299	13 N.J.R. 546(a)
7:25-14.8-14.10	Crab harvesting	13 N.J.R. 645(a)	R.1982 d.169	14 N.J.R. 578(a)
7:25-15.1	Hard clam relay program	13 N.J.R. 645(b)	R.1982 d.117	14 N.J.R. 387(a)
7:25-15.1	Relay of hard clams	Emergency	R.1982 d.309	14 N.J.R. 1055(a)
7:25-15.1	Readopted: Relay of hard clams	14 N.J.R. 1055(a)	R.1982 d.411	14 N.J.R. 1300(d)
7:25-16.1	Upstream line revisions	13 N.J.R. 484(a)	R.1981 d.469	13 N.J.R. 887(b)
7:25-16.1	Upstream fishing lines	14 N.J.R. 882(a)	R.1982 d.454	14 N.J.R. 1451(b)
7:25-21	Terrapin	13 N.J.R. 126(b)	R.1981 d.198	13 N.J.R. 405(a)
7:25A-1.1	Emergency: Oyster dredging license moratorium	Emergency	R.1981 d.94	13 N.J.R. 195(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:25A-1.1, 1.2	Oyster dredging licenses	13 N.J.R. 192(b)	R. 1981 d. 188	13 N.J.R. 340(c)
7:25A-2.1-2.7	Oyster management in Delaware Bay	13 N.J.R. 192(c)	R. 1981 d. 197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	13 N.J.R. 193(a)	R. 1981 d. 189	13 N.J.R. 340(b)
7:25A-3.1	1982 seed oyster season	14 N.J.R. 264(a)	R. 1982 d. 148	14 N.J.R. 426(b)
7:25A-18A	Fisheries closures and advisories on certain species	Emergency	R. 1982 d. 477	15 N.J.R. 39(a)
7:26-1	Solid waste administration	12 N.J.R. 511(a)	R. 1981 d. 281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	12 N.J.R. 511(a)	R. 1981 d. 370	13 N.J.R. 706(b)
7:26-1.1	Pollutant discharge and waste management	12 N.J.R. 569(f)	R. 1981 d. 84	13 N.J.R. 194(c)
7:26-1.1, 1.4, 1.7, 2.14, 3.8, 5.5	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d. 433	14 N.J.R. 1367(a)
7:26-1.4	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d. 324	14 N.J.R. 1089(d)
7:26-1.8	Hazardous waste management	13 N.J.R. 724(a)	R. 1982 d. 97	14 N.J.R. 338(a)
7:26-3.2, 4.7	Solid waste collection and haulage	Procedural	R. 1981 d. 49	13 N.J.R. 129(a)
7:26-4.7	Registration of hazardous waste collector/haulers	14 N.J.R. 368(a)	R. 1982 d. 289	14 N.J.R. 979(b)
7:26-6	Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R. 1982 d. 434	14 N.J.R. 1368(a)
7:26-6	Correction: Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R. 1982 d. 434	15 N.J.R. 32(c)
7:26-7, -8	Solid waste administration	12 N.J.R. 511(a)	R. 1981 d. 281	13 N.J.R. 484(b)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d. 324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7, 8.13, 8.15	Waste oil management as hazardous material	14 N.J.R. 20(a)	R. 1982 d. 494	15 N.J.R. 88(a)
7:26-7.6, 8.16, 9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d. 433	14 N.J.R. 1367(a)
7:26-9	Hazardous waste management	12 N.J.R. 511(a)	R. 1981 d. 370	13 N.J.R. 706(b)
7:26-9.1, 9.2, 9.4,-10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d. 324	14 N.J.R. 1089(d)
7:26-11, -12	Hazardous waste management	12 N.J.R. 511(a)	R. 1981 d. 370	13 N.J.R. 706(b)
7:26-12.2	Hazardous waste management	13 N.J.R. 724(a)	R. 1982 d. 97	14 N.J.R. 338(a)
7:26-14	Resource recovery grants	13 N.J.R. 9(a)	R. 1981 d. 184	13 N.J.R. 340(d)
7:26-14	Codification correction: Resource recovery grants	13 N.J.R. 9(a)	R. 1981 d. 184	15 N.J.R. 147(a)
7:26-15	Recycling of municipal solid waste (joint adoption, see 14A:3-15)	13 N.J.R. 865(a)	R. 1982 d. 32	14 N.J.R. 206(b)
7:27-2	Control and prohibition of open burning	12 N.J.R. 690(a)	R. 1981 d. 135	13 N.J.R. 264(a)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R. 1982 d. 456	14 N.J.R. 1452(a)
7:27-10	Sulfur in coal	12 N.J.R. 571(a)	R. 1981 d. 185	13 N.J.R. 341(a)
7:27-16	Air pollution control: Volatile organic substances	13 N.J.R. 127(a)	R. 1982 d. 3	14 N.J.R. 145(b)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R. 1982 d. 457	14 N.J.R. 1455(a)
7:28-41	Mercury vapor lamps	13 N.J.R. 9(b)	R. 1981 d. 464	13 N.J.R. 887(c)
7:29B	Noise measurement	13 N.J.R. 127(b)	R. 1982 d. 81	14 N.J.R. 339(a)
7:30-1, -2, -4, -8	State Pesticide Control Code	14 N.J.R. 787(a)	R. 1982 d. 435	14 N.J.R. 1385(a)
7:36-3.1	Green Acres reimbursement	14 N.J.R. 461(a)	R. 1982 d. 231	14 N.J.R. 835(a)
7:38-1.17	Wild and scenic rivers addition	13 N.J.R. 568(a)	R. 1982 d. 2	14 N.J.R. 147(a)
7:50	Pinelands Comprehensive Management Plan	12 N.J.R. 513(b)	R. 1981 d. 13	13 N.J.R. 91(e)
7:50	Pinelands management	13 N.J.R. 569(a)	R. 1982 d. 131	14 N.J.R. 388(a)
7:50	Pinelands Comprehensive Management Plan and Sunset Provision	Public Notice	_____	14 N.J.R. 1102(b)

(Title 7, Transmittal 16 dated January 14, 1981)

**HEALTH-TITLE 8**

8:13-2.1, 2.3, 2.4, 2.7-2.9, 2.11, 2.13-2.15	Soft-shell clam depuration	14 N.J.R. 415(a)	R. 1982 d. 241	14 N.J.R. 835(b)
8:21-3.23	Legal animal repellants	14 N.J.R. 79(a)	R. 1982 d. 123	14 N.J.R. 389(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R. 1982 d. 451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R. 1983 d. 41	15 N.J.R. 244(b)
8:21-10	Designated fluid milk products	12 N.J.R. 643(c)	R. 1980 d. 539	13 N.J.R. 13(f)
8:22-1	State Sanitary Code-Campgrounds	13 N.J.R. 130(a)	R. 1981 d. 161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	12 N.J.R. 577(d)	R. 1980 d. 499	13 N.J.R. 13(c)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R. 1982 d. 476	15 N.J.R. 33(a)
8:30	Expiration date	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R. 1982 d. 273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R. 1982 d. 274	14 N.J.R. 916(a)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R. 1982 d. 275	14 N.J.R. 916(b)
8:31-25.1	Mobile intensive care paramedics: Approved	14 N.J.R. 1331(a)	R. 1983 d. 28	15 N.J.R. 147(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
	drugs			
8:31-26.4	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:31-26.4	Correction: Child abuse reporting	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 756(a)
8:31-27	Megavoltage radiation (recodified as 8:33I)	13 N.J.R. 406(b)	R. 1981 d. 406	13 N.J.R. 756(b)
8:31-28.1, 28.3	Need and designation of regional services	12 N.J.R. 515(a)	R. 1980 d. 528	13 N.J.R. 13(d)
8:31-30.1	Plan Review Fee multiplier	13 N.J.R. 265(b)	R. 1981 d. 284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	13 N.J.R. 266(a)	R. 1981 d. 325	13 N.J.R. 571(c)
8:31A-7	SHARE Manual: 1983 rate review guidelines	14 N.J.R. 887(a)	R. 1982 d. 452	14 N.J.R. 1456(b)
8:31A-9.2	Correction to Code: SHARE Manual	10 N.J.R. 534(c)	R. 1979 d. 25	14 N.J.R. 44(a)
8:31A-10.1	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d. 38	14 N.J.R. 208(a)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	13 N.J.R. 410(a)	R. 1981 d. 404	13 N.J.R. 756(c)
8:31B-3	Hospital procedural and methodological regulations	12 N.J.R. 515(b)	R. 1980 d. 455	12 N.J.R. 645(c)
8:31B-3	Procedural and methodological regulations	13 N.J.R. 486(b)	R. 1981 d. 494	14 N.J.R. 45(a)
8:31B-3	Nursing Management Report: RIM Methodology	14 N.J.R. 737(a)	R. 1982 d. 427	15 N.J.R. 43(a)
8:31B-3	Hospital rate setting: RIM and other 1983 changes	14 N.J.R. 737(a)	R. 1982 d. 427	14 N.J.R. 1389(a)
8:31B-3.20D	Rate of return: For-profit hospitals	13 N.J.R. 266(b)	R. 1981 d. 290	13 N.J.R. 486(c)
8:31B-4	Hospital financial elements and reporting regulations	12 N.J.R. 516(a)	R. 1980 d. 453	12 N.J.R. 645(a)
8:31B-4.44, 4.66	1983 Financial Elements and Reporting	14 N.J.R. 946(b)	R. 1982 d. 449	14 N.J.R. 1457(a)
8:31B-4.62	Excluded health care services	12 N.J.R. 643(d)	R. 1981 d. 10	13 N.J.R. 92(a)
8:31B-5.1, 5.2, 5.3	Diagnostic related groups	13 N.J.R. 726(b)	R. 1982 d. 27	14 N.J.R. 147(b)
8:31B-6.1-6.5	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d. 38	14 N.J.R. 208(a)
8:33	Certificate of Need application changes	13 N.J.R. 267(a)	R. 1981 d. 296	13 N.J.R. 487(b)
8:33D-1.3	Regional hemophilia care centers	13 N.J.R. 727(a)	R. 1982 d. 26	14 N.J.R. 147(c)
8:33E-1.1	Cardiac diagnostic facilities	13 N.J.R. 649(a)	R. 1982 d. 24	14 N.J.R. 147(d)
8:33E-2.2	Cardiac surgical centers	13 N.J.R. 651(a)	R. 1982 d. 25	14 N.J.R. 147(e)
8:33F-1.1-1.4, 1.6, 1.7	Regional end-stage renal services	13 N.J.R. 922(b)	R. 1982 d. 143	14 N.J.R. 426(c)
8:33G	Certificate of Need reviews: CT scanners	13 N.J.R. 487(c)	R. 1981 d. 472	13 N.J.R. 944(a)
8:33H-3.3	Medicare and Medicaid beds in long-term care	14 N.J.R. 191(a)	R. 1982 d. 180	14 N.J.R. 578(b)
8:33I	Megavoltage radiation units (recodified from 8:31-27)	13 N.J.R. 406(b)	R. 1981 d. 406	13 N.J.R. 756(b)
8:37	Expiration date	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:37	Intermediate care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:39-Foreword	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:39-1	Foreword: Amend operational dates	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1.1	Long term care standards	13 N.J.R. 268(a)	R. 1981 d. 285	13 N.J.R. 495(a)
8:39-1.1, 1.16-1.21	Long-term care facilities: Licensure standards	14 N.J.R. 193(a)	R. 1982 d. 146	14 N.J.R. 427(a)
8:39-1.33	LTC facilities: Construction standards	13 N.J.R. 809(a)	R. 1982 d. 276	14 N.J.R. 916(c)
8:39-1.34	LTC facilities: Additional standards	13 N.J.R. 809(b)	R. 1982 d. 277	14 N.J.R. 916(d)
8:39-1.35	Operational dates	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1.35	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:42-1.8	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:42-2	Readopted: Inpatient drug treatment facilities	14 N.J.R. 812(a)	R. 1982 d. 391	14 N.J.R. 1214(a)
8:42A	Alcoholism treatment facilities	13 N.J.R. 217(b)	R. 1981 d. 236	13 N.J.R. 411(a)
8:43-2.13	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d. 529	13 N.J.R. 13(e)
8:43-3.3, 3.20, 3.22	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d. 297	13 N.J.R. 495(b)
8:43-3.22	Residential health care: Fire protection	13 N.J.R. 495(c)	R. 1981 d. 402	13 N.J.R. 756(d)
8:43-3.22	Fire safety in residential care homes	14 N.J.R. 194(a)	R. 1982 d. 145	14 N.J.R. 427(b)
8:43-4.13, 4.14	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d. 297	13 N.J.R. 495(b)
8:43-6.9	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d. 529	13 N.J.R. 13(e)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	13 N.J.R. 810(a)	R. 1982 d. 278	14 N.J.R. 916(e)
8:43A-3.1	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:43A-9.4, 9.7, 9.11	Drug abuse treatment centers	14 N.J.R. 529(a)	R. 1982 d. 390	14 N.J.R. 1214(b)
8:43B-1.13	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:43B-3.1, 3.1A	Hospital construction standards	13 N.J.R. 811(a)	R. 1982 d. 279	14 N.J.R. 916(f)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	13 N.J.R. 812(a)	R. 1982 d. 280	14 N.J.R. 917(a)
8:45-1.3	Licensure of clinical laboratories	13 N.J.R. 653(a)	R. 1981 d. 493	14 N.J.R. 45(b)
8:57-1.1-1.18	Reportable disease rules	12 N.J.R. 577(e)	R. 1980 d. 498	13 N.J.R. 13(b)
8:57-4.5, 4.10, 4.12, 4.13, 4.15, 4.16	Immunization of pupils in school	13 N.J.R. 738(a)	R. 1981 d. 502	14 N.J.R. 45(c)
8:65	Administrative corrections			15 N.J.R. 164(b)
8:65-1.1	Controlled dangerous substances: Registration fees	14 N.J.R. 1191(b)	R. 1983 d. 29	15 N.J.R. 147(c)
8:65-7.8	CDS prescription filling requirements	13 N.J.R. 130(b)	R. 1981 d. 452	13 N.J.R. 845(a)
8:65-7.10	CDS: Prescriptions in LTCF's	13 N.J.R. 130(c)	R. 1981 d. 453	13 N.J.R. 845(b)
8:65-7.14, 7.18	Controlled dangerous substances	14 N.J.R. 195(a)	R. 1982 d. 124	14 N.J.R. 389(b)
8:65-8.7	Controlled dangerous substances	13 N.J.R. 131(a)	R. 1981 d. 238	13 N.J.R. 411(b)

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8:65-10.1, 10.2	Controlled dangerous substances	Emergency	R.1981 d.50	13 N.J.R. 132(b)
8:65-10.1, 10.2	Rescheduling of methaqualone	14 N.J.R. 1029(b)	R.1982 d.450	14 N.J.R. 1457(b)
8:65-10.1, 10.3, 10.4	Controlled dangerous substances	14 N.J.R. 195(a)	R.1982 d.124	14 N.J.R. 389(b)
8:65-10.4, 10.8	Controlled dangerous substances	Emergency	R.1981 d.50	13 N.J.R. 132(b)
8:70-1.4	Resubmission of rejected generic drug products	14 N.J.R. 1030(a)	R.1983 d.33	15 N.J.R. 147(d)
8:71	Interchangeable drug products	12 N.J.R. 465(a)	R.1980 d.454	12 N.J.R. 645(b)
8:71	Interchangeable drug products	12 N.J.R. 516(b)	R.1981 d.25	13 N.J.R. 131(b)
8:71	Interchangeable drug products	12 N.J.R. 465(b)	R.1981 d.26	13 N.J.R. 131(c)
8:71	Interchangeable drug products	Emergency	R.1981 d.27	13 N.J.R. 132(a)
8:71	Interchangeable drug products	12 N.J.R. 644(b)	R.1981 d.81	13 N.J.R. 217(d)
8:71	Interchangeable drug product list	13 N.J.R. 269(a)	R.1981 d.364	13 N.J.R. 706(c)
8:71	Interchangeable drug list	12 N.J.R. 644(b)	R.1981 d.405	13 N.J.R. 757(a)
8:71	List of interchangeable drugs	13 N.J.R. 354(a)	R.1981 d.403	13 N.J.R. 757(b)
8:71	Interchangeable drug products	13 N.J.R. 654(a)	R.1981 d.503	14 N.J.R. 45(d)
8:71	Correction: Generic drug list	13 N.J.R. 654(a)	R.1981 d.503	14 N.J.R. 102(b)
8:71	Generic drug list additions	13 N.J.R. 217(c)	R.1982 d.58	14 N.J.R. 235(a)
8:71	Amitriptyline addition	14 N.J.R. 22(b)	R.1982 d.106	14 N.J.R. 342(a)
8:71	Generic drug list additions	14 N.J.R. 22(a)	R.1982 d.115	14 N.J.R. 389(c)
8:71	Additions to generic drug list	14 N.J.R. 22(a)	R.1982 d.197	14 N.J.R. 655(b)
8:71	Additions to generic drug list	14 N.J.R. 369(a)	R.1982 d.240	14 N.J.R. 836(a)
8:71	Correction: Generic drug list	14 N.J.R. 369(a)	R.1982 d.240	14 N.J.R. 980(a)
8:71	Generic drug list changes	14 N.J.R. 22(a)	R.1982 d.371	14 N.J.R. 1159(a)
8:71	Generic drug list changes	13 N.J.R. 645(a)	R.1982 d.372	14 N.J.R. 1159(b)
8:71	Generic drug list changes	14 N.J.R. 369(a)	R.1982 d.373	14 N.J.R. 1160(a)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.374	14 N.J.R. 1160(b)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R.1982 d.426	14 N.J.R. 1392(a)
8:71	Correction: Generic drug list	14 N.J.R. 690(a)	R.1982 d.426	15 N.J.R. 33(b)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1982 d.488	15 N.J.R. 90(a)
8:71	Generic drug list additions	14 N.J.R. 690(a)	R.1982 d.489	15 N.J.R. 91(a)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R.1983 d.30	15 N.J.R. 147(e)
8:71	Additions to generic drug list	14 N.J.R. 1077(a)	R.1983 d.31	15 N.J.R. 148(a)
8:71	Steri-med 50mg hydrochlorothiazide tabs	14 N.J.R. 887(b)	R.1983 d.32	15 N.J.R. 148(b)
8:71	Generic drug list deletions	14 N.J.R. 1030(b)	R.1983 d.34	15 N.J.R. 149(a)

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**HIGHER EDUCATION—TITLE 9**

9:1-6.1, 6.4	Petitions from out-of-state institutions	14 N.J.R. 372(a)	R.1982 d.219	14 N.J.R. 756(a)
9:2-2.25	Mandatory retirement at State colleges	14 N.J.R. 947(a)	R.1982 d.444	14 N.J.R. 1458(a)
9:2-13.1-13.12	State college auxiliary organizations	14 N.J.R. 1141(a)	R.1982 d.493	15 N.J.R. 91(b)
9:4-1.5	County colleges: Chargebacks to sending counties	14 N.J.R. 690(b)	R.1982 d.335	14 N.J.R. 1099(a)
9:4-3.1, 3.10	County college annual audit	14 N.J.R. 318(a)	R.1982 d.218	14 N.J.R. 757(a)
9:11-1	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)
9:12-1, -2	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R.1982 d.385	14 N.J.R. 1214(c)

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**HUMAN SERVICES—TITLE 10**

10:4	Group homes and community relations	14 N.J.R. 1192(a)	R.1982 d.475	15 N.J.R. 33(c)
10:38	Interim Assistance Procedures Manual	13 N.J.R. 220(d)	R.1981 d.225	13 N.J.R. 412(c)
10:44A	Group homes and supervised apartments for developmentally disabled	14 N.J.R. 531(a)	R.1983 d.23	15 N.J.R. 149(b)
10:49-1.2	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.2	Medicaid ID: Special Status Card	14 N.J.R. 418(a)	R.1982 d.261	14 N.J.R. 917(b)
10:49-1.3	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)
10:49-1.3, 1.4	Nurse-midwife services	14 N.J.R. 889(a)	R.1982 d.415	14 N.J.R. 1393(a)
10:49-1.5	Amend recipient controls	12 N.J.R. 274(a)	R.1980 d.549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	12 N.J.R. 520(b)	R.1981 d.329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	12 N.J.R. 187(c)	R.1981 d.123	13 N.J.R. 272(a)
10:49-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R.1982 d.52	14 N.J.R. 235(b)
10:49-1.13, 1.14	Providers using management agencies	13 N.J.R. 272(b)	R.1981 d.246	13 N.J.R. 412(d)
10:49-1.17	Suspension of provider from Medicaid program	12 N.J.R. 581(a)	R.1980 d.501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	13 N.J.R. 222(a)	R.1981 d.315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	13 N.J.R. 496(c)	R.1981 d.393	13 N.J.R. 758(c)
10:49-1.26	Patient certification	13 N.J.R. 413(a)	R.1981 d.331	13 N.J.R. 575(a)
10:49-1.27	Final audits	13 N.J.R. 133(c)	R.1981 d.114	13 N.J.R. 273(a)
10:49-1.27	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R.1983 d.5	15 N.J.R. 155(a)
10:49-5.3, 5.4	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-5.6	Recipient fair hearings	12 N.J.R. 581(b)	R.1980 d.512	13 N.J.R. 17(f)
10:49-6.5	Medicaid: Payment recovery from estates	14 N.J.R. 80(a)	R.1982 d.147	14 N.J.R. 427(c)

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10:49-6.8	Compromising claims	12 N.J.R. 582(a)	R. 1980 d.502 13 N.J.R. 17(b)
10:50	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331 13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250 13 N.J.R. 418(a)
10:51	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331 13 N.J.R. 575(a)
10:51-1	Pharmacy Manual: Appendices B, C, and D	14 N.J.R. 1142(a)	R. 1982 d.458 14 N.J.R. 1458(b)
10:51-1.13, 1.14	Emergency amend "Less than effective" drugs	Emergency	R. 1981 d.476 13 N.J.R. 945(a)
10:51-1.13, 1.14	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28 14 N.J.R. 158(a)
10:51-1.17	Legend drug dispensing fee	13 N.J.R. 575(c)	R. 1981 d.411 13 N.J.R. 758(d)
10:51-1.19	Emergency amendment: "Less than effective" drugs	Emergency	R. 1981 d.476 13 N.J.R. 945(a)
10:51-1.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28 14 N.J.R. 158(a)
10:51-1(App.B,D)	Pharmaceutical Services Manual	13 N.J.R. 134(a)	R. 1981 d.124 13 N.J.R. 274(a)
10:51-1(App.B,D)	Non-legend drugs and legend services	13 N.J.R. 739(a)	R. 1981 d.505 14 N.J.R. 46(a)
10:51-1(App.E)	Pharmacy Manual: Protein replacements	14 N.J.R. 418(b)	R. 1982 d.211 14 N.J.R. 757(b)
10:51-2	Pharmacy Manual billing procedures	13 N.J.R. 274(b)	R. 1981 d.247 13 N.J.R. 415(a)
10:51-2.6	Reporting chemotherapy injectable drugs	14 N.J.R. 813(a)	R. 1982 d.340 14 N.J.R. 1161(a)
10:51-3	Pharmaceutical services in LTC facilities	13 N.J.R. 415(b)	R. 1981 d.344 13 N.J.R. 577(a)
10:51-3.15	Capitation of fee for legend drugs dispensed by LTC pharmacy providers	13 N.J.R. 577(b)	R. 1981 d.465 13 N.J.R. 887(d)
10:51-4.5	Repeal payments for pharmaceutical consultants	12 N.J.R. 410(a)	R. 1981 d.101 13 N.J.R. 228(c)
10:51-5.16, 5.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d.28 14 N.J.R. 158(a)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	13 N.J.R. 289(a)	R. 1981 d.248 13 N.J.R. 415(c)
10:52	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d.327 13 N.J.R. 578(a)
10:52-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51 13 N.J.R. 147(c)
10:52-1.1	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415 14 N.J.R. 1393(a)
10:52-1.3	Non-covered hospital services	13 N.J.R. 14(d)	R. 1981 d.126 13 N.J.R. 291(a)
10:52-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73 14 N.J.R. 278(c)
10:52-1.3	Second opinion requirement on certain surgery	14 N.J.R. 1143(a)	R. 1982 d.459 14 N.J.R. 1458(c)
10:52-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51 13 N.J.R. 147(c)
10:52-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R. 1982 d.52 14 N.J.R. 235(b)
10:52-1.17	Out-of-State inpatient hospital services	13 N.J.R. 15(a)	R. 1981 d.162 13 N.J.R. 358(b)
10:52-1.17	Correction: Out-of-State hospital services	13 N.J.R. 15(a)	R. 1981 d.162 13 N.J.R. 416(b)
10:52-1.18	Out-of-State hospital services	13 N.J.R. 359(a)	R. 1981 d.293 13 N.J.R. 497(a)
10:52-2.2	Uniform billing of hospital services	13 N.J.R. 93(a)	R. 1982 d.13 14 N.J.R. 158(b)
10:52-2.8A	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d.479 13 N.J.R. 946(a)
10:52-2.13	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250 13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d.479 13 N.J.R. 946(a)
10:53	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d.327 13 N.J.R. 578(a)
10:53-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51 13 N.J.R. 147(c)
10:53-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73 14 N.J.R. 278(c)
10:53-1.3	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459 14 N.J.R. 1458(c)
10:53-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d.51 13 N.J.R. 147(c)
10:53-2.18	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250 13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249 13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d.125 13 N.J.R. 292(b)
10:54-1.2	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73 14 N.J.R. 278(c)
10:54-1.2	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459 14 N.J.R. 1458(c)
10:54-1.3	Record keeping by providers	12 N.J.R. 520(b)	R. 1981 d.329 13 N.J.R. 574(b)
10:54-1.5	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d.374 13 N.J.R. 706(d)
10:54-1.6	Reimbursement for anesthesia time	12 N.J.R. 413(a)	R. 1981 d.220 13 N.J.R. 417(b)
10:54-1.22	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d.125 13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250 13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249 13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250 13 N.J.R. 418(a)
10:54-3	Procedure Code Manual	12 N.J.R. 520(c)	R. 1980 d.511 13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 95(a)	R. 1981 d.111 13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 223(a)	R. 1981 d.211 13 N.J.R. 418(c)
10:54-3	Procedure codes for pacemakers	13 N.J.R. 297(a)	R. 1981 d.251 13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	13 N.J.R. 298(a)	R. 1981 d.305 13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	13 N.J.R. 298(b)	R. 1981 d.314 13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	13 N.J.R. 578(d)	R. 1981 d.475 13 N.J.R. 946(b)
10:54-3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d.73 14 N.J.R. 278(c)
10:54-3	Procedure codes: Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d.459 14 N.J.R. 1458(c)
10:54-3	Procedure codes: Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415 14 N.J.R. 1393(a)
10:55	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331 13 N.J.R. 575(a)
10:56	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331 13 N.J.R. 575(a)
10:56-1.8, 1.12	Dental Services Manual	12 N.J.R. 700(a)	R. 1981 d.219 13 N.J.R. 430(b)
10:56-1.14, 1.15	Limitations on diagnostic dental services	13 N.J.R. 875(a)	R. 1982 d.403 14 N.J.R. 1301(a)
10:56-3.15	Orthodontics	13 N.J.R. 134(b)	R. 1981 d.113 13 N.J.R. 299(b)
10:57-1.4	Podiatry services	13 N.J.R. 360(a)	R. 1981 d.300 13 N.J.R. 579(a)

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10:57-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R. 1981 d.300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:58	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d.415	14 N.J.R. 1393(a)
10:59	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	13 N.J.R. 430(c)	R. 1981 d.376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	13 N.J.R. 223(b)	R. 1981 d.328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:59-2.6-2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d.510	13 N.J.R. 17(d)
10:60	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:60-1, 2.1-2.3	Home Health Services Manual revisions	14 N.J.R. 264(b)	R. 1982 d.199	14 N.J.R. 656(a)
10:60-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	13 N.J.R. 95(b)	R. 1981 d.110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	13 N.J.R. 430(d)	R. 1981 d.342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:62	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	13 N.J.R. 299(d)	R. 1981 d.280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:63-1.2	Rehabilitation in long-term care	14 N.J.R. 420(a)	R. 1982 d.210	14 N.J.R. 757(c)
10:63-1.4	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d.219	13 N.J.R. 430(b)
10:63-1.4	Special equipment in long-term care	13 N.J.R. 877(a)	R. 1982 d.110	14 N.J.R. 391(a)
10:63-1.5	Inspection of long-term care	14 N.J.R. 81(a)	R. 1982 d.72	14 N.J.R. 279(a)
10:63-1.6	Level III care in LTC facilities	14 N.J.R. 462(a)	R. 1982 d.264	14 N.J.R. 917(c)
10:63-1.8	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d.219	13 N.J.R. 430(b)
10:63-1.8	Clinical records in long-term care facilities	12 N.J.R. 701(a)	R. 1981 d.33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	13 N.J.R. 431(a)	R. 1981 d.345	13 N.J.R. 579(d)
10:63-1.19	LTCISM: Termination of Medicaid eligibility	13 N.J.R. 15(b)	R. 1981 d.62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	12 N.J.R. 701(a)	R. 1981 d.23	13 N.J.R. 146(a)
10:63-1.22	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R. 1983 d.5	15 N.J.R. 155(a)
10:63-3.1	Reimbursement to Long Term Care Facilities	12 N.J.R. 702(a)	R. 1981 d.87	13 N.J.R. 227(a)
10:63-3.8	LTC's nursing care costs	13 N.J.R. 360(b)	R. 1981 d.326	13 N.J.R. 579(e)
10:63-3.20	Long-term care facilities: Reimbursement appeals	14 N.J.R. 269(a)	R. 1983 d.11	15 N.J.R. 156(a)
10:63-3.21	Rescission: Long-term care per diem reduction	13 N.J.R. 498(a)	R. 1981 d.375	13 N.J.R. 707(b)
10:64	Hearing Aid Services Manual	14 N.J.R. 413(a)	R. 1982 d.74	14 N.J.R. 279(b)
10:65	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:65-2.1	Medical day care rates	13 N.J.R. 362(a)	R. 1981 d.318	13 N.J.R. 580(a)
10:66	Patient certification	13 N.J.R. 413(a)	R. 1981 d.331	13 N.J.R. 575(a)
10:66-1.5, 1.6	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d.19	14 N.J.R. 158(c)
10:66-2.10	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	13 N.J.R. 363(a)	R. 1981 d.313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	12 N.J.R. 662(b)	R. 1981 d.112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	13 N.J.R. 224(a)	R. 1981 d.212	13 N.J.R. 431(b)
10:66-3.3	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d.19	14 N.J.R. 158(c)
10:66-3.3	Family planning procedure codes	13 N.J.R. 663(a)	R. 1982 d.84	14 N.J.R. 343(b)
10:67-1.2	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:67-1.8	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d.374	13 N.J.R. 706(d)
10:67-2.5, 2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	13 N.J.R. 298(a)	R. 1981 d.305	13 N.J.R. 578(b)
10:68-2.5, 2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d.249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d.250	13 N.J.R. 418(a)
10:69A-2.1	Pharmaceutical Assistance for Aged and Disabled	14 N.J.R. 321(b)	R. 1982 d.198	14 N.J.R. 659(a)
10:69A-5.6	PAA eligibility determinations	13 N.J.R. 432(a)	R. 1981 d.332	13 N.J.R. 580(c)
10:69A-7.1	PAA: Payment recovery from estates	14 N.J.R. 80(a)	R. 1982 d.147	14 N.J.R. 427(c)
10:81	PAM: Federal Omnibus Reconciliation Act of 1981	Emergency	R. 1981 d.397	13 N.J.R. 759(a)
10:81	PAM: Readopted Federal requirements	13 N.J.R. 759(a)	R. 1981 d.518	14 N.J.R. 102(c)
10:81-1.14	PAM: Welfare board minutes	13 N.J.R. 877(b)	R. 1982 d.151	14 N.J.R. 473(d)
10:81-2.6, 2.17, 2.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d.482	15 N.J.R. 92(a)
10:81-2.7	PAM: Deprivation of parental support in AFDC-C	12 N.J.R. 703(a)	R. 1981 d.28	13 N.J.R. 146(b)
10:81-3.1, 3.5, 3.11, 3.13, 3.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d.482	15 N.J.R. 92(a)
10:81-3.17, 8.22	PAM: Uniformed service absence; rounding	Emergency	R. 1982 d.366	14 N.J.R. 1168(a)

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10:81-3.17, 8.22	PAM: Readopted revisions	14 N.J.R. 1168(a)	R. 1982 d.441	14 N.J.R. 1459(a)
10:81-3.35	PAM: Legally responsible relatives	14 N.J.R. 814(a)	R. 1982 d.352	14 N.J.R. 1161(b)
10:81-4.5-4.11, 4.13, 4.14, 4.16, 4.18, 4.19	PAM: Vendor payments	14 N.J.R. 1034(a)	R. 1982 d.424	14 N.J.R. 1395(a)
10:81-6.17, 7.18	PAM: Replacement of lost or stolen checks	14 N.J.R. 373(a)	R. 1982 d.419	14 N.J.R. 1396(a)
10:81-7.1	AFDC: New or changed income	13 N.J.R. 300(a)	R. 1981 d.262	13 N.J.R. 432(b)
10:81-7.13	PAM: Request and authorization for records disposal	14 N.J.R. 947(b)	R. 1982 d.417	14 N.J.R. 1397(a)
10:81-7.22	AFDC: Funeral or burial payments for children	13 N.J.R. 580(d)	R. 1981 d.447	13 N.J.R. 845(d)
10:81-7.22	PAM: Funeral and burial contributions	14 N.J.R. 462(b)	R. 1982 d.286	14 N.J.R. 980(b)
10:81-7.26	PAM: Veterans' funeral expenses	14 N.J.R. 374(a)	R. 1982 d.228	14 N.J.R. 836(b)
10:81-7.26, 8.4	PAM: RSDI lump sum benefits	13 N.J.R. 925(a)	R. 1982 d.90	14 N.J.R. 344(a)
10:81-8.22	PAM: Extension of Medicaid benefits	14 N.J.R. 893(a)	R. 1982 d.357	14 N.J.R. 1161(c)
10:81-8.23, 8.24, 8.25	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d.482	15 N.J.R. 92(a)
10:81-10	PAM: Refugee programs	14 N.J.R. 948(a)	R. 1982 d.425	14 N.J.R. 1397(b)
10:81-App. A	Repealed: See 10:81-10	14 N.J.R. 948(a)	R. 1982 d.425	14 N.J.R. 1397(b)
10:82	ASH: Federal Omnibus Reconciliation Act of 1981	Emergency	R. 1981 d.396	13 N.J.R. 763(a)
10:82	ASH: Readopted Federal requirements	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 102(d)
10:82-1.2, 1.4, 1.5, 1.7, 2.1-2.6, 2.8-2.10, 2.13, 2.19, 3.13, 4.1, 4.3, 4.4, 4.15, 5.3	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d.443	14 N.J.R. 1459(b)
10:82-2.1, 2.2, 2.18, 2.20, 5.3, 5.10	ASH: Rounding; prorating; military service absence	Emergency	R. 1982 d.367	14 N.J.R. 1169(a)
10:82-2.1, 2.2, 2.18, 2.20, 5.3, 5.10	ASH: Readopted revisions	14 N.J.R. 1169(a)	R. 1982 d.440	14 N.J.R. 1461(a)
10:82-2.9	Correction: Stepparent's income in AFDC-C	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 281(a)
10:82-2.14	ASH: Established monthly earnings	13 N.J.R. 16(a)	R. 1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	13 N.J.R. 300(a)	R. 1981 d.262	13 N.J.R. 432(b)
10:82-3.2	ASH: HUD community development block grant	13 N.J.R. 96(a)	R. 1981 d.96	13 N.J.R. 227(b)
10:82-3.2, 4.5	Exempt resources and disregard of earned income	13 N.J.R. 224(b)	R. 1981 d.282	13 N.J.R. 499(a)
10:82-3.8	ASH: Relatives as a resource	14 N.J.R. 814(b)	R. 1982 d.353	14 N.J.R. 1161(d)
10:82-3.13	Correction: Federal requirement for ASH	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 837(a)
10:82-4.9	ASH: Foster care rates	14 N.J.R. 374(b)	R. 1982 d.208	14 N.J.R. 709(c)
10:82-4.15	Irregular and nonrecurring income in AFDC	13 N.J.R. 224(c)	R. 1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	13 N.J.R. 134(c)	R. 1981 d.243	13 N.J.R. 432(c)
10:82-5.3	ASH: Care for unwed mothers	13 N.J.R. 134(c)	R. 1982 d.43	14 N.J.R. 235(c)
10:82-5.10	ASH: Emergency assistance	12 N.J.R. 584(a)	R. 1980 d.552	13 N.J.R. 101(a)
10:82-5.10	ASH: Emergency house furnishings allowance	14 N.J.R. 375(a)	R. 1982 d.207	14 N.J.R. 709(d)
10:82-5.10	ASH: Return of child from foster care placement	14 N.J.R. 698(a)	R. 1982 d.376	14 N.J.R. 1215(a)
10:83	Repeal Medical Assistance for Aged	14 N.J.R. 1081(a)	R. 1982 d.460	14 N.J.R. 1462(a)
10:85-1.2, 1.5, 2.2	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R. 1982 d.61	14 N.J.R. 281(b)
10:85-2.2	GAM: Temporary director of municipal welfare	12 N.J.R. 584(b)	R. 1980 d.505	13 N.J.R. 17(c)
10:85-2.2	GAM: Local assistance board	13 N.J.R. 96(b)	R. 1981 d.98	13 N.J.R. 228(b)
10:85-2.2	GAM: Local assistance board appointments	14 N.J.R. 1144(a)	R. 1982 d.492	15 N.J.R. 92(b)
10:85-3.1	GAM: Common living quarters	13 N.J.R. 927(a)	R. 1982 d.102	14 N.J.R. 344(b)
10:85-3.1	GAM: Eligibility of young people	14 N.J.R. 815(a)	R. 1982 d.355	14 N.J.R. 1162(a)
10:85-3.1	Correction to Code: General Assistance eligibility	_____	_____	14 N.J.R. 1103(b)
10:85-3.1, 3.2	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R. 1981 d.160	13 N.J.R. 363(b)
10:85-3.2	General Assistance application process	12 N.J.R. 584(c)	R. 1980 d.514	13 N.J.R. 18(a)
10:85-3.2	GAM: Clarification of "unemployable"	13 N.J.R. 927(b)	R. 1982 d.103	14 N.J.R. 344(c)
10:85-3.2	GAM: Workfare compliance	13 N.J.R. 929(a)	R. 1982 d.104	14 N.J.R. 344(d)
10:85-3.2	GAM: Verification of unemployment/disability benefits	14 N.J.R. 956(a)	R. 1982 d.418	14 N.J.R. 1398(a)
10:85-3.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R. 1980 d.547	13 N.J.R. 100(a)
10:85-3.3	GAM: Financial eligibility	12 N.J.R. 16(b)	R. 1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-3.3	GAM: Boarding rate for residential care	13 N.J.R. 879(a)	R. 1982 d.53	14 N.J.R. 235(d)
10:85-3.3	GAM: Hospital shelter time	13 N.J.R. 930(a)	R. 1982 d.98	14 N.J.R. 345(a)
10:85-3.3	GAM: Cash Contributions	14 N.J.R. 270(a)	R. 1982 d.185	14 N.J.R. 659(b)
10:85-3.3	GAM: Members of household	14 N.J.R. 893(b)	R. 1982 d.375	14 N.J.R. 1216(a)
10:85-3.4	GAM: Income and alien sponsorship	14 N.J.R. 122(b)	R. 1982 d.134	14 N.J.R. 428(a)
10:85-4.6	GAM: Emergency grants	12 N.J.R. 585(a)	R. 1980 d.538	13 N.J.R. 18(d)
10:85-4.6	GAM: Emergency grants	14 N.J.R. 124(a)	R. 1982 d.135	14 N.J.R. 428(b)
10:85-4.8	GAM: Funeral and burial contributions	14 N.J.R. 463(a)	R. 1982 d.287	14 N.J.R. 980(c)
10:85-5.2	GAM: Diagnostic-Related Group payments	12 N.J.R. 585(b)	R. 1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM-Payments for inpatients hospital care	13 N.J.R. 433(b)	R. 1981 d.394	13 N.J.R. 768(a)

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10:85-5.3	Submission of Form GA-18	12 N.J.R. 586(a)	R. 1980 d.531	13 N.J.R. 18(c)
10:85-5.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R. 1980 d.547	13 N.J.R. 100(a).
10:85-5.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-5.4	GAM: Procedure for payments of medical bills	13 N.J.R. 499(c)	R. 1981 d.417	13 N.J.R. 768(b)
10:85-5.6, 8.4	GAM: Renal services; child health services	14 N.J.R. 420(b)	R. 1982 d.377	14 N.J.R. 1217(a)
10:85-6.5	GAM: Repayment by SSI recipients	12 N.J.R. 586(b)	R. 1980 d.551	13 N.J.R. 100(d)
10:85-6.6	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-7.2	GAM: Receipt of assistance	12 N.J.R. 535(b)	R. 1981 d.53	13 N.J.R. 147(d)
10:85-7.3	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R. 1982 d.61	14 N.J.R. 281(b)
10:85-8.2	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-8.2	GAM: Eligibility of refugee groups	14 N.J.R. 815(b)	R. 1982 d.356	14 N.J.R. 1162(b)
10:85-8.3	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R. 1981 d.160	13 N.J.R. 363(b)
10:85-9.1	GAM: Legally responsible relatives	14 N.J.R. 543(a)	R. 1982 d.284	14 N.J.R. 980(d)
10:85-10.3, 10.6, 10.8	GAM: Workfare compliance	13 N.J.R. 929(a)	R. 1982 d.104	14 N.J.R. 344(d)
10:87	Emergency amend Food Stamp Manual	Emergency	R. 1981 d.64	13 N.J.R. 226(b)
10:87	Student participation in Food Stamps	13 N.J.R. 96(c)	R. 1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	13 N.J.R. 364(a)	R. 1981 d.316	13 N.J.R. 581(a)
10:87	FSM: Federal Omnibus Reconciliation Act of 1981	Emergency	R. 1981 d.398	13 N.J.R. 769(a)
10:87	FSM: Readopted Federal requirements	13 N.J.R. 769(a)	R. 1981 d.517	14 N.J.R. 103(a)
10:87	Correction: FSM—Federal requirements	13 N.J.R. 769(a)	R. 1981 d.517	14 N.J.R. 208(b)
10:87-2.2, 2.3, 2.21, 3.19, 5.10, 6.14, 6.15, 12.1	Food Stamp Program revisions	Emergency	R. 1982 d.503	15 N.J.R. 97(a)
10:87-2.2, 2.3, 2.21, 2.32, 2.34, 2.35, 2.38, 3.23, 3.24, 4.3, 4.8, 5.5, 5.10, 6.2, 6.3, 6.15–6.18, 7.18, 12.5–12.7	Food Stamp Program revisions	Emergency	R. 1983 d.38	15 N.J.R. 247(a)
10:87-2.4, 2.7, 2.8, 2.34, 3.2, 3.12, 4.4, 4.19, 7.16, 7.17, 9.7	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-2.7, 3.15–3.21	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d.437	14 N.J.R. 1462(b)
10:87-9.16	Replacement of food stamp benefits	14 N.J.R. 1081(b)	R. 1982 d.474	15 N.J.R. 35(a)
10:87-12.1, 12.2	Emergency amend Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.1, 12.3, 12.4, 12.6	FSM: Mandated Federal adjustments	Emergency	R. 1982 d.217	14 N.J.R. 757(d)
10:87-12.1, 12.3, 12.4, 12.6	Readopted: Food Stamp Program adjustments	14 N.J.R. 757(d)	R. 1982 d.318	14 N.J.R. 1057(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Utility allowance; coupon allotment; rounding	Emergency	R. 1982 d.365	14 N.J.R. 1170(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Readopted revisions	14 N.J.R. 1170(a)	R. 1982 d.442	14 N.J.R. 1463(a)
10:87-12.3	Food Stamp Program maximum net income levels	13 N.J.R. 500(a)	R. 1981 d.400	13 N.J.R. 772(a)
10:87-12.3, 12.4	Emergency adoption: Food Stamp income levels	Emergency	R. 1981 d.278	13 N.J.R. 500(a)
10:87-12.4	Emergency amend Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(e)
10:89	Home energy assistance (emergency adoption)	Emergency	R. 1981 d.466	13 N.J.R. 888(a)
10:89	Readopted Home Energy Assistance rules	13 N.J.R. 888(a)	R. 1982 d.62	14 N.J.R. 281(c)
10:89-2.3, 3.1, 3.2, 3.4–3.6, 4.1, 5.2, 5.3	Home Energy Assistance Handbook	Emergency	R. 1982 d.412	14 N.J.R. 1311(a)
10:89-2.3, 3.1, 3.2, 3.4, 3.5, 3.6, 4.1, 5.2, 5.3	Readopted: Home Energy Assistance Handbook	14 N.J.R. 1311(a)	R. 1982 d.497	15 N.J.R. 92(c)
10:89-3.6	Emergency rule on Home Energy Assistance	Emergency	R. 1980 d.548	13 N.J.R. 100(b)
10:90	Monthly Reporting Policy Handbook	14 N.J.R. 958(a)	R. 1982 d.399	14 N.J.R. 1302(a)
10:91	Repealed: Services to families and children	14 N.J.R. 744(a)	R. 1982 d.317	14 N.J.R. 1057(b)
10:94-4,-5	Medicaid Only: Income and resource eligibility	12 N.J.R. 663(a)	R. 1981 d.177	13 N.J.R. 364(b)
10:94-5.4, 5.5, 5.6	Medicaid Only computation amounts	Emergency	R. 1981 d.276	13 N.J.R. 501(a)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 773(a)
10:94-5.4, 5.5, 5.6	Correction: Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 846(a)
10:94-5.4, 5.5, 5.6	Medicaid Only computation amounts	Emergency	R. 1982 d.216	14 N.J.R. 758(a)
10:94-5.4, 5.5, 5.6	Readopted: Medicaid Only computation amounts	14 N.J.R. 758(a)	R. 1982 d.314	14 N.J.R. 1058(a)
10:94-7.5	Medicaid Only: Burial and funeral expenses	14 N.J.R. 816(a)	R. 1982 d.354	14 N.J.R. 1162(c)

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10:94-8	Medicaid Only	12 N.J.R. 663(a)	R. 1981 d. 177	13 N.J.R. 364(b)
10:94-9	Medical Assistance for Aged Continuation	14 N.J.R. 1084(a)	R. 1982 d. 461	14 N.J.R. 1463(b)
10:98	State Plan for blind and visually impaired	14 N.J.R. 745(a)	R. 1982 d. 311	14 N.J.R. 1058(b)
10:100-1.23	Emergency amend SSI payment levels	Emergency	R. 1981 d. 277	13 N.J.R. 502(a)
10:100-1.23	Readopt SSI payment levels	13 N.J.R. 502(a)	R. 1981 d. 386	13 N.J.R. 773(b)
10:100-1.23	SSI payment levels	Emergency	R. 1982 d. 215	14 N.J.R. 760(a)
10:100-1.23	Readopted: SSI payment levels	14 N.J.R. 760(a)	R. 1982 d. 315	14 N.J.R. 1059(a)
10:100-3.6	Special Payments Handbook: Funeral contributions	14 N.J.R. 463(b)	R. 1982 d. 285	14 N.J.R. 981(a)
10:109-1	Ruling 11	13 N.J.R. 581(b)	R. 1981 d. 445	13 N.J.R. 846(b)
10:109-1.4	Ruling 11: Tuition Aid	14 N.J.R. 375(b)	R. 1982 d. 227	14 N.J.R. 837(b)
10:109-3.2, 3.4	Ruling 11-Sick leave and leave without pay	13 N.J.R. 515(a)	R. 1981 d. 395	13 N.J.R. 774(a)
10:109-App. I, II	Ruling 11: Salary increases for CWA employees	13 N.J.R. 741(a)	R. 1981 d. 498	14 N.J.R. 46(b)
10:109-App. II	County welfare agencies: Salary parity with State	14 N.J.R. 630(a)	R. 1982 d. 319	14 N.J.R. 1060(a)
10:121-2	Adoption subsidy	14 N.J.R. 746(a)	R. 1982 d. 321	14 N.J.R. 1060(b)
10:121-5.1	Medical information form	12 N.J.R. 703(c)	R. 1981 d. 63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	13 N.J.R. 99(a)	R. 1981 d. 298	13 N.J.R. 516(a)
10:122-4.1, 4.3-4.7	Child care centers: Staff requirements	14 N.J.R. 816(b)	R. 1982 d. 384	14 N.J.R. 1218(a)
10:122-4.1, 4.3-4.7	Correction: Child care centers	14 N.J.R. 816(b)	R. 1982 d. 384	14 N.J.R. 1307(a)
10:122-4.2, 7.1-7.7	Standards for child care centers	14 N.J.R. 82(a)	R. 1982 d. 136	14 N.J.R. 428(c)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d. 423	13 N.J.R. 774(b)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d. 423	14 N.J.R. 287(a)
10:123-3.1, 3.2	Personal needs allowance: Residential health care	14 N.J.R. 699(a)	R. 1982 d. 301	14 N.J.R. 981(b)
10:124	Children's shelter facilities and homes	14 N.J.R. 125(a)	R. 1982 d. 222	14 N.J.R. 761(a)
10:130	Shelters for victims of domestic violence	14 N.J.R. 197(a)	R. 1982 d. 138	14 N.J.R. 429(a)
10:130	Repealed: Children's shelters manual	14 N.J.R. 125(a)	R. 1982 d. 222	14 N.J.R. 761(a)
10:131	Adoption assistance and child welfare	14 N.J.R. 744(a)	R. 1982 d. 317	14 N.J.R. 1057(b)
10:132	Court actions and proceedings	13 N.J.R. 595(b)	R. 1981 d. 434	13 N.J.R. 846(c)
10:140	1982 State Plan for Services to Developmentally Disabled	14 N.J.R. 699(b)	R. 1982 d. 320	14 N.J.R. 1060(c)

(Title 10, Transmittal 15 dated November 10, 1980)

**CORRECTIONS-TITLE 10A**

(Title 10A, Transmittal 7 dated June 21, 1982)

**INSURANCE-TITLE 11**

11:1-13	Sale of auto club service contracts	13 N.J.R. 879(b)	R. 1982 d. 177	14 N.J.R. 579(a)
11:1-14	Licenses: Address change; process serving	14 N.J.R. 748(a)	R. 1982 d. 336	14 N.J.R. 1099(b)
11:2-1.6	Independent testing service	13 N.J.R. 364(d)	R. 1981 d. 433	13 N.J.R. 846(d)
11:2-17	Unfair claims-settlement practices	12 N.J.R. 600(f)	R. 1981 d. 407	13 N.J.R. 774(c)
11:2-17	Correction: Operative date for settlement practices	13 N.J.R. 774(c)	R. 1981 d. 407	13 N.J.R. 894(a)
11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R. 1982 d. 400	14 N.J.R. 1307(b)
11:2-18	Readable policies	14 N.J.R. 967(a)	R. 1982 d. 410	14 N.J.R. 1307(c)
11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R. 1982 d. 410	14 N.J.R. 1398(b)
11:3-7.3, 7.7	Additional personal injury protection	14 N.J.R. 543(b)	R. 1982 d. 246	14 N.J.R. 917(d)
11:4-2	Replacement of existing life insurance	13 N.J.R. 18(e)	R. 1982 d. 16	14 N.J.R. 158(d)
11:4-11.5, 11.6	Life insurance solicitation	13 N.J.R. 36(a)	R. 1982 d. 17	14 N.J.R. 159(a)
11:5-1.2, 1.3	Real Estate Commission rules	13 N.J.R. 306(a)	R. 1981 d. 261	13 N.J.R. 440(c)
11:5-1.8, 1.14	Real Estate Commission rules	13 N.J.R. 302(b)	R. 1982 d. 101	14 N.J.R. 345(b)
11:5-1.14	Correction: Real Estate Commission rules	13 N.J.R. 302(b)	R. 1982 d. 101	14 N.J.R. 1162(d)
11:5-1.33-1.35	Real Estate Commission rules	13 N.J.R. 306(a)	R. 1981 d. 261	13 N.J.R. 440(c)
11:5-1.36	Real Estate Guaranty Fund	13 N.J.R. 306(a)	R. 1981 d. 252	13 N.J.R. 441(a)
11:12	Legal services insurance	13 N.J.R. 601(a)	R. 1981 d. 422	13 N.J.R. 776(a)
11:13	Commercial lines insurance	14 N.J.R. 1045(a)	R. 1982 d. 423	14 N.J.R. 1398(c)

(Title 11, Transmittal 16 dated January 14, 1981)

**LABOR-TITLE 12**

12:15-1.3	Maximum weekly benefit rates	13 N.J.R. 602(b)	R. 1981 d. 419	13 N.J.R. 777(a)
12:15-1.3	Correction: Operative date	13 N.J.R. 602(b)	R. 1981 d. 419	13 N.J.R. 894(b)
12:15-1.3	1983 unemployment and disability benefits	14 N.J.R. 969(a)	R. 1982 d. 383	14 N.J.R. 1218(b)
12:15-1.4	Taxable wage base for unemployment compensation	13 N.J.R. 602(c)	R. 1981 d. 421	13 N.J.R. 777(b)
12:15-1.4	Correction: Operative date	13 N.J.R. 602(c)	R. 1981 d. 421	13 N.J.R. 894(b)
12:15-1.4	1983 wage base for unemployment contributions	14 N.J.R. 970(a)	R. 1982 d. 382	14 N.J.R. 1219(a)
12:15-1.5	Unemployment compensation contribution rates	13 N.J.R. 603(a)	R. 1981 d. 418	13 N.J.R. 777(c)
12:15-1.5	1983 contribution rates for government entities	14 N.J.R. 970(b)	R. 1982 d. 381	14 N.J.R. 1219(b)
12:51	Vocational rehabilitation facilities	13 N.J.R. 230(a)	R. 1981 d. 289	13 N.J.R. 517(a)
12:56-3.2	Correction to Code: Exemptions from minimum wage rates	—————	—————	15 N.J.R. 43(b)
12:56-7.2	Wage and hour: "Administrative" defined	14 N.J.R. 1145(a)	R. 1982 d. 468	15 N.J.R. 36(a)
12:57	Wage orders for minors	13 N.J.R. 307(a)	R. 1981 d. 226	13 N.J.R. 441(c)
12:190	Safety standards for explosives	13 N.J.R. 517(b)	R. 1982 d. 229	14 N.J.R. 837(c)

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12:191	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:192	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:193	Repealed	13 N.J.R. 517(b)	R.1982 d.229	14 N.J.R. 837(c)
12:195	Carnival-amusement rides	13 N.J.R. 441(d)	R.1981 d.321	13 N.J.R. 603(b)
12:235-1.5	Workers' compensation benefit rates	13 N.J.R. 604(a)	R.1981 d.420	13 N.J.R. 777(d)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R.1982 d.380	14 N.J.R. 1219(c)
<b>(Title 12, Transmittal 14 dated January 14, 1981)</b>				
<b>LAW AND PUBLIC SAFETY-TITLE 13</b>				
13:2-7.10	ABC rules	13 N.J.R. 604(b)	R.1981 d.432	13 N.J.R. 777(e)
13:2-24.1, 24.4	ABC rules	13 N.J.R. 604(b)	R.1981 d.432	13 N.J.R. 777(e)
13:2-24.4	Correction: ABC debt regulation	13 N.J.R. 604(b)	R.1981 d.432	13 N.J.R. 846(e)
13:2-24.4	Amend various regulations	13 N.J.R. 37(b)	R.1981 d.71	13 N.J.R. 238(b)
13:2-38.1,39.3	Amend various regulations	13 N.J.R. 37(b)	R.1981 d.71	13 N.J.R. 238(b)
13:2-41	Amend various regulations	13 N.J.R. 37(b)	R.1981 d.71	13 N.J.R. 238(b)
13:3-1.10, 1.14, 2.2, 3.9, 4.3	Amusement games licensing forms, fees	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:3-8.1-8.7	Repealed	14 N.J.R. 1194(a)	R.1982 d.498	15 N.J.R. 93(a)
13:19-5.1	Convulsive seizures	12 N.J.R. 606(a)	R.1981 d.18	13 N.J.R. 150(b)
13:19-6	Repealed: Delaware motor vehicle reciprocity rule	14 N.J.R. 87(a)	R.1982 d.94	14 N.J.R. 346(a)
13:20-7.3, 7.4	Motor vehicle inspection	Emergency	R.1982 d.335	14 N.J.R. 918(a)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R.1982 d.364	14 N.J.R. 1162(e)
13:20-17.3	Attendance fee for driver improvement school	14 N.J.R. 1145(b)	R.1982 d.485	15 N.J.R. 93(b)
13:20-25.2	Approval of safety glazing material	12 N.J.R. 606(b)	R.1981 d.15	13 N.J.R. 149(d)
13:20-31.3	Fee for driver alcohol education program	14 N.J.R. 1195(a)	R.1983 d.19	15 N.J.R. 156(b)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R.1983 d.20	15 N.J.R. 156(c)
13:20-33.53	Motorcycle handlebars and grips	12 N.J.R. 606(c)	R.1981 d.16	13 N.J.R. 149(e)
13:20-33.72	Repeal handhold devices	12 N.J.R. 607(a)	R.1981 d.17	13 N.J.R. 150(a)
13:20-36	Special National Guard plates	12 N.J.R. 427(a)	R.1981 d.31	13 N.J.R. 150(e)
13:21-3	Repeal rules on dealer's temporary certificates	12 N.J.R. 607(b)	R.1981 d.14	13 N.J.R. 149(c)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R.1982 d.370	14 N.J.R. 1163(a)
13:21-7.2	Student permits	12 N.J.R. 490(a)	R.1981 d.66	13 N.J.R. 237(d)
13:21-8.17	Waiver of driving test	12 N.J.R. 666(f)	R.1981 d.65	13 N.J.R. 237(c)
13:21-8.18	Repealed: Nonresident driver legend	14 N.J.R. 88(a)	R.1982 d.95	14 N.J.R. 346(b)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R.1982 d.484	15 N.J.R. 94(a)
13:26-1.2, 3.11	Transportation of bulk commodities	12 N.J.R. 724(f)	R.1981 d.61	13 N.J.R. 237(b)
13:27-6	Division of responsibility in site planning	13 N.J.R. 231(a)	R.1981 d.320	13 N.J.R. 607(a)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R.1982 d.387	14 N.J.R. 1219(d)
13:28-1.3	Toilet facilities in beauty shops	13 N.J.R. 102(b)	R.1981 d.109	13 N.J.R. 308(a)
13:28-2.10, 2.14-2.16	Credit for Saturday beauty classes	13 N.J.R. 931(a)	R.1982 d.70	14 N.J.R. 283(a)
13:28-2.24	Beauty schools: "Seniors" and clinical work	13 N.J.R. 930(b)	R.1982 d.69	14 N.J.R. 283(b)
13:29-1.6	CPA qualifying requirements	14 N.J.R. 749(b)	R.1982 d.405	14 N.J.R. 1309(a)
13:29-2.2	Examination for registered municipal accountant	13 N.J.R. 39(a)	R.1981 d.67	13 N.J.R. 238(a)
13:29-3.1-3.9, 3.12-3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R.1982 d.407	14 N.J.R. 1309(b)
13:30-2.5, 2.10-2.17	Dental hygienists and assistants	13 N.J.R. 231(b)	R.1981 d.264	13 N.J.R. 442(a)
13:30-2.18	Application fees for dental hygienists	13 N.J.R. 518(b)	R.1981 d.378	13 N.J.R. 707(c)
13:30-8.12	Dental insurance forms and professional misconduct	13 N.J.R. 102(c)	R.1981 d.175	13 N.J.R. 366(a)
13:31-1.3	Examinations	13 N.J.R. 664(a)	R.1981 d.491	13 N.J.R. 946(c)
13:31-1.8	Inspections of electrical work	13 N.J.R. 607(b)	R.1982 d.92	14 N.J.R. 346(c)
13:31-2.1	Repeal: Uniform penalty letter (electrical)	13 N.J.R. 442(b)	R.1981 d.372	13 N.J.R. 707(d)
13:32-1.8	Pressure seal on plumbing permit applications	14 N.J.R. 750(a)	R.1982 d.388	14 N.J.R. 1219(e)
13:33-1.1-1.7, 1.9-1.13, 1.15-1.19, 1.25, 1.34, 1.39, 1.42	Licensure of ophthalmic dispensers and technicians	14 N.J.R. 545(a)	R.1983 d.15	15 N.J.R. 157(a)
13:33-1.41	Fee schedules	12 N.J.R. 546(a)	R.1981 d.148	13 N.J.R. 366(b)
13:35-1.5	Military service in lieu of internship (podiatry)	13 N.J.R. 366(c)	R.1981 d.346	13 N.J.R. 608(a)
13:35-2.7	Military service in lieu of internship	13 N.J.R. 367(a)	R.1981 d.348	13 N.J.R. 608(b)
13:35-6.2	Guidelines for externship programs	13 N.J.R. 148(a)	R.1981 d.149	13 N.J.R. 367(b)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R.1982 d.214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibility for pronouncement of death	14 N.J.R. 767(a)	R.1982 d.214	14 N.J.R. 918(b)
13:35-6.19, 6.20	Excessive fees for professional services	13 N.J.R. 232(b)	R.1981 d.237	13 N.J.R. 443(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R.1982 d.416	14 N.J.R. 1400(a)
13:35-9.3	Emergency amend certified nurse/midwife	Emergency	R.1981 d.21	13 N.J.R. 150(c)
13:35-9.3(c)	Operative date on certified nurse/midwife standards	Emergency	R.1981 d.24	13 N.J.R. 150(d)
13:36-1.6	Mortuary board fees	13 N.J.R. 367(c)	R.1982 d.105	14 N.J.R. 346(d)

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13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R. 1982 d.409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R. 1982 d.333	14 N.J.R. 1110(a)
13:36-5.12	Advertising of funeral services	13 N.J.R. 368(a)	R. 1981 d.349	13 N.J.R. 609(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R. 1982 d.404	14 N.J.R. 1309(d)
13:36-9.1	Uniform penalty letter	13 N.J.R. 452(c)	R. 1981 d.347	13 N.J.R. 609(b)
13:37-1.26	Board of Nursing rule	13 N.J.R. 149(a)	R. 1981 d.174	13 N.J.R. 370(a)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R. 1982 d.406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R. 1982 d.408	14 N.J.R. 1310(a)
13:38-1.9, 1.10	Optometric advertising	13 N.J.R. 233(a)	R. 1981 d.295	13 N.J.R. 519(a)
13:39-6.4, 6.5, 6.7, 6.8, 9.13	Computerized recordkeeping in pharmacies	14 N.J.R. 1343(a)	R. 1983 d.22	15 N.J.R. 157(b)
13:39-9.12	Outdated or sample drugs	13 N.J.R. 235(a)	R. 1981 d.350	13 N.J.R. 609(c)
13:39-9.16	Board of Pharmacy examination fee	14 N.J.R. 1280(a)	R. 1983 d.21	15 N.J.R. 157(c)
13:39-9.17	Advertising and sale of prescription drugs	13 N.J.R. 445(a)	R. 1981 d.377	13 N.J.R. 708(a)
13:40-1.1, 2.1	Engineers and surveyors: Sealing of documents	14 N.J.R. 1345(a)	R. 1983 d.36	15 N.J.R. 157(d)
13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R. 1983 d.16	15 N.J.R. 158(a)
13:40-6.1	Engineer and surveyor test fees	13 N.J.R. 446(a)	R. 1982 d.142	14 N.J.R. 429(c)
13:40-7	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d.320	13 N.J.R. 607(a)
13:41-4	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d.320	13 N.J.R. 607(a)
13:44-2.1	Veterinary prescriptions	13 N.J.R. 519(b)	R. 1981 d.451	13 N.J.R. 847(a)
13:44-2.12	Patient records	13 N.J.R. 520(a)	R. 1981 d.450	13 N.J.R. 847(b)
13:44-3.1	Repeal: Uniform penalty letter (veterinary)	13 N.J.R. 371(a)	R. 1981 d.371	13 N.J.R. 708(b)
13:44-4.1	Veterinary Medical Examiners fee schedule	14 N.J.R. 1281(a)	R. 1982 d.502	15 N.J.R. 94(b)
13:44B	Compensation for State board members	13 N.J.R. 932(a)	R. 1982 d.144	14 N.J.R. 429(d)
13:45A-15.1-15.4	Posting of retail refund policies	13 N.J.R. 665(a)	R. 1982 d.29	14 N.J.R. 160(a)
13:45A-17	Sale of advertising in quasi-official journals	13 N.J.R. 235(b)	R. 1981 d.294	13 N.J.R. 520(b)
13:45A-18.1	Fee for consumer contract review	14 N.J.R. 464(a)	R. 1982 d.221	14 N.J.R. 767(b)
13:46-1.1	Boxing and wrestling programs: Definitions	14 N.J.R. 751(b)	R. 1982 d.389	14 N.J.R. 1220(a)
13:46-1.2-1.4	Weights and classes: Recodified as subchapter 1A	14 N.J.R. 751(b)	R. 1982 d.389	14 N.J.R. 1220(a)
13:46-4	Boxing and wrestling programs: Licenses and permits	14 N.J.R. 751(b)	R. 1982 d.389	14 N.J.R. 1220(a)
13:46-15.15-15.18	Complimentary tickets for boxing and wrestling events	14 N.J.R. 971(b)	R. 1982 d.398	14 N.J.R. 1220(b)
13:46-18.12, 18.18	Repealed	14 N.J.R. 635(b)	R. 1982 d.271	14 N.J.R. 919(a)
13:46-18.15	Same day boxing programs	14 N.J.R. 635(b)	R. 1982 d.271	14 N.J.R. 919(a)
13:47A-3.1	Securities industry: Nonduplication of fingerprinting	14 N.J.R. 550(a)	R. 1982 d.304	14 N.J.R. 981(c)
13:47A-5.2	Broker-dealer registration	14 N.J.R. 551(a)	R. 1982 d.265	14 N.J.R. 919(b)
13:47A-9.13	Repealed exemption restriction for private offering to sophisticated investors	14 N.J.R. 552(a)	R. 1982 d.266	14 N.J.R. 919(c)
13:47B-1.1	Correction to Code: Liquid measuring devices	_____	_____	14 N.J.R. 1315(b)
13:47C-5	Repealed: Rules on precious metal sales	13 N.J.R. 818(a)	R. 1982 d.96	14 N.J.R. 346(e)
13:47C-6	Bonding of transient buyers	13 N.J.R. 819(a)	R. 1982 d.93	14 N.J.R. 346(f)
13:51	Certification for chemical breath testing	14 N.J.R. 376(a)	R. 1982 d.187	14 N.J.R. 660(a)
13:70	Thoroughbred racing rules	14 N.J.R. 91(a)	R. 1982 d.183	14 N.J.R. 661(a)
13:70-3.47, 6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d.14	15 N.J.R. 158(b)
13:70-6.16	Racing: Eligibility of maidens	13 N.J.R. 520(c)	R. 1981 d.489	13 N.J.R. 946(d)
13:70-29.48	Emergency amend daily double pool	Emergency	R. 1981 d.32	13 N.J.R. 150(f)
13:70-29.48	Racing: Entries and daily double	13 N.J.R. 521(a)	R. 1981 d.490	13 N.J.R. 947(a)
13:71	Harness racing regulation	13 N.J.R. 820(a)	R. 1982 d.109	14 N.J.R. 347(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R. 1983 d.13	15 N.J.R. 158(c)
13:75-1.7	Violent crimes funeral compensation	13 N.J.R. 743(a)	R. 1982 d.37	14 N.J.R. 208(c)

(Title 13, Transmittal 17 dated January 14, 1981)

**PUBLIC UTILITIES—TITLE 14**

(Title 14, Transmittal 16 dated June 21, 1982)

**ENERGY—TITLE 14A**

14A:3-11.3, 11.5	Designation of used oil collection sites	13 N.J.R. 681(a)	R. 1982 d.262	14 N.J.R. 919(d)
14A:12-1	Computing cost savings in shared-savings contracts	14 N.J.R. 820(a)	R. 1983 d.10	15 N.J.R. 158(d)

(Title 14A, Transmittal 8 dated June 21, 1982)

**STATE—TITLE 15**

15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R. 1982 d.339	14 N.J.R. 1163(b)
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(Title 15, Transmittal 13 dated March 19, 1981)

**PUBLIC ADVOCATE—TITLE 15A**

(Title 15A, Transmittal 1 dated March 20, 1978)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
<b>TRANSPORTATION—TITLE 16</b>				
16:22-1.1, 1.2, 1.4	Transportation Rehabilitation and Improvement funds	14 N.J.R. 97(a)	R. 1982 d.68	14 N.J.R. 284(a)
16:26-1.1	Traffic signal information	13 N.J.R. 152(b)	R. 1981 d. 164	13 N.J.R. 372(a)
16:27-1.4	Repeal traffic and parking on NJDOT property	13 N.J.R. 153(a)	R. 1981 d. 165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	13 N.J.R. 153(b)	R. 1981 d. 150	13 N.J.R. 372(c)
16:28-1.15	Speed limits along Route 13	13 N.J.R. 155(a)	R. 1981 d. 152	13 N.J.R. 372(d)
16:28-1.16	Speed rates on I-195	14 N.J.R. 323(a)	R. 1982 d. 172	14 N.J.R. 580(a)
16:28-1.17	Speed limits on Route 147	13 N.J.R. 239(a)	R. 1981 d. 196	13 N.J.R. 451(a)
16:28-1.23	Speed limits along Route 18	13 N.J.R. 744(b)	R. 1981 d. 484	13 N.J.R. 947(d)
16:28-1.23	School speed zone on Route 18 in Old Bridge	Emergency	R. 1982 d.465	15 N.J.R. 41(a)
16:28-1.41	US 9 and 35 speed changes in Atlantic County	13 N.J.R. 838(a)	R. 1982 d.11	14 N.J.R. 160(c)
16:28-1.49	Speed limits on Route 35	13 N.J.R. 451(b)	R. 1981 d.333	13 N.J.R. 612(a)
16:28-1.56	Speed rates on US 40 and 322	14 N.J.R. 323(a)	R. 1982 d. 172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US 130	14 N.J.R. 323(a)	R. 1982 d. 172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US130 in Gloucester County	14 N.J.R. 824(a)	R. 1982 d.323	14 N.J.R. 1060(d)
16:28-1.69	Speed rates on US 130 in North Brunswick	14 N.J.R. 1197(b)	R. 1982 d.499	15 N.J.R. 94(c)
16:28-1.72	Speed limits on US 206 and 130 in Bordentown	14 N.J.R. 324(a)	R. 1982 d.168	14 N.J.R. 580(b)
16:28-1.111	Speed limits for Route 87	13 N.J.R. 452(a)	R. 1981 d.334	13 N.J.R. 613(a)
16:28A-1.1, 1.2, 1.4, 1.7	Parking on Routes US1, 1 and 9, 4, US9	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.2	Parking on Routes 1 and 9	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.2	Parking on Route 1 and 9 in Newark	14 N.J.R. 1049(a)	R. 1982 d.420	14 N.J.R. 1402(a)
16:28A-1.3, 1.5	Parking on Routes 3 and 5	14 N.J.R. 552(b)	R. 1982 d.247	14 N.J.R. 919(e)
16:28A-1.4	Route 4 bus stops	14 N.J.R. 98(a)	R. 1982 d.83	14 N.J.R. 347(b)
16:28A-1.4	Bus stops on Route 4 in Elmwood Park	14 N.J.R. 825(a)	R. 1982 d.328	14 N.J.R. 1100(b)
16:28A-1.6	Restricted parking along Route 7	13 N.J.R. 522(a)	R. 1981 d.383	13 N.J.R. 778(b)
16:28A-1.6	Restricted parking on Route 7	13 N.J.R. 745(a)	R. 1981 d.483	13 N.J.R. 947(b)
16:28A-1.6	Parking on Route 7	14 N.J.R. 424(a)	R. 1982 d.203	14 N.J.R. 710(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 157(b)	R. 1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	US 9 parking	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.7	Parking on US 9	13 N.J.R. 240(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.7	Restricted parking along Route US 9	13 N.J.R. 452(c)	R. 1981 d.335	13 N.J.R. 613(b)
16:28A-1.7	Restricted parking on US 9	13 N.J.R. 745(b)	R. 1981 d.487	13 N.J.R. 947(f)
16:28A-1.7	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R. 1982 d.44	14 N.J.R. 236(a)
16:28A-1.7	Parking on US9	14 N.J.R. 199(a)	R. 1982 d.116	14 N.J.R. 391(b)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R. 1982 d.223	14 N.J.R. 838(a)
16:28A-1.9	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R. 1982 d.45	14 N.J.R. 236(b)
16:28A-1.9	Parking on Rt. 17 in Mahwah	Emergency	R. 1982 d.132	14 N.J.R. 429(e)
16:28A-1.9	Readopted: Route 17 parking in Mahwah	14 N.J.R. 429(e)	R. 1982 d.201	14 N.J.R. 710(b)
16:28A-1.9, 1.10, 1.11, 1.13, 1.15	Parking on Routes 17, 20, 21, US22, 23	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.13	Parking on US22	14 N.J.R. 199(a)	R. 1982 d.116	14 N.J.R. 391(b)
16:28A-1.13	Route US 22	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 753(a)	R. 1982 d.313	14 N.J.R. 1061(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.14	Restricted parking along Route US 22 alternate	13 N.J.R. 453(b)	R. 1981 d.336	13 N.J.R. 613(c)
16:28A-1.15	Route 23 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	13 N.J.R. 241(a)	R. 1981 d.192	13 N.J.R. 454(b)
16:28A-1.15	Restricted parking along Route 23	13 N.J.R. 454(a)	R. 1981 d.337	13 N.J.R. 613(d)
16:28A-1.15	Parking on Route 23 (Temporary)	14 N.J.R. 1199(a)	R. 1982 d.501	15 N.J.R. 95(a)
16:28A-1.16	Restricted parking along Route 24	13 N.J.R. 455(a)	R. 1981 d.338	13 N.J.R. 613(e)
16:28A-1.16	Route 24 parking	14 N.J.R. 553(a)	R. 1982 d.248	14 N.J.R. 919(f)
16:28A-1.18	Restricted parking along Route 27	13 N.J.R. 373(c)	R. 1981 d.312	13 N.J.R. 613(f)
16:28A-1.18	Route 27 bus stops in Edison	13 N.J.R. 934(a)	R. 1982 d.46	14 N.J.R. 236(c)
16:28A-1.18	Parking on Route 27	14 N.J.R. 554(a)	R. 1982 d.249	14 N.J.R. 920(a)
16:28A-1.18, 1.19	Parking on Routes 27, 28	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.19	Route 28 parking	13 N.J.R. 155(b)	R. 1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	13 N.J.R. 157(b)	R. 1981 d.156	13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 242(a)	R. 1981 d.193	13 N.J.R. 455(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 240(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.19	Route 28 parking in Roselle Park	14 N.J.R. 138(a)	R. 1982 d.111	14 N.J.R. 391(c)
16:28A-1.20, 1.21	Parking on Routes 29 and US 30	14 N.J.R. 554(b)	R. 1982 d.250	14 N.J.R. 920(b)
16:28A-1.21	Parking on US30	14 N.J.R. 825(b)	R. 1982 d.322	14 N.J.R. 1061(b)
16:28A-1.22	Parking on Route 31	14 N.J.R. 555(a)	R. 1982 d.251	14 N.J.R. 920(c)
16:28A-1.23	Route 33 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.23	Route 33 parking	13 N.J.R. 156(a)	R. 1981 d.154	13 N.J.R. 374(a)
16:28A-1.23	Route 33 parking in Hopewell Township	13 N.J.R. 838(b)	R. 1982 d.12	14 N.J.R. 161(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.23, 1.24, 1.25	Parking on Routes 33, 34, 35	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.23, 1.25	Restricted parking on Routes 33 and 35	13 N.J.R. 746(a)	R. 1981 d.482	13 N.J.R. 947(c)
16:28A-1.25	Route 35 parking	13 N.J.R. 157(a)	R. 1981 d.155	13 N.J.R. 374(b)
16:28A-1.25 *	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R. 1982 d.60	14 N.J.R. 284(b)
16:28A-1.25	Parking on Route 35	14 N.J.R. 324(b)	R. 1982 d.173	14 N.J.R. 580(c)
16:28A-1.25	Route 35 parking	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.25	Route 35 parking	14 N.J.R. 1199(a)	R. 1982 d.501	15 N.J.R. 95(a)
16:28A-1.26	Parking on Route 36	13 N.J.R. 453(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.26, 1.27, 1.28, 1.31, 1.32	Parking on Routes 36, 38, 40, 45, 46	14 N.J.R. 702(b)	R. 1982 d.312	14 N.J.R. 1061(c)
16:28A-1.27	Parking on Route 38	14 N.J.R. 424(a)	R. 1982 d.203	14 N.J.R. 710(a)
10:28A-1.27	Parking on Route 38	14 N.J.R. 753(a)	R. 1982 d.313	14 N.J.R. 1061(a)
16:28A-1.28	Restricted parking on US 40 and Route 70	13 N.J.R. 747(a)	R. 1981 d.481	13 N.J.R. 947(e)
16:28A-1.28	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R. 1982 d.44	14 N.J.R. 236(a)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 241(a)	R. 1981 d.192	13 N.J.R. 454(b)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 242(b)	R. 1981 d.194	13 N.J.R. 455(c)
16:28A-1.32	Restricted parking along Route US 46	13 N.J.R. 522(b)	R. 1981 d.384	13 N.J.R. 779(a)
16:28A-1.32	Restricted parking on US 46	13 N.J.R. 747(b)	R. 1981 d.480	13 N.J.R. 948(a)
16:28A-1.32	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R. 1982 d.47	14 N.J.R. 236(d)
16:28A-1.33, 1.36, 1.37, 1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 47, 57, 70, 71, 73, 77, 79, 94, US 130	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.34	Parking on Route 49	14 N.J.R. 554(a)	R. 1982 d.249	14 N.J.R. 920(a)
16:28A-1.34	Parking on Route 49 in Millville	14 N.J.R. 1283(a)	R. 1983 d.1	15 N.J.R. 162(a)
16:28A-1.36, 1.37	Parking on Routes 57 and 70	13 N.J.R. 242(b)	R. 1981 d.194	13 N.J.R. 455(c)
16:28A-1.37	Restricted parking along Route 70	13 N.J.R. 456(a)	R. 1981 d.339	13 N.J.R. 614(a)
16:28A-1.37	Route 70 parking	13 N.J.R. 747(a)	R. 1981 d.481	13 N.J.R. 947(e)
16:28A-1.38	Parking on Route 71 in Belmar	14 N.J.R. 325(a)	R. 1982 d.174	14 N.J.R. 580(d)
16:28A-1.41	Parking on Route 77	14 N.J.R. 324(b)	R. 1982 d.173	14 N.J.R. 580(c)
16:28A-1.43	Restricted parking along Route 82	13 N.J.R. 522(b)	R. 1981 d.384	13 N.J.R. 779(a)
16:28A-1.44	Route 88 parking	13 N.J.R. 155(b)	R. 1981 d.153	13 N.J.R. 373(d)
16:28A-1.46	Parking on US 130	13 N.J.R. 746(a)	R. 1981 d.482	13 N.J.R. 947(c)
16:28A-1.50	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R. 1982 d.45	14 N.J.R. 236(b)
16:28A-1.50, 1.51	Parking on Routes 166, 168	14 N.J.R. 702(b)	R. 1982 d.312	14 N.J.R. 1061(c)
16:28A-1.51	Restricted parking along Route 168	13 N.J.R. 522(b)	R. 1981 d.384	13 N.J.R. 779(a)
16:28A-1.52, 1.55, 1.57	Parking on Routes 173, US 202, US 206	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.55	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R. 1982 d.47	14 N.J.R. 236(d)
16:28A-1.55	Restricted parking on State highways	13 N.J.R. 455(a)	R. 1981 d.338	13 N.J.R. 613(e)
16:28A-1.56, 1.63	Parking on US 202-206 and 202-31	14 N.J.R. 556(a)	R. 1982 d.252	14 N.J.R. 920(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 155(b)	R. 1981 d.153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 156(a)	R. 1981 d.154	13 N.J.R. 374(a)
16:28A-1.57	Parking along US 206	13 N.J.R. 453(b)	R. 1981 d.336	13 N.J.R. 613(c)
16:28A-1.57	US206 parking in Hamilton Township	14 N.J.R. 139(a)	R. 1982 d.112	14 N.J.R. 391(d)
16:28A-1.60	Restricted parking on Route US 322-47	13 N.J.R. 523(a)	R. 1981 d.382	13 N.J.R. 779(b)
16:28A-1.61	Bus stops on US9W in Fort Lee	14 N.J.R. 139(b)	R. 1982 d.113	14 N.J.R. 391(e)
16:28A-1.61	Bustops and parking on US 9W	14 N.J.R. 465(a)	R. 1982 d.224	14 N.J.R. 838(b)
16:28A-1.64	Route 41 parking	13 N.J.R. 157(a)	R. 1981 d.155	13 N.J.R. 374(b)
16:28A-1.64	Parking on Route 41	14 N.J.R. 425(a)	R. 1982 d.202	14 N.J.R. 710(c)
16:28A-1.65	Route 15 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.65	Parking on Route 15	14 N.J.R. 466(a)	R. 1982 d.226	14 N.J.R. 838(c)
16:28A-1.65	Route 15 Parking	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.66	Parking on Route 18	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	13 N.J.R. 157(a)	R. 1981 d.155	13 N.J.R. 374(b)
16:28A-1.67, 1.71	Parking on Routes 63, 67	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.68	Route 93 parking	13 N.J.R. 155(b)	R. 1981 d.153	13 N.J.R. 373(d)
16:28A-1.68	Parking on Route 93	14 N.J.R. 199(a)	R. 1982 d.116	14 N.J.R. 391(b)
16:28A-1.68, 1.70	Parking on Routes 93, 439	14 N.J.R. 702(b)	R. 1982 d.312	14 N.J.R. 1061(c)
16:28A-1.69	Parking on Route 124	13 N.J.R. 240(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.70	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R. 1982 d.60	14 N.J.R. 284(b)
16:28A-1.71	Bus stops on Route 67 in Fort Lee	14 N.J.R. 139(b)	R. 1982 d.113	14 N.J.R. 391(e)
16:28A-1.72, 1.73	Parking on Routes 31-57 and 32	14 N.J.R. 555(a)	R. 1982 d.251	14 N.J.R. 920(c)
16:28A-1.74-1.94	Parking on Routes 33-34, 35, 35-71, 37, US 40-50, 53, 59, I-80, 87, US 130, 33, 153, 159, 161, 182, 62, 208, 280, I-280, 287, I-295, US322, US322-45	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.95	Parking on Rising Sun Square Road, Bordentown	14 N.J.R. 825(b)	R. 1982 d.282	14 N.J.R. 982(b)

N.J.A.C. CITATION	PROPOSAL NOTICE DOCUMENT (N.J.R. CITATION)	ADOPTION NOTICE (N.J.R. CITATION)	ADOPTION NOTICE (N.J.R. CITATION)	
	(Emergency)			
16:28A-1.95	Readopted: Parking on Rising Sun Square Road	14 N.J.R. 825(b)	R. 1982 d.322	14 N.J.R. 1061(b)
16:29-1.3, 1.20, 1.24-1.28	No passing zone changes	14 N.J.R. 1283(b)	R. 1983 d.2	15 N.J.R. 162(b)
16:30-2.6	Stop and yield intersection: Old Yorke Road-Rising Sun Square Road Bordentown	Emergency	R. 1982 d.308	14 N.J.R. 990(a)
16:30-2.6	Readopted: Stop sign on Old Yorke Road	14 N.J.R. 990(a)	R. 1982 d.414	14 N.J.R. 1402(b)
16:30-3.4	US 9 bus and HOV lane in Middlesex County	Emergency	R. 1982 d.200	14 N.J.R. 661(b)
16:30-3.4	Readopted: US9 bus and HOV lane	14 N.J.R. 661(b)	R. 1982 d.299	14 N.J.R. 982(c)
16:30-3.6	Readopt HOV lanes along Route 444	13 N.J.R. 456(b)	R. 1981 d.323	14 N.J.R. 614(b)
16:30-3.6	Repeal HOV lanes on Parkway	Emergency	R. 1982 d.196	14 N.J.R. 662(a)
16:30-3.6	Repealed: HOV lanes on Parkway	14 N.J.R. 662(a)	R. 1982 d.294	14 N.J.R. 982(d)
16:31-1.10	Turns along Route US 30	13 N.J.R. 457(a)	R. 1981 d.340	13 N.J.R. 614(c)
16:31-1.16	No left turn along Route 79	13 N.J.R. 614(d)	R. 1981 d.460	13 N.J.R. 895(b)
16:31-1.17	Left turns on Route 73, Winslow Twp.	14 N.J.R. 466(b)	R. 1982 d.225	14 N.J.R. 838(d)
16:31-1.18	Turns on Route 31 in Hunterdon County	14 N.J.R. 826(a)	R. 1982 d.327	14 N.J.R. 1100(c)
16:31-1.19	Turns on Route 33 in Mercer County	14 N.J.R. 973(a)	R. 1982 d.394	14 N.J.R. 1220(c)
16:31A-1.4, 1.13, 1.17, 1.19, 1.23	Prohibited rights on red: Routes 4, 18, 24, 28, 33	13 N.J.R. 935(b)	R. 1982 d.48	14 N.J.R. 236(e)
16:31A-1.25, 1.35, 1.37, 1.65	Prohibited rights on red: Routes 35, 49, US46, and 206	13 N.J.R. 936(a)	R. 1982 d.49	14 N.J.R. 237(a)
16:31A-1.67	Route I-280 right-on-red prohibition in Orange	13 N.J.R. 937(a)	R. 1982 d.50	14 N.J.R. 237(b)
16:31A-1.77	Route 181 right-on-red prohibition in Sparta	13 N.J.R. 937(b)	R. 1982 d.51	14 N.J.R. 237(c)
16:41-8.1, 8.4, 8.5, 8.6	Outdoor advertising	13 N.J.R. 615(a)	R. 1981 d.497	14 N.J.R. 46(d)
16:41A-7.1	Outdoor Advertising Tax Act	13 N.J.R. 616(a)	R. 1981 d.496	14 N.J.R. 47(a)
16:51	Recodified as 16:73	13 N.J.R. 881(a)	R. 1982 d.40	14 N.J.R. 209(a)
16:51-4	Repealed: Delegation of powers	13 N.J.R. 881(a)	R. 1982 d.40	14 N.J.R. 209(a)
16:53-2	Autobus specifications	13 N.J.R. 834(a)	R. 1982 d.30	14 N.J.R. 160(b)
16:54	Licensing of aeronautical facilities	12 N.J.R. 289(a)	R. 1981 d.141	13 N.J.R. 374(c)
16:54-1.3	"Commercial purposes" and balloon operations	14 N.J.R. 326(a)	R. 1982 d.175	14 N.J.R. 580(e)
16:56-3	Repeal aircraft registry logs	13 N.J.R. 457(b)	R. 1981 d.341	13 N.J.R. 616(b)
16:58-2	Repealed: Sport parachuting license rules	14 N.J.R. 1289(b)	R. 1983 d.8	15 N.J.R. 162(c)
16:65-9	Corporate reorganization of contractors	13 N.J.R. 524(a)	R. 1981 d.399	13 N.J.R. 779(c)
16:72	N.J. Transit procurement policies and procedures	13 N.J.R. 158(a)	R. 1981 d.176	13 N.J.R. 374(d)
16:73	Reduced Fare Transportation Program	13 N.J.R. 881(a)	R. 1982 d.40	14 N.J.R. 209(a)

**(Title 16, Transmittal 15 dated March 19, 1981)**

**TREASURY-GENERAL-TITLE 17**

17:1-1.1	Administration and receipt of checks	13 N.J.R. 616(c)	R. 1981 d.427	13 N.J.R. 779(d)
17:1-1.3, 1.8, 1.18, 1.19, 4.6, 4.25, -5, -7	Transfer between retirement systems; hearings	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-1.10	Pensions: Audit differences and minimum adjustments	14 N.J.R. 1200(a)	R. 1982 d.470	15 N.J.R. 36(b)
17:1-1.14	Annual reports of salary changes	14 N.J.R. 200(a)	R. 1982 d.358	14 N.J.R. 1163(c)
17:1-1.15	Credit unions and direct deposit agreements	13 N.J.R. 883(a)	R. 1982 d.20	14 N.J.R. 161(b)
17:1-1.24	Pensioners' Health Plan: Coverage and termination	14 N.J.R. 35(b)	R. 1982 d.59	14 N.J.R. 237(d)
17:1-1.24	Pensioners' Group Health Insurance	14 N.J.R. 328(a)	R. 1982 d.346	14 N.J.R. 1163(d)
17:1-2.3	Alternate Benefit Program: Salary agreements and deductions	14 N.J.R. 1149(a)	R. 1982 d.438	14 N.J.R. 1464(a)
17:1-2.22, 2.23	Alternate Benefit Program: Life and disability insurance	14 N.J.R. 1200(b)	R. 1982 d.483	15 N.J.R. 95(c)
17:1-2.36	Alternate Benefit Program: Transfers and interest	14 N.J.R. 1201(a)	R. 1982 d.480	15 N.J.R. 96(a)
17:1-4.11	Pension purchases and final payments	14 N.J.R. 328(b)	R. 1982 d.347	14 N.J.R. 1163(e)
17:1-4.13, 4.34, 12.2	Pensions: Service credit; purchases; loan information	14 N.J.R. 1201(b)	R. 1982 d.469	15 N.J.R. 36(c)
17:1-4.33	Leaves of absence for maternity	13 N.J.R. 617(b)	R. 1981 d.428	13 N.J.R. 779(e)
17:1-8.12	Social Security: Employer penalties for late filings	14 N.J.R. 1202(a)	R. 1982 d.471	15 N.J.R. 37(a)
17:1-12.1	Division of Pensions administrative priorities	14 N.J.R. 329(a)	R. 1982 d.350	14 N.J.R. 1164(a)
17:1-12.3	Retirement system loans	14 N.J.R. 1447(b)	R. 1983 d.39	15 N.J.R. 245(a)
17:2-2.3, 3.3, 7.1, 7.2	PERS: Ineligibility; contributory insurance rates; interfund transfers	14 N.J.R. 1150(a)	R. 1983 d.7	15 N.J.R. 162(d)
17:2-3.3	PERS: Contributory insurance rate	14 N.J.R. 200(b)	R. 1982 d.343	14 N.J.R. 1164(b)
17:2-3.12, -5	PERS: Beneficiary designation; purchases	14 N.J.R. 1151(a)	R. 1983 d.6	15 N.J.R. 163(a)
17:2-6.26	PERS: Critical disability claims	13 N.J.R. 748(a)	R. 1981 d.515	14 N.J.R. 105(a)
17:3-1.1	Teachers' Pension: Board meetings	14 N.J.R. 201(a)	R. 1982 d.344	14 N.J.R. 1164(c)
17:3-5	Teachers' Pension: Purchase and eligible service	13 N.J.R. 618(b)	R. 1981 d.510	14 N.J.R. 105(b)

17:3-6.4	Loan repayments to teachers' fund	13 N.J.R. 748(b)	R. 1982 d. 14	14 N.J.R. 161(c)
17:3-6.15	Teachers' Pension: Compulsory retirement	13 N.J.R. 620(a)	R. 1981 d. 509	14 N.J.R. 105(c)
17:3-6.25	Teacher's fund: Critical disability claims	13 N.J.R. 749(a)	R. 1982 d. 15	14 N.J.R. 161(d)
17:4-1.1	Police and firemen's pension board meetings	13 N.J.R. 938(a)	R. 1982 d. 64	14 N.J.R. 284(c)
17:4-1.12	Police and Firemen's Retirement: Proof of age	14 N.J.R. 1204(a)	R. 1983 d. 4	15 N.J.R. 163(b)
17:4-5	Police and firemen's purchases and eligible service	13 N.J.R. 682(a)	R. 1982 d. 4	14 N.J.R. 161(e)
17:4-5.1, 6.2, 6.6	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d. 292	13 N.J.R. 525(c)
17:4-5.3, 5.6, 6.4, 7.1, 7.2	Police and Firemen's Retirement System changes	14 N.J.R. 1204(b)	R. 1983 d. 3	15 N.J.R. 163(c)
17:4-6.13	Police and firemen's critical disability claims	13 N.J.R. 684(a)	R. 1982 d. 5	14 N.J.R. 162(a)
17:4-6.14	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d. 292	13 N.J.R. 525(c)
17:5-2.5	State Police pension coverage and unpaid leaves	13 N.J.R. 938(b)	R. 1982 d. 65	14 N.J.R. 284(d)
17:5-4.1, 4.2, 4.3	State Police pension purchases and eligible service	13 N.J.R. 939(a)	R. 1982 d. 66	14 N.J.R. 284(e)
17:5-5.15	State Police: Critical disability claims	13 N.J.R. 939(a)	R. 1982 d. 67	14 N.J.R. 285(a)
17:6-1.9	Consolidated Police and Firemen's: Interest charge	14 N.J.R. 1293(a)	R. 1983 d. 35	15 N.J.R. 163(d)
17:6-3.9	Consolidated police and firemen's disability	13 N.J.R. 749(b)	R. 1982 d. 349	14 N.J.R. 1164(d)
17:7-3.10	Prison officers' fund: Disability claims	13 N.J.R. 750(a)	R. 1982 d. 89	14 N.J.R. 347(c)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R. 1982 d. 348	14 N.J.R. 1164(e)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R. 1982 d. 341	14 N.J.R. 1165(a)
17:10-3.2	Judicial Retirement System: Maternity leave	14 N.J.R. 201(b)	R. 1982 d. 345	14 N.J.R. 1165(b)
17:10-5.10	Judicial Retirement System: Disability	14 N.J.R. 140(a)	R. 1982 d. 342	14 N.J.R. 1165(c)
17:12-5.1	Subscription fee for State contract information	14 N.J.R. 1085(b)	R. 1982 d. 481	15 N.J.R. 96(b)
17:16-5.1-5.6	State Investment Council funds	14 N.J.R. 329(b)	R. 1982 d. 397	14 N.J.R. 1220(d)
17:16-5.5	Classification of funds: Temporary reserve group	13 N.J.R. 620(c)	R. 1982 d. 188	14 N.J.R. 663(a)
17:16-11.3, 12.2, 12.3	Investment rules	13 N.J.R. 526(b)	R. 1982 d. 192	14 N.J.R. 663(b)
17:16-27.1	Collateralized Certificates of deposit	13 N.J.R. 528(a)	R. 1982 d. 191	14 N.J.R. 663(c)
17:16-28.3, 28.4, 29.3	Investment rules	13 N.J.R. 526(b)	R. 1982 d. 192	14 N.J.R. 663(b)
17:16-31.9, 40.1	Administrative expenses; collateralized securities	13 N.J.R. 528(a)	R. 1982 d. 191	14 N.J.R. 663(c)
17:16-31.15	Cash Management Fund: Statement correction	14 N.J.R. 899(a)	R. 1982 d. 363	14 N.J.R. 1166(a)
17:16-42.2, 42.4	Covered call options: Expanded trading	13 N.J.R. 750(b)	R. 1982 d. 193	14 N.J.R. 663(d)
17:16-42.3	Investment rules	13 N.J.R. 526(b)	R. 1982 d. 192	14 N.J.R. 663(b)
17:16-43.1, 43.2	Mortgage-backed securities	14 N.J.R. 652(a)	R. 1982 d. 396	14 N.J.R. 1221(a)
17:16-44	State Employees Deferred Compensation Plan	14 N.J.R. 900(a)	R. 1982 d. 362	14 N.J.R. 1166(b)
17:20-10	Correction to Code: Lottery ticket rules			15 N.J.R. 166(a)
17:26-2	Spill compensation tax and Federal Superfund	14 N.J.R. 36(b)	R. 1982 d. 79	14 N.J.R. 285(b)

(Title 17, Transmittal 16 dated September 15, 1981)

**TREASURY-TAXATION-TITLE 18**

18:3-1.2, 2.1	New Jersey wines	13 N.J.R. 839(a)	R. 1982 d. 181	14 N.J.R. 664(a)
18:5-12.5	Penalty for smuggling unstamped cigarettes	14 N.J.R. 331(a)	R. 1982 d. 256	14 N.J.R. 920(e)
18:7-1.15	Investment company defined	13 N.J.R. 684(b)	R. 1982 d. 34	14 N.J.R. 209(b)
18:7-3	Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d. 6	14 N.J.R. 105(d)
18:7-3.5	Corporation Business Tax and short table	14 N.J.R. 826(b)	R. 1982 d. 395	14 N.J.R. 1221(b)
18:7-3.14	Correction: Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d. 6	14 N.J.R. 1065(a)
18:7-11.12	Emergency extension for filing corporate return	Emergency	R. 1981 d. 163	13 N.J.R. 377(a)
18:7-11.12, 13.6, 14.2	Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d. 6	14 N.J.R. 105(d)
18:12-6A.8	Multiple dwelling exemptions and tax list designations (joint adoption, see 5:22-2.6)	14 N.J.R. 72(b)	R. 1982 d. 78	14 N.J.R. 278(b)
18:12-7.12	Emergency adoption: Extension of time to file homestead rebate claim	Emergency	R. 1981 d. 474	13 N.J.R. 948(b)
18:12-7.12	Readopted: Homestead rebate filing extension	13 N.J.R. 948(b)	R. 1982 d. 41	14 N.J.R. 212(a)
18:12-7.12	Homestead Rebate: Extension of time to file	Emergency	R. 1982 d. 439	14 N.J.R. 1466(a)
18:12-9	Mobile homes tax moratorium (local property)	13 N.J.R. 162(b)	R. 1981 d. 207	13 N.J.R. 462(c)
18:12A-1.6	Appeals to county tax boards	14 N.J.R. 231(a)	R. 1982 d. 176	14 N.J.R. 580(f)
18:12A-1.12	Local property tax	13 N.J.R. 621(a)	R. 1981 d. 478	13 N.J.R. 948(c)
18:12A-1.20	County boards of taxation	13 N.J.R. 44(d)	R. 1981 d. 44	13 N.J.R. 165(a)
18:14-1.1, 2.2, 2.3, 2.4, 2.7, 2.8, 2.10, 3.4, 3.6, 3.9, 3.10	Local property tax senior citizens deduction	13 N.J.R. 462(d)	R. 1981 d. 426	13 N.J.R. 779(f)
18:18-3.6	Distributors and gas jobbers bond ceiling	14 N.J.R. 202(a)	R. 1982 d. 140	14 N.J.R. 430(a)
18:19-1.1, 2.1, 2.2, 2.6, 2.10, 3.1, 3.3	Gallon and liter pricing of motor fuels	13 N.J.R. 855(a)	R. 1982 d. 77	14 N.J.R. 285(c)
18:19-2.2	Retail gasoline prices display	14 N.J.R. 331(b)	R. 1982 d. 257	14 N.J.R. 921(a)

18:19-2.7	Cash discounts: Motor fuel sales	14 N.J.R. 705(a)	R. 1982 d.369	14 N.J.R. 1166(c)
18:24-2.3	Sales and Use Tax Act	13 N.J.R. 163(a)	R. 1981 d.209	13 N.J.R. 465(a)
18:24-2.15	Sales tax recordkeeping standards	13 N.J.R. 751(a)	R. 1982 d.36	14 N.J.R. 212(b)
18:24-5.7	Capital improvement installations and sales tax	14 N.J.R. 140(b)	R. 1982 d.141	14 N.J.R. 430(b)
18:24-7.19	Sales and Use Tax Act	13 N.J.R. 163(b)	R. 1981 d.206	13 N.J.R. 465(b)
18:24-12.4	Sales Tax exemptions	13 N.J.R. 111(a)	R. 1981 d.210	13 N.J.R. 465(c)
18:24-24.2	Underground gas tanks as real property	13 N.J.R. 883(b)	R. 1982 d.85	14 N.J.R. 348(a)
18:24-27.1, 27.2	Sales and Use Tax Act	13 N.J.R. 164(a)	R. 1981 d.208	13 N.J.R. 465(d)
18:24-28	Taxation of purchase or use of race horses	13 N.J.R. 622(a)	R. 1981 d.436	13 N.J.R. 847(c)
18:26-2.12, 5.9, 5.17, 5.19, 6.16, 6.17, 8.6, 8.12	Transfer Inheritance Tax	13 N.J.R. 623(a)	R. 1981 d.477	13 N.J.R. 948(d)
18:26-8.7	Pre-audit payment of inheritance tax	14 N.J.R. 1153(a)	R. 1982 d.445	14 N.J.R. 1464(b)
18:35-1.15	Exclusions from taxable gross income	14 N.J.R. 271(a)	R. 1982 d.164	14 N.J.R. 581(a)
18:35-1.16	All-savers interest exclusion	14 N.J.R. 332(a)	R. 1982 d.258	14 N.J.R. 921(b)
18:35-2	Debt liability and tax refunds and rebates	13 N.J.R. 940(a)	R. 1982 d.161	14 N.J.R. 474(b)
18:35-2.3, 2.4, 2.5, 2.7	Gross income tax refunds and debt setoff	14 N.J.R. 705(b)	R. 1982 d.479	15 N.J.R. 37(b)

(Title 18, Transmittal 16 dated January 14, 1981)

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

5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R. 1982 d.288	14 N.J.R. 983(a)
19:1-1.6	Debarment and suspension from contracting	14 N.J.R. 1050(a)	R. 1982 d.413	14 N.J.R. 1310(b)
19:1-5	Home improvement loan program	13 N.J.R. 312(b)	R. 1981 d.268	13 N.J.R. 529(c)
19:4-3.2	Meadowlands zoning exemptions	14 N.J.R. 231(b)	R. 1982 d.163	14 N.J.R. 581(b)
19:4-4.142	Variances and appeals	13 N.J.R. 529(d)	R. 1981 d.446	13 N.J.R. 847(d)
19:4-5.17	Meadowlands variances	13 N.J.R. 694(a)	R. 1982 d.1	14 N.J.R. 162(b)
19:4-6.25	Variances and appeals	13 N.J.R. 529(d)	R. 1981 d.446	13 N.J.R. 847(d)
19:4-6.26	Meadowlands variances	13 N.J.R. 694(a)	R. 1982 d.1	14 N.J.R. 162(b)
19:4-6.28	District zoning; change in zoning map	13 N.J.R. 624(a)	R. 1981 d.467	13 N.J.R. 895(c)
19:8-1.2	Speed limits on Garden State Parkway	14 N.J.R. 827(a)	R. 1982 d.325	14 N.J.R. 1101(a)
19:8-1.9	Autobus length allowable on Parkway	14 N.J.R. 333(a)	R. 1982 d.116	14 N.J.R. 581(c)
19:8-2.11	Garden State Arts Center	13 N.J.R. 247(e)	R. 1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	13 N.J.R. 165(b)	R. 1981 d.115	13 N.J.R. 315(a)
19:8-3.1	Tolls on Garden State Parkway	13 N.J.R. 248(a)	R. 1981 d.170	13 N.J.R. 378(b)
19:8-7.3	State Police motor vehicle accident reports	13 N.J.R. 531(a)	R. 1981 d.387	13 N.J.R. 780(a)
19:8-9	Off-premise outdoor advertising along Parkway	14 N.J.R. 901(a)	R. 1982 d.361	14 N.J.R. 1166(d)
19:9-1.9	Out-of-service school buses	13 N.J.R. 751(b)	R. 1981 d.520	14 N.J.R. 106(a)
19:9-1.9	Bus length on Turnpike	14 N.J.R. 1087(a)	R. 1982 d.448	14 N.J.R. 1464(c)
19:9-2.1	Hearing officer in rejected bidder appeals	14 N.J.R. 974(a)	R. 1982 d.446	14 N.J.R. 1464(d)
19:9-3.1	Towing rates	13 N.J.R. 49(b)	R. 1981 d.37	13 N.J.R. 165(c)
19:9-4.2	Fees for photographs and slides	14 N.J.R. 974(b)	R. 1982 d.447	14 N.J.R. 1464(e)
19:12	PERC: Negotiations and impasse procedures	Organizational	R. 1981 d.357	13 N.J.R. 625(a)
19:16	Firemen and Police: Negotiations	Organizational	R. 1981 d.357	13 N.J.R. 625(a)
19:25-8	Financial disclosure by legislative agents	13 N.J.R. 695(a)	R. 1981 d.471	13 N.J.R. 895(d)
19:25-8	Interpretive statement on disclosure	13 N.J.R. 695(a)	R. 1981 d.471	14 N.J.R. 392(a)
19:25-15	Public Financing of General Election for Governor	13 N.J.R. 49(a)	R. 1981 d.54	13 N.J.R. 248(b)
19:25-15.38, 15.39	Correction: Political action committees	13 N.J.R. 49(a)	R. 1981 d.54	15 N.J.R. 96(c)
19:25-19.1	Severability	13 N.J.R. 49(a)	R. 1981 d.54	13 N.J.R. 248(b)
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