

NEW JERSEY REGISTER



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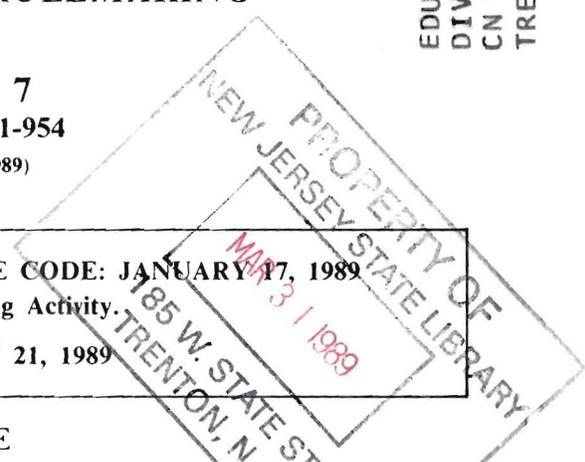
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(Includes adopted rules filed through March 10, 1989)

MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: JANUARY 17, 1989

See the Register Index for Subsequent Rulemaking Activity.

NEXT UPDATE: SUPPLEMENT FEBRUARY 21, 1989



RULEMAKING IN THIS ISSUE

RULE PROPOSALS

Interested persons comment deadline	812
AGRICULTURE	
Commercial values of primary plant nutrients	813(a)
BANKING	
Proposed interstate acquisition: determination of eligibility	814(a)
COMMUNITY AFFAIRS	
Congregate Housing Services Program: service subsidies formula	816(a)
EDUCATION	
Enforcement of drug free school zones	817(a)
ENVIRONMENTAL PROTECTION	
90-day construction permits	819(a)
Hazardous waste facility liability coverage: corporate guarantee option	823(a)
Radiation laboratory fee schedule	826(a)
Delaware and Raritan Canal State Park review zone rules	828(a)
HEALTH	
Licensure of alcoholism treatment facilities: correction to proposal	833(a)
HUMAN SERVICES	
General Assistance: residency and municipal responsibility	835(a)
General Assistance: income and eligibility	836(a)
CORRECTIONS	
Correspondence between inmates at different facilities: exchange of publications	837(a)
INSURANCE	
High-risk investments by insurers	838(a)
Review of rate filings for private passenger automobile coverage	839(a)

Private passenger automobile insurers: computation of excess profits	842(a)
Automobile insurance personal injury protection: medical fee schedules	842(b)
LABOR AND PUBLIC SAFETY	
Practice of optometry: withdrawal of proposal on delegation of duties to ancillary personnel	881(a)
Board of Medical Examiners: withdrawal of pre-proposal concerning repeal of N.J.A.C. 13:35-1A	937(a)
Practice and procedure before Violent Crimes Compensation Board	881(b)
COMMERCE, ENERGY AND ECONOMIC DEVELOPMENT	
Definition of electric facility	882(a)
TRANSPORTATION	
Handicapped parking space on Route 7 in Belleville	883(a)
Restricted parking and standing along U.S. 22 in Lopatcong, Route 35 in Eatontown, U.S. 130 in Westville, and Route 91 in North Brunswick	883(b)
Prohibited turns along Route 17 in Rutherford	884(a)
TREASURY-GENERAL	
State Health Benefits Program: enrollment of dependents of 10-month employees	886(a)
State Health Benefits Program: continuation of coverage for disabled children	885(a)
State Health Benefits Program: reenrollment after termination of covered public employment	886(b)
Collection of educational loan debts owed by public employees	887(a)
SPORTS AND EXPOSITION AUTHORITY	
Use of authority facilities	887(b)
ELECTION LAW ENFORCEMENT COMMISSION	
Political communications and reporting of expenditures: correction to public hearings time	938(c)

(Continued on Next Page)

INTERESTED PERSONS

Interested persons may submit, in writing, information or arguments concerning any of the rule proposals in this issue until **May 3, 1989**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

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

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-4.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

RULEMAKING IN THIS ISSUE—Continued

RULE ADOPTIONS	PUBLIC NOTICES
ADMINISTRATIVE LAW	ENVIRONMENTAL PROTECTION
Discovery: requests for admissions 889(a)	Petition to amend N.J.A.C. 7:27-18, emission offset rules:
Lemon Law hearings 889(b)	agency response 936(a)
COMMUNITY AFFAIRS	Monmouth County water quality management: public
Relocation assistance and eviction 891(a)	hearing on proposed Holmdel WMP 936(b)
EDUCATION	INSURANCE
Reporting of allegations of child abuse 892(a)	Municipalities requiring payment of liens by companies
ENVIRONMENTAL PROTECTION	writing fire insurance 936(c)
Hazardous waste management 893(a)	LAW AND PUBLIC SAFETY
HEALTH	Board of Medical Examiners: withdrawal of pre-proposal
HMOs and vision care services 895(a)	concerning repeal of N.J.A.C. 13:35-1A 937(a)
HIGHER EDUCATION	TREASURY-GENERAL
1989-90 Tuition Aid Grant Award Table 897(a)	Architect-engineer selection for major projects 938(a),
Garden State Scholarships supplemental awards	eligibility 938(b)
eligibility 898(a)	ELECTION LAW ENFORCEMENT COMMISSION
Garden State Graduate Fellowships: approved programs .. 898(b)	Political communications and reporting of expenditures:
Vietnam Veterans Tuition Aid: eligibility 899(a)	correction to public hearings time 938(c)
INSURANCE	EXECUTIVE ORDER NO. 66(1978)
Insurance producer licensing: professional qualifications 899(b)	EXPIRATION DATES 939
Auto body repair facilities: licensure rules 908(a)	INDEX OF RULE PROPOSALS
COMMERCE, ENERGY, AND ECONOMIC	AND ADOPTIONS 944
DEVELOPMENT	
Tourism matching grants: purchases by grantee 908(b)	Filing Deadlines
LAW AND PUBLIC SAFETY	
Practice of accountancy: continuing education 908(c)	May 1 issue:
TRANSPORTATION	Proposals April 3
Speed limit zones along Route 147 in Cape May County . 913(a)	Adoptions April 10
Speed limit zones along Route 23 in Sussex County 913(b)	May 15 issue:
Bus stop zones along Route 54 in Atlantic County 914(a)	Proposals April 17
HIGHWAY AUTHORITY	Adoptions April 24
Tolls on Garden State Parkway 914(b)	June 5 issue:
CASINO CONTROL COMMISSION	Proposals May 5
Junket activities and representatives 933(b)	Adoptions May 12
Slot machines and bill changers: correction to	June 19 issue:
N.J.A.C. 19:45-1.37 933(a)	Proposals May 19
DELAWARE RIVER BASIN COMMISSION	Adoptions May 26
Amendments to Comprehensive Plan and Water Code 935(a)	

NEW JERSEY REGISTER

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RULE PROPOSALS

AGRICULTURE

(a)

DIVISION OF REGULATORY SERVICES

Commercial Fertilizer and Soil Conditioner Commercial Values

Proposed Amendment: N.J.A.C. 2:69-1.11

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

Authority: N.J.S.A. 4:9-15.26 and 15.33.

Proposal Number: PRN 1989-169.

Submit comments by May 3, 1989 to:

Robert C. Fringer, Director
N.J. Department of Agriculture
Division of Regulatory Services
CN 330
Trenton, New Jersey 08625
Telephone: (609) 292-5575

The agency proposal follows:

Summary

The purpose of this proposed amendment to N.J.A.C. 2:69-1.11 is to update the commercial values of primary plant nutrients. The assessed penalties for deficient fertilizers will be based on the values and charged to the manufacturer. Claimed penalty fees are returned to the customer. The State Treasury will receive all unclaimed penalty fees.

Social Impact

As a result of the proposed amendment, all consumers of fertilizers will have more monetary protection when deficient fertilizers are detected. Manufacturers will exhibit more care in controlling their formulating processes to avoid a penalty.

Economic Impact

All consumers of fertilizers will be equitably compensated for their losses because these proposed values are accurately adjusted to current market prices.

Regulatory Flexibility Analysis

This rule implements N.J.S.A. 4:9-15.26, which, although having been altered by revisions, has been in substantially similar form on the books since 1874. The original law was in response to the growing use and availability of commercial fertilizers to farmers in the 1850's, who faced many products of doubtful value. The law and rules are designed to provide accurate verifiable information so the proper amount and type of fertilizer is used on any particular crop and soil. The present rule provides a mechanism to implement a formula to establish the index value of the fertilizer, which is an expression of the difference in the actual found nutrients analysis and what is claimed by the manufacturer on the label. If a deficiency is found, the values of the nutrients in the rule are then used in the formula to produce a figure which is compared to the cost of the product by deficiency in the guaranteed analysis and guaranteed figures are then subtracted and the resulting figure is multiplied by three to find the amount due to the customer or customers, which is then distributed pro rata. If no customer can be identified the money goes to the State Treasury.

In 1987, 868 fertilizer samples were analyzed and 20 percent were found to be in violation. The penalties collected totaled \$24,208 of which \$14,081 was turned over to the Treasury and \$9,284 was refunded to consumers.

The Department had registered with its 835 firms dealing in commercial feeds, fertilizers and liming materials. Many of these are small businesses. However, all farmers in New Jersey are small businesses, by virtue of that term's definition in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Further, many consumers use fertilizers.

The Regulatory Flexibility Act makes no explicit provision for weighing the harm of a regulation against one group of small businesses and comparing it to the benefits given to others. But the intent of the Act seems to be that the regulatory agency is required to quantify in its analysis the good and harm that is to be done by a rule to all small businesses. The question of consumer interest is not addressed in the Regulatory Flexibility Act; however, the Legislative history of the original

and subsequent Fertilizer Acts makes manifestly clear there is an intent to protect the end user of the commodity. The drafting of the Fertilizer law itself makes clear the benefits which are bestowed by it are to be applied to that end.

The burdens the law and rules place upon the fertilizer manufacturers are the costs of registration, the cost of complying with the guaranteed analysis, such monitoring of production which this might require, and the cost of reporting this information to the consumer via either printing on the bag or supplying the information in written form with bulk deliveries. The rules also provide to the consumer information which is accurate, useful and necessary to apply fertilizers on the basis of nutrients needed by the crop, without the necessity of relying upon brand names, which may or may not in themselves be reliable. There is nothing in the rules which prohibits anyone from selling the grade of fertilizer they wish, but it could not be mislabeled or claims made for it that are untrue. The matter of adulterants is not in question here and no product tested has been found to contain them in the 1986 year.

The cost of compliance varies with the number of blends and types of fertilizer placed on the market. These costs are solely in the hands of the manufacturer and is solely one that a manufacturer makes to meet the demands of the market.

The law and rules are designed to provide the freest form of safe, honest and understandable competition. They are based on the accepted standards of Association of American Plant and Food Control Officers, Inc., whose standards are the basis for the laws and rules of most other states in the union. If the burden on the manufacturer or distributor were lifted, New Jersey manufacturers would be left only with a New Jersey market and would be given no chance to compete in other states or countries. Further, every bag of every fertilizer load would have to be tested by every user to determine if it was desirable for use on each and every area to be covered. Competition in the fertilizer field would soon become based not on results but on brand loyalty, which would further deprive the small manufacturer of the opportunity to compete on merit, requiring them to match the advertising budget of the large manufacturer, which no small manufacturer could do.

Further, the rules and deficiency formula provide a rather economical way to settle disputes on the quality of the product purchased. Otherwise, an action would have to be commenced in court, possibly a class action, with expert testimony and trial costs, which would be disadvantageous to the plaintiff who has a small business and the small business defendant to whom the cost of defending and prosecuting such actions would be disproportionate to the amount that could be recovered.

It is the analysis of the Department that the rules provide more benefits to more small businesses by complying with these rules and law, than are hurt by them. They are the minimum necessary to ensure the honest, understandable trade in the commodity based on the important results deliverable by the product, not upon brand loyalty. It is, as a result, more economically advantageous for small business manufacturers to enter and compete in the market in both New Jersey and the rest of the world.

Lastly, fertilizer is one of the key ingredients of modern agriculture and a source of great consumer pleasure in landscaping and gardening. The overwhelming cost saved in purchasing these products for the results desired provides a sound basis for economical farming and gardening based on science, not luck.

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

2:69-1.11 Commercial values

(a) The State Board of Agriculture, pursuant to N.J.S.A. 4:9-15.26, determines the commercial value of primary plant nutrients to be:

- | | |
|------------------------------|------------------|
| 1. Nitrogen: | \$4.00 per unit; |
| 2. Water Insoluble Nitrogen: | \$7.50 per unit; |
| 3. Available phosphoric acid | \$3.00 per unit; |
| 4. Soluble potash: | \$3.00 per unit. |

(b) These values shall be effective July 1, [1988] **1989** through June 30, [1989] **1990**.

BANKING

(a)

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Proposed Interstate Acquisition: Determination of Eligibility

Proposed New Rules: N.J.A.C. 3:33

Authorized By: Mary Little Parell, Commissioner, Department of Banking.

Authority: N.J.S.A. 17:12B-226 and 289.

Proposal Number: PRN 1989-166.

Submit comments by May 3, 1989 to:

Stephen J. Szabatin
Acting Deputy Commissioner
Division of Savings and Loan Associations
Department of Banking
CN 040
Trenton, NJ 08625

The agency proposal follows:

Summary

The Department of Banking proposes the following new rules which would require an out-of-State insured institution or out-of-State savings and loan holding company, which intends to acquire and retain control of a New Jersey insured institution or New Jersey savings and loan holding company, to file an application with the Department of Banking. The application must contain specified information. The Commissioner shall determine whether the applicant is an eligible insured institution or eligible savings and loan holding company, and whether more than 50 percent of the deposits of the applicant's subsidiaries are in insured subsidiaries located in eligible states having reciprocal legislation in effect. The Commissioner shall also determine whether to place any limitations or restrictions on the out-of-State insured institution's or out-of-State savings and loan holding company's acquisition of the New Jersey insured institution or New Jersey savings and loan holding company. By having the Commissioner make the specified determinations before issuing a certificate of eligibility, the rules help fulfill the legislative intent that the acquisition of New Jersey entities be done in a considered and orderly manner.

Permitting out-of-State insured institutions and out-of-State savings and loan holding companies to acquire New Jersey insured institutions and New Jersey savings and loan holding companies is a step which was undertaken with the utmost seriousness by the Legislature when it adopted P.L. 1987, c.225 and P.L. 1987, c.226 (N.J.S.A. 17:12B-281 et seq. and N.J.S.A. 17:12B-278 et seq., respectively). Chapter 225, which gives the Department of Banking oversight and regulatory authority over savings and loan holding companies, as well as approval authority over the interstate acquisition of State-chartered savings and loans, authorizes the Commissioner to promulgate rules and regulations necessary to carry out the purposes of the act (see N.J.S.A. 17:12B-289). These rules are promulgated pursuant to that authority and the authority of N.J.S.A. 17:12B-226.

Social Impact

The information which is required to be submitted to the Commissioner by these rules will help the Department to make informed decisions regarding transactions to acquire New Jersey insured institutions and New Jersey savings and loan holding companies, and will assist the Department in maintaining regulatory control over the acquisition of New Jersey savings and loan associations and New Jersey savings and loan holding companies.

Economic Impact

The applicant costs involved in meeting the requirements of these rules consist of the fees required under N.J.A.C. 3:33-1.4, pursuant to N.J.S.A. 17:12B-285, and the administrative costs incurred in producing the application materials. Departmental costs for application review will be at least partially offset by these fees. The public will benefit through the maintenance of a sound banking system.

Regulatory Flexibility Statement

The obligation to comply with these rules falls only on out-of-State insured institutions and savings and loan holding companies. These entities are outside of the intent of the Regulatory Flexibility Act, N.J.S.A.

52:14B-16 et seq. Acquisitions by in-State entities are already governed by separate provisions and are subject to the Commissioner's approval. A regulatory flexibility analysis is, therefore, not required.

Full text of the proposed new rules follows:

CHAPTER 33

PROPOSED INTERSTATE ACQUISITION

SUBCHAPTER 1. DETERMINATION OF ELIGIBILITY

3:33-1.1 Definitions

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

"Applicant" means any out-of-State insured institution or out-of-State savings and loan holding company filing an application hereunder to acquire a New Jersey insured institution or New Jersey savings and loan holding company.

"Central-Atlantic Region" means the states of New Jersey, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

"Commissioner" means the New Jersey Commissioner of Banking.

"Control" shall have the meanings set forth in section 408(a) of the "National Housing Act", as amended (12 U.S.C. §1730a).

"Eligible insured institution" means an insured institution:

1. Located in an eligible state other than New Jersey, which state has reciprocal legislation in effect;
2. Which is not directly or indirectly controlled by an insured institution located outside of an eligible state or by a savings and loan holding company located outside of an eligible state; and
3. Which has at least 75 percent of the total aggregate deposits of the insured institution and of the savings and loan subsidiaries of a savings and loan holding company directly or indirectly controlling the insured institution, if any, in an eligible state or states.

"Eligible savings and loan holding company" means a savings and loan holding company:

1. Located in an eligible state, other than New Jersey, which has reciprocal legislation in effect;
2. Which is not directly or indirectly controlled by a savings and loan holding company located outside of an eligible state; and
3. Which has at least 75 percent of the total aggregate deposits of its savings and loan subsidiaries in savings and loan subsidiaries located in an eligible state or states.

"Eligible state" means:

1. Any state in the Central-Atlantic Region, when at least two of those states, in addition to New Jersey, each of which has at least \$20,000,000,000 in insured institution deposits, have reciprocal legislation in effect; and
2. Any state or territory of the United States, when at least 13 states in addition to New Jersey, of which at least four, other than New Jersey, are among the 10 states, other than New Jersey, with the largest amount of insured institution deposits, have reciprocal legislation in effect.

"Insured institution" shall have the meanings set forth in Section 408(a) of the "National Housing Act", as amended (12 U.S.C. §1730(a)), and shall also include Federal savings banks whose accounts are insured by the Federal Savings and Loan Insurance Corporation, as defined in 12 CFR §561.1.

"Insured institution deposits" means the total domestic deposits in insured institutions in each state according to the most recent available statistics of the Federal Savings and Loan Insurance Corporation or the Federal Home Loan Bank System or, if those statistics are not available, from sources designated by the commissioner.

"Located" means:

1. When referring to an insured institution, the state in which the amount of aggregate deposits of all of its offices in that state is greater than the amount of aggregate deposits of all of its offices in any one other state or foreign jurisdiction; or
2. When referring to a savings and loan holding company, the state in which the amount of aggregate deposits of all of its savings and loan subsidiaries in that state is greater than the amount of aggregate

PROPOSALS

Interested Persons see Inside Front Cover

BANKING

deposits of all its savings and loan subsidiaries in any one other state or foreign jurisdiction.

"New Jersey insured institution" means an insured institution located in New Jersey.

"New Jersey savings and loan holding company" means a savings and loan holding company located in New Jersey.

"Out-of-State insured institution" means an insured institution located outside of New Jersey.

"Out-of-State savings and loan holding company" means a savings and loan holding company located outside of New Jersey.

"Reciprocal legislation" means statutory law of a state, including the District of Columbia, which authorizes or permits a New Jersey insured institution or a New Jersey savings and loan holding company, or both, to acquire insured institutions or savings and loan holding companies, or both, located in that state on terms and conditions substantially the same as the terms and conditions pursuant to which an insured institution or savings and loan holding company located in that state may acquire insured institutions or savings and loan holding companies, or both, located in that state. The fact that the law of that other state imposes limitations or restrictions on the acquisition of insured institutions or savings and loan holding companies, or both, located in that state by a New Jersey insured institution or New Jersey savings and loan holding company, or both, shall not necessarily mean that the law of that state is not reciprocal legislation; provided, however, that if the law of the other state limits acquisitions by a New Jersey insured institution or New Jersey savings and loan holding company, or both, to insured institutions or savings and loan holding companies, or both, which are not in competition with insured institutions or savings and loan holding companies, or both, located in or chartered by that state or to insured institutions or savings and loan holding companies which do not have customary deposit and commercial loan powers, the law of that other state shall not be reciprocal legislation. If the reciprocal legislation of that other state imposes limitations or restrictions on the acquisition or ownership of an insured institution or savings and loan holding company located in that state by a New Jersey insured institution or New Jersey savings and loan holding company, or both, substantially the same limitations and restrictions shall be applicable to the eligible insured institution or eligible savings and loan holding company, or both, located in that other state with respect to its acquisition of New Jersey insured institutions or New Jersey savings and loan holding companies, or both.

"Savings and loan holding company" shall have the meanings set forth in section 408(a) of the "National Housing Act", as amended (12 U.S.C. §1730(a)).

"Savings and loan subsidiary" shall have the meanings set forth in N.J.S.A. 17:12B-278b.

"State" includes, but shall not be limited to, the District of Columbia.

"Subsidiary" shall have the meanings set forth in N.J.S.A. 17:12B-281f.

3:33-1.2 Content of application

(a) Any out-of-State insured institution or out-of-State savings and loan holding company proposing to acquire and retain control of a New Jersey insured institution or a New Jersey savings and loan holding company pursuant to N.J.S.A. 17:12B-278 et seq. shall submit an application to the Commissioner. The application shall comply with N.J.S.A. 17:12B-279 and shall contain the following information:

1. The name and location of the applicant;
2. The name and location of each New Jersey insured institution or New Jersey savings and loan holding company to be acquired;
3. Certified copies of:
 - i. The board resolution of the applicant authorizing the proposed acquisition of each New Jersey insured institution or New Jersey savings and loan holding company; and
 - ii. The board resolution of each New Jersey insured institution or New Jersey savings and loan holding company approving the proposed acquisition if such approval has been adopted;

4. A schedule reflecting the name, location and total aggregate deposits of each savings and loan subsidiary of the applicant, as of the date of the last thrift financial report required by the Department;

5. Copies of the current reciprocal legislation of each of the states in which a savings and loan subsidiary of the applicant is located;

6. A listing of any limitations or restrictions on the acquisition or ownership of an insured institution or savings and loan holding company in the state in which the applicant is located that would be imposed on the acquisition of an insured institution or savings and loan holding company in that state by a New Jersey insured institution or New Jersey savings and loan holding company;

7. The name and location of any out-of-State insured institution or out-of-State savings and loan holding company that has direct or indirect control of the applicant. A controlling out-of-State insured institution or out-of-State savings and loan holding company shall submit the information which is prescribed in the application to assist the Commissioner in determining whether the controlling out-of-State insured institution or savings and loan holding company is an eligible insured institution or eligible savings and loan holding company;

8. If the applicant has formally filed for the acquisition of any additional insured institution subsidiaries with the State of New Jersey or with any agency of another state or of the Federal government, the applicant shall submit to the Commissioner the information required by those applications; and

9. The applicant shall submit a statement that it will notify the Commissioner in the event it subsequently obtains or divests control of any insured institution or savings and loan holding company, or if another insured institution or savings and loan holding company obtains direct or indirect control of the applicant.

3:33-1.3 Determination of eligibility

(a) Within 30 days after receipt of a completed application for determination of compliance with the requirements of N.J.S.A. 17:12B-279 and this subchapter, the Commissioner shall issue a determination:

1. Whether the out-of-State insured institution or out-of-State savings and loan holding company is an eligible insured institution or eligible savings and loan holding company;

2. Whether the out-of-State insured institution or out-of-State savings and loan holding company has more than 50 percent of the total aggregate deposits of its insured institution subsidiaries in insured institution subsidiaries located in an eligible state or states, each of which has reciprocal legislation in effect; and

3. Whether any limitations or restrictions on acquisition or ownership shall be applicable with respect to the proposed transaction, and a description of those limitations or restrictions, if any.

(b) If the Commissioner disapproves the application, the applicant may, within 10 days of receipt of a notice of disapproval, ask the Commissioner in writing to hold a hearing on the proposed acquisition. The hearing shall be held in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

3:33-1.4 Fees

(a) The following fees shall be paid to the Commissioner relative to the application required by N.J.A.C. 3:33-1.3:

1. Filing of application: \$1,500.
2. Issuance by the Commissioner of a determination that the proposed acquisition would be in compliance with the requirements of N.J.S.A. 17:12B-279, if it were consummated and approved by all applicable persons and/or regulatory authorities: \$100.00.

(b) For a request for a hearing pursuant to N.J.A.C. 3:33-1.3(b), a fee of \$2,500 must accompany the request.

COMMUNITY AFFAIRS**(a)****DIVISION ON AGING****Congregate Housing Services Program
Income, Program Costs, and Service Subsidy
Formula****Proposed Amendment: N.J.A.C. 5:70-6.3**

Authorized By: Anthony M. Villane, Jr., D.D.S., Commissioner,
Department of Community Affairs.

Authority: N.J.S.A. 52:27D-188.

Proposal Number: PRN 1989-162.

Submit comments by May 3, 1989 to:

Ann Zahora, Director

Division on Aging

CN 807

Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Congregate Housing Services Program has been in operation since the rules were originally adopted effective August 16, 1982. The program provides a supportive environment to frail, elderly tenants living in subsidized housing facilities through the provision of selected services such as daily meal, homemaking and personal care services. In addition, the program provides subsidies to those meeting the income eligibility guidelines formulated under the rules of the program.

The proposed amendment is pursuant to the requirement of N.J.A.C. 5:70-6.3(f) that "service subsidies shall be adjusted annually on January 1. The adjustment shall be made on the basis of the percentage increase in Social Security benefits given to Social Security recipients pursuant to 42 U.S.C.A. 415 for the immediately preceding calendar year."

The adjustment in categories of disposable income reflects the increase in Social Security benefits. Under the contract rules, the participants in the congregare housing services program may be required to pay an additional amount for program costs if they receive an increase in Social Security. With the adoption of this amendment, they will not be required to pay this additional amount.

Social Impact

A growing and major social problem is the need to plan for the health and welfare of tens of thousands of "young old" people who moved into the many senior citizen housing projects developed during the 1960's and 1970's and who are still residing in these housing projects. They are now into their late 70's and 80's and some are approaching or are in their 90's.

Approximately half of the tenants using congregare housing services could be defined as pre-nursing home candidates, and at least 25 percent would probably be Medicaid eligible for nursing home entry if not maintained in their independent setting.

The Congregate Housing Services Program is having a profound impact upon the management of subsidized housing facilities. There is growing evidence that persons can now be admitted to these facilities with a higher degree of frailty than was previously possible and can, therefore, remain in their apartments longer.

In addition, tenants are able to return to the facility after a hospital or nursing home stay because of the availability of the program.

Economic Impact

The economic impact of the adjustment in the categories of disposable income will be on the older tenant living in a subsidized housing facility who is receiving congregare housing services or who will be eligible for a subsidy. Each income category set forth was multiplied by the percentage increase given to the Social Security recipients pursuant to 42 U.S.C.A. 415, immediately preceding the calendar year. This will have a positive economic impact on the participants of the Congregate Housing Services Program, in that they will not be disadvantaged by having to pay more, in the event they receive a percentage increase in Social Security benefits pursuant to 42 U.S.C.A. 415.

Regulatory Flexibility Analysis

This proposed amendment applies to qualified housing agencies under the Congregate Housing Services Act, N.J.S.A. 52:27D-184 et seq. Such agencies include nonprofit and those limited dividend housing sponsors which qualify as small businesses.

The proposed amendment requires such agencies to prepare and maintain the same type of records and reports as have been required under the Department's existing rules for the Congregate Housing Services Program. These reports and records concern: the individuals receiving program subsidies for certain living expenses they incur while residing at housing projects owned and operated by these agencies; and the manner in which such agencies utilize program funds in defraying the costs of providing certain services to such individuals. As these requirements are mandated by other Department rules, their satisfaction under these rules should not cause small businesses to incur additional expense in compliance.

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

5:70-6.3 Income, program costs and service subsidy formula

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

(e) Service subsidies for eligible program participants will be provided in accordance with the following formula:

1. Step I

NET INCOME— RENT = DISPOSABLE INCOME
(N.I.) (R) (D.I.)

[2. The following Step II formula shall become operative on January 1, 1989:

STEP II

D.I. of \$0.00 to \$166.00: **SERVICE SUBSIDY = 95 percent of PROGRAM COST: PARTICIPANT PAYMENT = 5 percent of PROGRAM COST (CATEGORY A.)**

D.I. of \$167.00 to \$279.00: **SERVICE SUBSIDY = 80 percent of PROGRAM COST: PARTICIPANT PAYMENT = 20 percent of PROGRAM COST (CATEGORY B.)**

D.I. of \$280.00 to \$393.00: **SERVICE SUBSIDY = 60 percent of PROGRAM COST: PARTICIPANT PAYMENT = 40 percent of PROGRAM COST (CATEGORY C.)**

D.I. of \$394.00 to \$506.00: **SERVICE SUBSIDY = 40 percent of PROGRAM COST: PARTICIPANT PAYMENT = 60 percent of PROGRAM COST (CATEGORY D.)**

D.I. of \$507.00 to \$620.00: **SERVICE SUBSIDY = 20 percent of PROGRAM COST: PARTICIPANT PAYMENT = 80 percent of PROGRAM COST (CATEGORY E.)]**

2. The following STEP II formula shall be operative from January 1, 1990 through December 31, 1990:

D.I. of \$0.00 to \$173.00: SERVICE SUBSIDY = 95 percent of PROGRAM COST: PARTICIPANT PAYMENT = 5 percent of PROGRAM COST (CATEGORY A.)

D.I. of \$174.00 to \$290.00: SERVICE SUBSIDY = 80 percent of PROGRAM COST: PARTICIPANT PAYMENT = 20 percent of PROGRAM COST (CATEGORY B.)

D.I. of \$291.00 to \$409.00: SERVICE SUBSIDY = 60 percent of PROGRAM COST: PARTICIPANT PAYMENT = 40 percent of PROGRAM COST (CATEGORY C.)

D.I. of \$410.00 to \$526.00: SERVICE SUBSIDY = 40 percent of PROGRAM COST: PARTICIPANT PAYMENT = 60 percent of PROGRAM COST (CATEGORY D.)

D.I. of \$527.00 to \$645.00: SERVICE SUBSIDY = 20 percent of PROGRAM COST: PARTICIPANT PAYMENT = 80 percent of PROGRAM COST (CATEGORY E.)

(f) (No change.)

EDUCATION

(a)

STATE BOARD OF EDUCATION

Enforcement of Drug Free School Zones

Proposed New Rules: N.J.A.C. 6:3-6

Authorized By: Saul Cooperman, Commissioner, Department of Education; Secretary, State Board of Education.

Authority: N.J.S.A. 18A:40A-11, 18A:40A-12, 18A:40A-13, 18A:40A-14, 18A:40A-15, 18A:40A-18, N.J.S.A. 2C:35-1 et seq., N.J.S.A. 2C:29-1 et seq. and 42 CFR 2.

Proposal Number: PRN 1989-168.

Submit comments by May 3, 1989 to:
Irene Nigro, Rules Analyst
NJ Department of Education
225 West State Street, CN 500
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed new rules contain the guidelines and procedures district boards of education are to follow when cooperating with and/or participating in law enforcement drug operations and activities in or near schools. These rules also identify the circumstances in which school officials are to refer violations to the police for handling.

The proposed new rules are summarized as follows:

N.J.A.C. 6:3-6.1 establishes the purpose and scope of the proposed subchapter.

N.J.A.C. 6:3-6.2 establishes and sets forth the requirement that district boards of education adopt and implement policies and procedures for cooperating with law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia occurring on school property.

N.J.A.C. 6:3-6.3 establishes the general requirements which district boards of education must meet and specifies the components of district policies and procedures required to comply with the provisions of this subchapter.

N.J.A.C. 6:3-6.4 through 6.6 set forth procedures to be followed by school personnel when matters are referred to law enforcement authorities.

Social Impact

Our children are entitled to an environment which is conducive to education, one which is free of drugs and where drug trafficking activities will not be tolerated. Both educators and law enforcement officials share the same ultimate objective: drug free schools, leading eventually to a drug free New Jersey. The proposed rules are intended to make certain that school and law enforcement officials cooperate to make schools and the areas around them free from drugs and drug dealers.

The Statewide Action Plan for Narcotics Enforcement and the Attorney General Executive Directive 1988-1, which are referenced in these rules, have been made available to the district schools.

Economic Impact

The proposed new rules will have little or no economic impact on school districts. Law enforcement agencies are already required pursuant to Attorney General's Executive Directive No. 1988-1 to adhere to the Departments of Education and Law and Public Safety's standards and guidelines for the enforcement of drug free schools.

Regulatory Flexibility Statement

A Regulatory Flexibility Statement is not required because these rules do not impose reporting, recordkeeping or other compliance requirements on small businesses. The rules impact solely upon New Jersey School districts and on schools operated by the New Jersey Department of Education.

Full text of the proposed new rules follows.

6:3-6.1 Purpose

The purpose of this subchapter is to establish uniform Statewide procedures for cooperating with law enforcement drug operations and activities on or near school grounds and to identify the circumstances under which school officials shall refer violations to the police

for handling. Such policies shall be consistent with and complementary to the Statewide Action Plan for Narcotics Enforcement and Attorney General Executive Directive 1988-1.

6:3-6.2 Adoption of policies and procedures

District boards of education shall adopt and implement policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia and with respect to the planning and conduct of law enforcement activities and operations occurring on school property, including arrest procedures and undercover school operations.

6:3-6.3 General requirements

(a) District policies and procedures developed pursuant to this section shall:

1. Be developed, implemented, and revised, as necessary, through consultation with the county prosecutor and such other law enforcement officials as may be designated by the county prosecutor;
2. Be reviewed and approved by the county superintendent; and
3. Be made available annually to all school staff, pupils, and parents or guardians.

(b) District policies and procedures shall include, but not be limited to the following components:

1. The designation of liaisons to law enforcement agencies and the prescription of their roles and responsibilities by the district chief school administrator;

2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school property for the purpose of conducting law enforcement investigations, searches, seizures, and arrests;

3. Specific procedures for and responsibilities of staff in cooperating with arrests made by law enforcement authorities on school property;

4. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures of pupils, their property, and personal effects. All searches and seizures conducted by school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), as set forth in Appendix C of the Attorney General's Statewide Action Plan for Narcotics Enforcement.

- i. Any question concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.

- ii. School officials may request that law enforcement authorities assume responsibility for conducting any search or seizure.

- iii. No school staff member shall impede any law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.

- iv. School staff shall permit law enforcement authorities upon their arrival to assume responsibility for conducting any search or seizure.

- v. Any questions concerning the legality of any contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school property shall be directed to the county prosecutor or, in the case of a search, seizure or arrest undertaken by a member of the Statewide Narcotics Task Force, to the Assistant Attorney General in charge;

5. The procedures for and responsibilities of staff, with regard to interviews of pupils suspected of possessing, using, or distributing a controlled dangerous substance;

6. Procedures for planning, approving, and conducting undercover school operations;

- i. The chief school administrator and school principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The chief school administrator shall approve such undercover operations without prior notification to the district board of education.

- ii. All information concerning requests to undertake any undercover school operation, information supplied by law enforcement authorities to justify or explain the need for and of a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of

EDUCATION

PROPOSALS

any undercover officer placed in a school, shall be kept strictly confidential by the chief school administrator and school principal. The chief school administrator and principal shall not divulge information concerning any undercover school operation to any person without the prior express approval of the county prosecutor or designee. In the event that the chief school administrator, principal or any other school staff or district board member who may have been informed as to the existence of the undercover school operation subsequently learns of any information which suggests that the true identity of the undercover officer has been revealed, or that any person has questioned the identity or status of the undercover officer as a bona fide member of the school community, or that the integrity of the undercover school operation has been in any other way compromised, such information shall be immediately communicated to the county prosecutor or designee.

7. The procedures for and responsibilities of staff concerning the safe and proper handling of any seized controlled dangerous substances or drug paraphernalia and the prompt delivery of such items to appropriate law enforcement authorities in accordance with the provisions of this subchapter:

8. The procedures for and responsibilities of staff in notifying authorities of any suspected violation of any laws prohibiting the possession, use, sale or other distribution of any controlled dangerous substance or drug paraphernalia:

9. Provisions for requesting uniformed police attendance at extracurricular school events:

10. Provisions for notifying parents or guardians as soon as possible whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale or other distribution of any controlled dangerous substance or drug paraphernalia:

11. Provisions for the inservice training of school staff concerning policies established in this subchapter; and

12. Agreements or memoranda of understanding with appropriate law enforcement authorities. Such agreements or memoranda of understanding shall be consistent with the policies established in this subchapter and in the Statewide Action Plan for Narcotics Enforcement and Attorney General Executive Directive 1988-1. These agreements or memoranda of understanding shall define the reciprocal rights and obligations of pupils, parents or guardians, school staff, and law enforcement officials with respect to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia and with respect to the planning and conduct of law enforcement activities and operations, occurring on school property, including arrests and undercover school operations;

i. Copies of all agreements or memoranda of understanding entered into with law enforcement authorities shall be approved by the district board of education and shall be submitted to and approved by the county superintendent of schools.

13. Provisions for resolving disputes concerning law enforcement activities occurring on school property:

14. An annual process to review the effectiveness of policies and procedures implemented pursuant to the provisions of this subchapter. This annual review shall include input from the county superintendent, community and meeting(s) with the county prosecutor and such other law enforcement officials designated by the county prosecutor so as to discuss the implementation and periodic revision of agreements and memoranda of understanding authorized pursuant to the provisions of this subchapter.

6:3-6.4 Reporting procedures for referring pupils or staff members suspected of drug incidents to law enforcement authorities

(a) Subject to the provisions of N.J.A.C. 6:3-6.6 below, any teaching staff member having reason to believe that a pupil or staff member has possessed or in any way been involved in the distribution of a controlled dangerous substance or drug paraphernalia on or near school property, shall report the matter as soon as possible to the principal or, in the absence of the principal, to the staff member responsible at the time of the alleged violation. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

(b) The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the pupil or staff member involved. The chief school administrator or designee shall not disclose, however, the identity of any pupil who has voluntarily sought treatment or counseling for a substance abuse problem provided the pupil is not currently involved or implicated in drug distribution activities.

1. For the purposes of this section, an admission by a pupil in response to questioning initiated by the principal or teaching staff member, or following the discovery of a controlled dangerous substance or drug paraphernalia by the principal or teaching staff member, shall not constitute a voluntary, self-initiated request for counseling and treatment.

6:3-6.5 Handling of drugs and drug paraphernalia; reporting procedures

(a) Any school employee, including any substance awareness coordinator or counselor, who seizes or discovers any substance or item believed to be controlled dangerous substance or drug paraphernalia shall immediately notify and turn over the substance or paraphernalia to the principal or designee. Either the principal or designee shall then immediately notify the chief school administrator or designee who in turn shall notify the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information. The school employee, principal or designee, shall safeguard the substance or paraphernalia against further use or destruction and shall secure the substance or paraphernalia until such time as the substance or paraphernalia can be turned over to the county prosecutor or designee.

(b) The principal or designee shall provide to the county prosecutor or designee all information concerning the manner in which the substance or paraphernalia was discovered or seized, the identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure, and the identity of any pupil or staff member believed to have been in possession of the substance or paraphernalia. However, the principal or designee shall not disclose the identity of any pupil who voluntarily and on his or her own initiative turned over the substance or paraphernalia to a school employee, provided that there is reason to believe that the pupil was involved with the substance or paraphernalia for the purpose of personal use, not distribution activities, and further provided that the pupil agrees to participate in an appropriate treatment or counseling program.

1. For the purposes of this section, an admission by a pupil in response to questioning initiated by the principal or teaching staff member, or following the discovery of a controlled dangerous substance or drug paraphernalia by the principal or teaching staff member shall not constitute a voluntary self initiated request for counseling and treatment.

6:3-6.6 Confidentiality of pupil involvement in intervention and treatment programs

(a) All information concerning a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with applicable Federal regulations (42 C.F.R. 2).

(b) Nothing in this subchapter shall be construed in any way to authorize or require the transmittal of any information or records which are in the possession of a substance abuse counseling or treatment program.

(c) The principal or designee shall not disclose to law enforcement officials or to any person other than a member of the local district's substance abuse program that a pupil has received or is receiving evaluation or treatment services from the local district's substance abuse program; nor shall the principal or designee disclose any information, including the pupil's identity or information about illegal activity, where such information was learned in the course of or as a result of evaluation or treatment services provided by the local district's substance abuse program.

(d) Nothing in this section shall be construed to preclude the disclosure of information about illegal activity which was learned by any school employee outside of the local district's substance abuse program, and any such information about illegal activity shall be reported in accordance with N.J.A.C. 6:3-6.4 and 6.5 above.

ENVIRONMENTAL PROTECTION**(a)****DIVISION OF WATER RESOURCES****90 Day Construction Permit Rules****Proposed Amendments: N.J.A.C. 7:1C-1.2, 1.3, 1.4, 1.5, 1.7, 1.8, 1.9, 1.13, and 1.14**

Authorized By: Christopher J. Daggett, Acting Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:1D-9 and 13:1D-29 et. seq., specifically
13:1D-33.

DEP Docket Number: 014-89-03.

Proposal Number: PRN 1989-173.

A public hearing concerning these proposed amendments will be held on:

May 1, 1989 at 10:00 A.M.
Labor Education Center Auditorium
Cook College
Rutgers University
Ryders Lane
New Brunswick, New Jersey

Submit written comments by May 3, 1989 to:
Thomas A. Borden, Esq.
Division of Regulatory Affairs
New Jersey Department of Environmental Protection
CN-402
Trenton, N.J. 08625

The agency proposal follows:

Summary

The Department of Environmental Protection's ("Department") Division of Water Resources currently administers certain permit programs pursuant to the provisions of N.J.A.C. 7:1C, entitled "90 Day Construction Permit Rules". The proposed amendments to N.J.A.C. 7:1C address the fee structure for treatment works approvals (TWAs). Treatment works approvals are issued by the Department pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., for any change to a sanitary sewage collection, treatment and discharge system (sewer extensions, connections and changes to sewage treatment plants). The Department adopted the original treatment works approval fee structure in 1975 (7 N.J.R. 548(a)). The fee, based on a percentage of the construction costs of the applicant's project, was one-half of one percent of the construction costs up to \$100,000 plus one-fourth of one percent of the costs in excess of \$100,000. In 1985, due to the fact that the fees inadequately covered the TWA program costs, the Department increased the percentages used to determine fees (17 N.J.R. 1544(a)). The fee was set at six-tenths of one percent of the construction costs up to \$250,000 plus three-tenths of one percent of the costs which are in excess of \$250,000 but are not greater than \$1,000,000 plus fifteen one-hundredths of one percent of those costs in excess of \$1,000,000.

The Department proposed amendments to N.J.A.C. 7:1C on January 19, 1988 at 20 N.J.R. 135(a). The amendments included a new fee formula for treatment works approvals and a system to categorize projects based on the construction costs. A public hearing was held on February 17, 1988 at the New Jersey State Library in Trenton, New Jersey. In response to the public comments, the Department decided to reevaluate the formula used to determine treatment works approval fees based on the fact that the fee did not contain a gradual increase in fees at the transition points between the categories. In other words, a project in Category 1 with a \$250,000 cost of construction would pay twice as much as a project in Category 2 with a \$250,001 cost of construction.

The proposed amendments to N.J.A.C. 7:1C-1.5(a)5 include a new formula to be used in computing a treatment works approval fee so that the fees rise proportionally with the costs of construction. This new formula will base permit fees on a percentage of the construction costs of that portion of the project applying for the permit, just as the present rules do. In contrast to the existing fee formula, where the costs of construction are the sole factor, the proposed formula will incorporate the estimated budget of the forthcoming fiscal year. This will ensure sufficient fees to support the permitting program and will minimize the past problems of having a surplus or deficit depending on the number of projects in a fiscal year.

Because the fee formula is based upon an estimated budget, it is expected that some years the cost of a permit will increase and some years it will decrease. The existing fee formula rarely produced revenues that matched the budgetary needs of the TWA program. The proposed amendments should achieve the statutory mandate to make the permit fees approximately equal, to the program budget for all projects required to obtain a treatment works approval (see N.J.S.A. 58:10A-9).

The proposed amendments will increase the fees for treatment work approvals by 60 percent in order to balance the fees with the costs of administering the TWA program. While the treatment works approval fees have increased only twice in the past 13 years, the cost of the Department's services has increased tremendously. The Department's operating costs have increased due to the increase in applications, technical review and enforcement actions. The proposed increase in fees will enable the Department to comply with the requests of many permittees, to process the applications more efficiently.

N.J.A.C. 7:1C-1.5(a)5ii establishes the new formula from which the value of the coefficient labeled "P" is computed. The value of this coefficient "P" will be used to calculate the permit fees of Category 3 projects (89 percent of incoming projects), Category 2 projects (nine percent of incoming projects) and Category 1 projects (two percent of incoming projects). The coefficient "P" shall be calculated by the following equation: $P = EB/T1 + 2T2 + 4T3 + 1,500,000(N1) + 500,000(N2)$.

The equation shall include the Department's estimated budget ("EB") for the forthcoming year, the total costs of construction in each of the three categories ("T1" "T2" and "T3" respectively) during the previous fiscal year and the number of projects during the previous fiscal year in Category 1 and 2. This equation was derived by equating the estimated budget with the total amount of fees collected and factoring out the coefficient "P".

The Department presently does not require industrial applicants to obtain a treatment works approval in accordance with N.J.A.C. 7:14A-12.1(c). The Department is proposing to require industrial applicants to obtain a treatment works approval and thus pay a TWA fee. In order to clarify the Department's policy of charging industrial applicants for TWAs, the definition of "person" in N.J.A.C. 7:1C-1.2 is being amended to include owners of industrial treatment works.

The definition of "appropriate agency" in N.J.A.C. 7:1C-1.2 has been revised by changing the names of the permits, for which the Division of Water Resources is the appropriate agency, from "waste water allocation permit", "domestic treatment works approval", "permits" and "approvals for the construction, alteration or extension of sanitary collection systems" to "treatment works approval." This change is being proposed in order to make the language consistent throughout all of N.J.A.C. 7:1C and 7:14A. The Department is also proposing to amend N.J.A.C. 7:1C-1.3, 1.9, 1.13 and 1.14 to include the uniform use of "treatment works approvals." In addition, the appropriate agency for stream encroachment permits is being amended from the Division of Water Resources to the Division of Coastal Resources.

The proposed amendments to N.J.A.C. 7:1C-1.4 and 1.7 are editorial in nature. The Department is proposing in N.J.A.C. 7:1C-1.8 to allow only one free resubmission of an application when a permit is denied without prejudice.

N.J.A.C. 7:1C-1.5(a)5v through viii is being amended to require the Department to develop an annual fee schedule report and hold a public hearing for TWA fees. This report will set forth the value for the coefficient "P" for the forthcoming year, as derived from the formula in N.J.A.C. 7:1C-1.5(a)5ii. The Department is proposing to prepare a fee schedule report every year, but only hold public hearings on the report when there is more than a 10 percent increase in TWA fees. The Department is also proposing to establish a minimum fee of \$100.00 for major modifications in N.J.A.C. 7:1C-1.5(c).

Social Impact

The Department's proposal to amend the TWA fee structure will provide a positive social impact. The Department, in acting to amend the TWA fee structure, will ensure that the cost of the program is borne by those who apply for treatment work approvals. Those affected include owners of domestic and industrial treatment works, developers, municipalities, industries and home owners. In addition, an annual fee schedule report is proposed to be prepared each year in order to include public comment and input. The universe of people affected by the amendments to N.J.A.C. 7:1C will be expanded only to the extent that those applicants for industrial treatment works approvals will now be assessed a fee. The

ENVIRONMENTAL PROTECTION

PROPOSALS

proposed increase in fees for treatment works approvals will enable the Department to increase the efficiency of processing applications for treatment works approvals.

Economic Impact

The economic impact of the proposed amendments to N.J.A.C. 7:1C will be borne by those who wish to construct, extend or connect to domestic or industrial wastewater treatment systems. The proposed amendments will have a positive economic impact because the fees collected will be balanced with the cost to the Department in administering the TWA program.

The minimum application fee has not been increased. However, under the current rules, those projects with construction costs of \$25,000 or less were assessed the minimum fee of \$150.00. Under the new fee structure, projects having construction costs of \$15,625 or less will be assessed the minimum fee of \$150.00.

The Department estimates that the average increase in the cost of a TWA will be approximately 60 percent. For example, had the fee structure applied to this fiscal year's (FY 89) applications, the assessments would have been as shown below:

Construction Cost	Old Fee	New Fee
\$10,000	\$150	\$150
\$15,625	\$150	\$150
\$25,000	\$150	\$240
\$75,000	\$450	\$720
\$150,000	\$900	\$1,440
\$250,000	\$1,500	\$2,400
\$750,000	\$3,000	\$4,800
\$1,000,000	\$3,750	\$6,000
\$3,000,000	\$6,750	\$10,800
\$10,000,000	\$17,250	\$27,600

The new fees listed above are based upon the following assumptions: "EB" = \$2,000,000 "T1" = \$285,400,000 "T2" = \$71,217,300, "T3" = \$63,977,600, "N1" = 45 and "N2" = 165. These assumptions are the Department's estimates for FY 89. A public hearing on TWA fees will be held in accordance with the amendments to N.J.A.C. 7:1C-1.5(a)5v to establish the coefficient "P" for the forthcoming fiscal year before any fees are assessed using the proposed formula.

Environmental Impact

The proposed amendments reflect the Department's intentions to manage this program as effectively and efficiently as possible. Under the existing fee structure, the Department cannot guarantee that the program will receive the necessary fees to fund it in any given year. Under these proposed amendments, the Department can maintain adequate staff to both administer and enforce the program, in a timely fashion, which will have a positive environmental impact. The treatment works approval program is an essential part of the State's water quality management effort. The Department's review of an application to construct or alter a wastewater system insures that the construction will not result in discharges of wastewater into the waters of the State.

Regulatory Flexibility Statement

The proposed amendments would apply to all applicants for treatment works approvals. The Department estimates that of the roughly 1800 applicants, 1650 are "small businesses" as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Costs of compliance with the proposed amendments will range from \$150.00 for applicants whose construction costs are below \$15,625, to \$6,000 and up for those with construction costs of \$1,000,000 and up. Since the fee is based upon the construction costs of the proposed alteration of the treatment works, smaller companies with smaller projects will pay a smaller fee.

In developing these proposed amendments, the Department has balanced the need to protect the environment against the economic impact of the proposed amendments. The Department has determined that to minimize the requirements for small businesses would endanger the environment, public health and public safety by allowing alterations or connections to a treatment works without adequate review. The Department has determined that the size of the project, rather than the size of the business, will provide a sound basis for the fee determination.

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

7:1C-1.2 Definitions

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

- "Act" means [P.L. 1975 Chapter 232.] N.J.S.A. 13:1D-29 et seq.
- "Applicant" means any person requesting a construction permit who has submitted an application to the [department] **Department**.
- "Application" means DEP Application [form] **Form CP-1** and the appropriate agency supplement.
- "Appropriate agency" means:
 1. The Division of Coastal Resources for:
 - i-iii. (No change.)
 - iv. **Stream encroachment permits under N.J.S.A. 58:16A-55 or 55.2.**
 2. The Division of Water Resources for:
 - [i. Stream encroachment permits under N.J.S.A. 58:16A-55 or 55.2; and
 - [ii.] i. [Approvals] **A treatment works approval for the construction, change, improvement, alteration or extension of sanitary sewage collection systems pursuant to N.J.S.A. 58:10A-1 et seq. and N.J.A.C. 7:14A-12[.1 et seq].**

... "Construction permit" means:

- 1.-3. (No change.)
- 4. A permit issued pursuant to the "Flood Hazard Area Control Act", [P.L. 1979, c.359 (] N.J.S.A. 58:16A-55 or 55.2[)] and the "Flood Hazard Area Regulations" [(], N.J.A.C. 7:13 [et seq.]; or N.J.S.A. 55.2[)];
- 5. [A wastewater allocation permit which approves the construction, alteration or extension of sanitary sewage collection systems that is, treatment works approval, issued pursuant to N.J.S.A. 58:10A-1 et seq. and N.J.A.C. 7:14A-12.1 et seq., excluding all those for which Federal Grants have been requested pursuant to P.L. 92-500 as amended (The Federal Clean Water Act as amended).] **A treatment works approval for the construction, change, improvement, alteration or extension of sanitary sewage collection systems issued pursuant to the N.J.S.A. 58:10A-1 et seq. and N.J.A.C. 7:14A-12.**

Note: "Construction permit" does not include any approval of or permit for an electric generating facility or for a petroleum processing or storage facility, including a [liquified] **liquefied** natural gas facility, with a storage capacity of over 50,000 barrels.

... "Person" means corporations, companies, associations, societies, firms, partnerships, and joint stock companies, as well as individuals, **owners or operators of a domestic or industrial treatment works**, the State, and all political subdivisions of the State or any agencies or instrumentalities thereof.

... "**Treatment works approval**" means an approval issued pursuant to N.J.S.A. 58:10A-6 or N.J.A.C. 7:14A-12.

7:1C-1.3 Pre-application procedure and requirements

(a) As a means of expediting permit review, potential applicants are encouraged to request an optional pre-application conference with the appropriate agency. At the voluntary pre-application conference a potential applicant may present a conceptual description of the proposed project, discuss [his] **the** proposed project informally with the appropriate agency, and obtain guidance on the permit process; however, the conference is not a forum for preliminary approval or rejection of the proposed project. However, if the appropriate agency determines that the proposed project is exempt from the permit requirement, the agency shall issue a written statement of such finding which shall [be binding in] **bind** the agency.

(b) Prior to submitting an application to the Department, the applicant shall, if required by the appropriate agency, notify the following local agencies of intent to file an application by mailing them a completed DEP **Application** Form CP-1, and shall obtain an acknowledgement of receipt of notification by [Certified Mail, Return Receipt Requested] **certified mail, return receipt requested**:

- 1.-5. (No change.)
- (c) (No change.)

PROPOSALS

Interested Persons see Inside Front Cover

ENVIRONMENTAL PROTECTION

(d) Applicants for a [wastewater allocation permit require] **treatment works approval shall obtain** the endorsement of the affected sewerage authority and/or municipality (see N.J.A.C. 7:14A-12.9).

7:1C-1.4 Application for construction permit

(a) To apply for a permit, the applicant shall prepare and submit a formal application to the appropriate agency.

1. The application shall consist of a complete and acknowledged DEP [construction permit Standard] Application Form CP-1, the fee required by N.J.A.C. 7:1C-1.5, and other materials of a format and content as specified by rules or otherwise for individual permit programs.

2. (No change.)

7:1C-1.5 Fees

(a) Fees shall be charged for the review of any application for a construction permit in accordance with the following schedule[.]:

1. (No change.)

2. Wetlands permits:

i. (No change.)

ii. The fee for a Type B permit (N.J.A.C. 7:7-2.2) shall be one half of one percent of the construction costs, or a minimum of [three hundred dollars] **\$300.00**.

3. (No change.)

4. Stream encroachment:

i. As used in this paragraph, the following terms shall have the following meanings:

(1) (No change.)

(2) "Minor stream encroachment project" means an encroachment project that does not require hydrologic and/or hydraulic review to determine the impact on flood carrying capacity; does not require review of any stormwater detention basin for compliance with Stormwater Management Regulations, N.J.A.C. 7:8; does not increase potential for erosion or sedimentation in stream and does not require substantial channel modification or relocation; and does not need to be reviewed for 20 percent "net fill" limitation as specified under N.J.A.C. 7:13-4.7(d). These shall include but are not limited to major desnagging and stream clearing, minor dredging projects, dug ponds without structure, outfall structures, minor water intake facilities, minor regrading, utilities in the [floodplain] **flood plain**, each channel crossing of utility, bank stabilization at grade, minor bank reestablishment and/or protection projects, footbridges, bridge deck replacements, recreation and habitat management structures of the Division of Fish, Game and [Shellfisheries] **Wildlife**, farming practices (including ditches) approved by the Soil Conservation Service, and projects whose major purpose is mosquito control pursuant to N.J.S.A. 26:9-1 et seq. Governmental agencies may combine their minor projects for a calendar year and submit them as one project which will be considered a minor project.

(3) (No change.)

ii. For minor stream encroachment projects, the fee shall be \$150.00 except that no fee shall be charged for such projects in a drainage area of less than 320 acres which has been approved by the appropriate municipal or county engineer, or a professional engineer for State agency projects, and the certification of such approval has been submitted to and acknowledged by the [department] **Department**. An additional \$200.00 shall be charged for minor stream encroachment projects that are projects of special concern ([See] see N.J.A.C. 7:13-5.2).

iii. No fee shall be charged for major projects located in a drainage area of less than 150 acres which has been approved by the appropriate municipal or county engineer, or a professional engineer for State agency projects, and the certification of such approval has been submitted to and acknowledged by the [department] **Department**.

iv. (No change.)

v. For major projects outside the channel but within the 100 year [floodplain] **flood plain** and requiring the establishment of an encroachment line, the fee shall be \$1,500 for each 1,000 feet reach of the channel or portion thereof.

vi-vii. (No change.)

[5. Wastewater Allocation (Sanitary Sewer Facility) Permit or Domestic Treatment Works Approval: The fee for Wastewater Allocation (sanitary sewer facility) or Domestic Treatment Works approvals shall be six-tenths of one percent of the construction costs up to \$250,000, plus three-tenths of one percent of the construction costs which are in excess of \$250,000 but are not greater than \$1,000,000 plus fifteen one-hundredths of one percent of those construction costs which are in excess of \$1,000,000. A minimum fee of \$150.00 shall be charged.]

5. Treatment works approval fees shall be calculated as follows:

i. Applicants for a treatment works approval shall be categorized based on the construction costs of their projects as follows:

(1) Category 1 includes projects where the construction costs are greater than \$1,000,000;

(2) Category 2 includes projects where the construction costs are greater than \$250,000 but are less than or equal to \$1,000,000.

(3) Category 3 includes projects where the construction costs are less than or equal to \$250,000.

ii. Fees for treatment works approvals shall be based upon the coefficient "P" where:

EB

(1) "P" = $T1 + 2(T2) + 4(T3) + 1,500,000(N1) + 500,000(N2)$;

(2) "EB" = the estimated budget for the Department's treatment works approval program for the forthcoming fiscal year;

(3) "T1" = the sum of the construction costs for all projects in Category 1 from the prior fiscal year;

(4) "T2" = the sum of the construction costs for all projects in Category 2 from the prior fiscal year;

(5) "T3" = the sum of the construction costs for all projects in Category 3 from the prior fiscal year;

(6) "N1" = the total number of projects in Category 1 from the prior fiscal year; and

(7) "N2" = the total number of projects in Category 2 from the prior fiscal year.

iii. All applicants for a treatment works approval shall pay one of the following fees based upon the category in which the project falls as determined by (a)5i above:

(1) Category 1 fee = $4P(\$250,000) + 2P(\$750,000) + P(\text{construction cost of the applicant's project} - \$1,000,000)$;

(2) Category 2 fee = $4P(\$250,000) + 2P(\text{construction cost of the applicant's project} - \$250,000)$; or

(3) Category 3 fee = $4P(\text{construction cost of the applicant's project})$.

iv. An applicant for a treatment works approval shall pay a minimum fee of \$150.00.

v. The Department shall prepare an annual fee schedule report which will include the following:

(1) The coefficient "P" of the fee formula derived from the equation in (a)5i above;

(2) A detailed financial statement showing the estimated budget for the forthcoming fiscal year. The statement shall include a breakdown of the treatment works approval program by account title (for example, print and office supplies, vehicular, and maintenance of vehicles); and

(3) A detailed financial statement of the previous fiscal year's actual expenditures including a breakdown by account titles, total by category of permits reviewed, actual revenue and any credit/deficit to be carried forward to the next fiscal year.

vi. The Department shall hold a public hearing concerning the fees to be assessed for the forthcoming fiscal year only when projected fees exceed 10 percent increase as compared to the previous fiscal year's fees. The Department shall hold the hearing prior to the actual assessment of fees. The Department shall provide public notice of the hearing in the New Jersey Register, DEP Bulletin, and several newspapers with general circulation.

vii. In those years not requiring a public hearing, publication of the forthcoming fiscal year's coefficient "P" together with a synopsis of the annual fee schedule report shall appear in the New Jersey Register, DEP Bulletin and several newspapers with general circulation.

viii. The annual fee schedule report may be obtained, at any time after public notice is published in accordance with (a)5vi or vii above, by submitting a request and a self addressed 10 inch by 13 inch (minimum size) envelope to:

**New Jersey Department of Environmental Protection
Division of Water Resources
Wastewater Facilities Management Element
Bureau of Construction and Connection Permits
Annual Report Request
CN-029, 4th floor
Trenton, New Jersey 08625**

(b) Each extension of time requested must be accompanied [with] by a \$50.00 non-refundable base fee. Each extension, if granted, will be for a maximum period of one year. No permit will be extended beyond a total of five years from the original date of the permit, except for projects of unusual size or scope or for projects which are delayed due to circumstances beyond the permittee's control (such as a delay in the funding of a public works project), in which case the appropriate agency may, upon request of the applicant prior to the expiration of the original permit, extend the permit for a total of 10 years from its original effective date. This exception shall not apply to Stream Encroachment Permits [of] or [Wastewater Allocation Permits] **treatment works approvals**.

1. Besides the base fee, an additional \$50.00 shall be charged for each extension of time requested for a permit for a minor stream encroachment project **and for a Category 3 treatment works approval**, and \$150.00 for each extension of time requested for a permit for a major stream encroachment project **and for a Category 1 or 2 treatment works approval**.

(c) Each request for an approval of a major modification of the approved project must be accompanied with a fee equal to one-half of the total permit fee attributable to that portion of the project to be modified, **subject to a minimum fee of \$100.00**. For the purposes of this section, a major modification is one which will result in a significant change in the scale, use, design or impact of the project as approved.

(d) The [department] **Department** may also charge additional fees to engage such essential expertise as may be necessary for the processing and review of large scale and complex projects. The applicant will be consulted before imposition of such fees.

(e) Where a public hearing is conducted, the cost thereof, including, but not limited to, court reporter attendance fees, transcript costs, hearing officer fees and hearing room rental, shall be borne by the applicant unless otherwise determined by the [department] **Department** for good cause shown.

(f) (No change.)

7:1C-1.7 Review of application

(a) Within a maximum of 20 working days of receipt of the application, the appropriate agency shall:

1.-4. (No change.)

5. The Department shall consider written initial comments from public agencies and other interested persons, received within five working days of publication of the initial project status report in the ["] DEP [Weekly] Bulletin.["]

(b)-(c) (No change.)

7:1C-1.8 Decision on permit application

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

(d) If the Department fails to act within this time period the application shall be deemed to have been approved, to the extent that the application does not violate other statutes or regulations then in effect, and subject to any standard terms and conditions applicable to such permits. The Department shall promptly publish in the ["] DEP Bulletin ["] a notice that the application has been deemed approved.

(e) (No change.)

(f) The effect of the disapproval is as follows[.]:

1. A disapproval without prejudice is a disapproval of the application. However, a subsequent application by the same applicant for the same project on the same site may be submitted within one year of the date of disapproval without additional fees (**limited to one resubmittal, without additional fee**).

2. (No change.)

7:1C-1.9 Appeals

(a) (No change.)

(b) Any interested person who considers [himself] **themselves** aggrieved by the approval or denial of a stream encroachment permit or [sanitary sewer] **treatment works** approval may, within 10 days of publication of notice of the decision in the DEP Bulletin, or within 10 days of publication of notice of the decision by the permittee pursuant to (c) below, whichever occurs first, request a hearing by addressing a written request for such hearing to the Commissioner, Department of Environmental Protection, CN 402, Trenton, New Jersey 08625.

1.-2. (No change.)

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

7:1C-1.13 Over-the-counter processing

(a) As a means of expediting permit review for certain minor projects, the Department will fast process, to the extent possible, reasonable, and practical, and unless emergencies dictate otherwise, minor stream encroachment and [sewer extension projects] **treatment works approvals**.

(b) Stream encroachment rules are as follows:

1. (No change.)

2. The construction permit ["Standard] DEP Application Form (CP-1) ["] must be properly completed, but it does not need to be forwarded to any county or municipal agency. An Engineering Data Sheet (DWR-086) must be completed for all stream encroachment projects.

3. Minor stream encroachment projects are defined in N.J.A.C. 7:1C-1.5(a)4v(2).

i. Minor stream encroachment projects which may be processed on an ["]over-the-counter["] basis include, but are not limited to: (1)-(11) (No change.)

ii. Minor stream encroachment projects which will not be processed on an ["]over-the-counter["] basis shall include:

(1)-(5) (No change.)

(6) Combined projects of government agencies submitted as one minor project for a calendar year will not be considered as a minor project for ["]over-the-counter["] permit purposes; and

(7) (No change.)

(c) [Wastewater Allocation rules] **Rules for treatment works approvals** are as follows[.]:

1. The Department of Environmental Protection has a 24-hour processing service for "minor" [sewer extension] projects **requiring treatment works approvals**. "Minor" [sewer extension projects] **treatment works approvals** must be:

i.-iii. (No change.)

2.-4. (No change.)

5. An "engineer's report" form, available from the Bureau of [Municipal Waste Management] **Construction and Connection Permits** of the Division of Water Resources, must be completed and certified by a [licensed] New Jersey **licensed** professional engineer and submitted with the application.

7:1C-1.14 Related regulations

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

(d) The requirements of this [Subchapter] **subchapter** concerning appeals [governs Wastewater Allocation Permits, not] **from the Department's decisions on treatment works approvals supersedes** N.J.A.C.

7:14A.

(a)

DIVISION OF HAZARDOUS WASTE MANAGEMENT Hazardous Waste Liability Requirements; Corporate Guarantee

Proposed Amendments: N.J.A.C. 7:26-9.10, 9.13 and Appendix A

Authorized By: Christopher J. Daggett, Acting Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:1E-1 et seq., particularly 13:1E-6.

DEP Docket Number: 013-89-03.

Proposal Number: PRN 1989-171.

Submit written comments by June 2, 1989 to:

Daren R. Eppley, Esq.
Division of Regulatory Affairs
New Jersey Department of Environmental Protection
CN 402
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Environmental Protection ("Department") is proposing to amend its liability requirements at N.J.A.C. 7:26-9.13(a) through (g) for hazardous waste treatment, storage, or disposal (TSD) facilities. These amendments provide a corporate guarantee option for TSD facilities with a corporate parent to use in meeting their required liability coverage under the State's hazardous waste management program.

A corporate guarantee is a financial instrument by which a TSD facility's corporate parent, if capable of passing a financial test, promises to pay for certain damages incurred by the owner or operator of a TSD facility in the event the owner or operator of the facility fails to do so. Authorization of a corporate guarantee for liability coverage provides the TSD facility owner or operator with greater flexibility in complying with liability coverage requirements, while insuring that funds are available to pay third-party liability claims.

These amendments will provide an additional mechanism for owners or operators of TSD facilities with a corporate parent to satisfy the liability requirements imposed by the Department.

This guarantee is in addition to, and does not affect, any other responsibility or liability of the guarantor. These amendments allow a single corporate guarantee to be used for liability coverage. Exclusions cited here are intended to ensure that corporate guarantee funds will be used only to pay for bodily injury or property damage suffered by third parties resulting from an accident arising from facility operations.

Corporations incorporated outside the United States can use this guarantee option by identifying an agent for service of process in the State of New Jersey, any state where a facility covered by the guarantee is located, and the state with its principal place of business.

In order to use the corporate guarantee, a corporation must certify that the guarantee is allowed under the corporate charter of the parent company and the affected TSD facility. The guarantee document must conform to the model at N.J.A.C. 7:26-9 Appendix A(g).

The financial test for liability coverage being proposed, although similar, is different from the test used in the Federal regulations. The United States Environmental Protection Agency (EPA) and states following EPA's scheme allow a corporate guarantee for closure and post-closure care (40 C.F.R. §§264.143 and 264.145) as well as for liability coverage. New Jersey, however, does not allow the corporate guarantee for closure and post-closure care, but is proposing to allow the corporate guarantee for liability coverage only. Therefore, the Department is requiring, as part of the financial test for liability coverage, information regarding all obligations in the United States consisting of closure costs, post-closure costs, UIC plugging and abandonment costs, and liability coverage in order to determine if the financial test for liability coverage is met.

Currently, an owner or operator of a TSD facility must demonstrate liability coverage for sudden accidental occurrences of \$1 million per occurrence and \$2 million annual aggregate, exclusive of legal defense costs. An owner or operator of a surface impoundment, landfill, or land treatment facility used to manage hazardous waste is also required to demonstrate liability coverage for nonsudden accidental occurrences of \$3 million per occurrence and \$6 million annual aggregate, exclusive of legal defense costs.

Social Impact

The proposed amendments will have a positive social impact by increasing liability coverage options for those regulated hazardous waste facilities with corporate parents, thereby increasing their liability to comply.

Economic Impact

The proposed amendments are likely to decrease costs to eligible hazardous waste facilities by expanding options and consolidating financial instruments available to meet liability requirements. A facility can self-insure to meet their obligations for liability coverage and closure and post-closure care. The Department expects a positive economic impact on the regulated hazardous waste community as a result of this action through savings on administrative and premium costs.

Environmental Impact

The proposed amendments will have a positive environmental impact as they provide for an alternative method for providing liability coverage. TSD facilities with a corporate parent which have been unable to purchase conventional liability insurance may avail themselves of this option and continue to operate in compliance with the State's hazardous waste rules.

Regulatory Flexibility Statement

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has determined that these amendments would not impose reporting, recordkeeping or other compliance requirements on small businesses because these amendments provide a corporate guarantee option for TSD facilities with a corporate parent to use in meeting their required liability coverage under the State's hazardous waste management program. Generally, this option would not be available to small businesses.

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

7:26-9.10 Financial requirements for facility closure

(a) (No change.)

(b) When used in this [section] **subchapter**, the following terms have the meanings given below:

1.-6. (No change.)

(c)-(f) (No change.)

7:26-9.13 Liability requirements

(a) Coverage for sudden accidental occurrences shall meet the following requirements:

1. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, [must] **shall** demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator [must] **shall** have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of [three] **five** ways, as specified in (a)1i, ii, [and] iii, **iv and v** below:

i.-iii. (No change.)

iv. An owner or operator may meet the liability requirements of this section by using the corporate guarantee for liability coverage, as specified in (g) below.

v. An owner or operator may demonstrate the required liability coverage through the use of both the corporate guarantee and insurance as these mechanisms are specified in this section. The amounts of coverage demonstrated shall total at least the minimum amounts required by (a)1 above.

(b) Coverage for nonsudden accidental occurrences shall meet the following requirements:

1. An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste, or a group of such facilities, [must] **shall** demonstrate financial responsibility for bodily injury or property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator [must] **shall** have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs. This

liability coverage may be demonstrated in one of [three] five ways as specified in (b) i, ii, [and] iii, iv, and v below:

i.-iii. (No change.)

iv. An owner or operator may meet the requirements of this section by using the corporate guarantee for liability coverage as specified in (g) below.

v. An owner or operator may demonstrate the required liability coverage through the use of both corporate guarantee and insurance as these mechanisms are specified in this section. The amounts of coverage demonstrated shall total at least the minimum amounts required by (b) 1 above.

[iv.-v.]-vi.-vii. (No change in text.)

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

(f) Requirements for the use of the financial test for liability coverage are as follows:

1. An owner or operator may satisfy the requirements of this section by demonstrating that [he passes] they pass a financial test, as specified in [(f) of] this subsection. To pass this test the owner or operator [must] shall meet the criteria of either (f) i or [(f) i] ii below:

i. The owner or operator [must] shall have:

(1) Net working capital and tangible net worth each at least six times the total amount of obligations in the United States consisting of closure costs, post-closure costs, UIC plugging and abandonment costs, and liability coverage [to be demonstrated by this test] not guaranteed by another financial mechanism such as insurance, surety bonds, or trust funds; and

(2) Tangible net worth of at least \$10 million; and

(3) Assets in the United States amounting to either:

(A) At least 90 percent of [his] the owner's or operator's total assets; or

(B) At least six times the total amount of obligations in the United States consisting of closure costs, post-closure costs, UIC plugging and abandonment costs, and liability coverage [to be demonstrated by this test]; or

ii. The owner or operator [must] shall have:

(1) A current rating for [his/her] the owner's or operator's most recent bond issuance of AAA, AA, A or BBB, as issued by Standard and Poor's, or Aaa, Aa, A or Baa, as issued by Moody's; and

(2) Tangible net worth of at least \$10 million; and

(3) Tangible net worth at least six times the total amount of obligations in the United States consisting of closure costs, post-closure costs, UIC plugging and abandonment costs, and liability coverage [to be demonstrated by this test]; and

(4) Assets in the United States amounting to either:

(A) At least 90 percent of [his] the owner's or operator's total assets; or

(B) At least six times the total amount of obligations in the United States consisting of closure costs, post-closure costs, UIC plugging and abandonment costs, and liability coverage [to be demonstrated by this test].

2.-7. (No change.)

AGENCY NOTE: See the November 7, 1988 New Jersey Register at 20 N.J.R. 2650(a) for a pending proposed amendment including many of the changes proposed for subsection (f). As the proposed language does not conflict, it will be reconciled as the amendments are adopted.

(g) Requirements for the use of the corporate guarantee for liability coverage shall be as follows:

1. Subject to (g)2 below, an owner or operator may meet the liability coverage requirements by submitting for Department approval a written guarantee, hereinafter referred to as a "corporate guarantee," obtained from a guarantor. The guarantor shall be the parent corporation of the owner or operator, and the guarantor shall meet the requirements for an owner or operator in (f)1 through 7 above. The wording of the corporate guarantee shall be identical to the wording in N.J.A.C. 7:26-9 Appendix A. A certified copy of the corporate guarantee shall accompany the items sent to the Department as specified in (f)3 above. The terms of the corporate guarantee shall provide that:

i. If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences, or both

as the case may be, arising from the operation of the facility(ies) covered by this corporate guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to have arisen from such injury or damage, the guarantor shall pay the amount up to the limits of coverage.

ii. The corporate guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Department. This guarantee shall not be terminated unless and until the owner or operator obtains and the Department approves alternate liability coverage complying with (a) and/or (b) above.

2. Every corporate guarantee submitted to the Department shall include a separate legal certification by outside counsel that the corporation has the power and authority to issue and abide by the corporate guarantee and that the guarantee does not conflict with any common law, statutes, rules, regulations, codes, certificates of incorporation, charters, bylaws or other legal or equitable requirements or prohibitions applicable to the corporate parent guarantor and its subsidiary which is the subject of the corporate guarantee.

i. In the case of corporations incorporated in the United States, but not in New Jersey, a corporate guarantee may be used to satisfy the requirements of this section only if the Attorney General(s) or Insurance Commissioner(s) of both the state in which the guarantor is incorporated and each state in which a facility is covered by any guarantee of the guarantor is located have submitted to the United States Environmental Protection Agency a written statement that a corporate guarantee executed as described in 40 C.F.R. §§264.147(g) and 264.151(h)(2) is a legally valid and enforceable obligation in the state(s). A copy of such statement(s) shall be furnished to the Department by the guarantor.

ii. In the case of corporations incorporated outside of the United States, a corporate guarantee may be used to satisfy the requirements of this section only if:

(1) The non-United States corporation has identified a registered agent for service of process in each state in which a facility covered by any guarantee is located, including New Jersey, and in the state in which it has its principal place of business; and

(2) The Attorney General or Insurance Commissioner of each state in which a facility covered by any guarantee is located and the state in which the guarantor corporation has its principal place of business has submitted to the United States Environmental Protection Agency a written statement that a corporate guarantee executed as described in 40 C.F.R. §§264.147(g) and 264.151(h)2 is a legally valid and enforceable obligation in that state. A copy of such statement shall be furnished to the Department by the guarantor.

7:26-9 Appendix A

Appendix A. Wording of the Instruments [(See 40 Code of Federal Regulations 264.15)]

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

(f) A letter from the chief financial officer, as specified in N.J.A.C. 7:26-9.13(f) and (g) [must] shall be worded as follows, except that instructions in [brackets] parentheses are to be replaced with the relevant information and the [brackets] parentheses deleted:

Letter from Chief Financial Officer [()] to demonstrate liability coverage [or to demonstrate both liability coverage and assurance of closure or post-closure care].

(Address to the New Jersey Department of Environmental Protection.)

I am the chief financial officer of [(owner's or operator's)] corporation's name and address). This letter is in support of the use of the financial test (include "for the guarantee" if applicable) to demonstrate financial responsibility for liability coverage, as specified in N.J.A.C. 7:26-9.1 et seq.] 9.13(f) and (g).

(Fill out the following paragraphs regarding facilities and liability coverage. If there are no facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, include its EPA Identification Number, name and address).

(Include one of the two immediately following paragraphs. The first paragraph is for the financial test alone. The second paragraph is for the corporate guarantee.)

The [owner or operator] firm identified above is the owner or operator of the following facilities in New Jersey for which liability coverage for (insert "sudden" or "nonsudden" or "both sudden and nonsudden") accidental occurrences is being demonstrated through the financial test specified in N.J.A.C. 7:26-9.1 et seq.] 9.13 (List each facility by EPA Identification Number, name, and address.)

The corporation identified above guarantees, through the corporate guarantee specified in N.J.A.C. 7:26-9.13(g), liability coverage for (insert "sudden" or "nonsudden" or "both sudden and nonsudden") accidental occurrences at the following facilities in New Jersey owned or operated by the following subsidiaries of the corporation: (List each facility by EPA Identification Number, name, and address.)

In states where New Jersey is not administering the financial requirements for the closure or post-closure care, UIC plugging and abandonment costs, and liability coverage, this firm is demonstrating financial assurance responsibility for the following facilities through the use of a test equivalent to or substantially equivalent to the financial test specified in N.J.A.C. 7:26-9.13 or any corporate guarantee(s) used in any state. The current closure or post-closure estimates, UIC plugging and abandonment costs and liability coverage covered by such a test are shown for each facility: (List each facility by EPA Identification Number, name, address, type of obligation, amount of obligation, mechanism used to meet the obligation, and the holder of the obligation.)

This [owner or operator] firm (insert "is required" or "is not required") to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this [owner or operator] firm ends on (month, day). The figures for the following items marked with an asterisk are derived from this [owner's or operator's] firm's independently audited, year-end financial statements for the latest completed fiscal year, ended (date).

Alternative I

1.-11. (No change.)

Alternative II

1.-10. (No change.)

I hereby certify that the wording of this letter is identical to the wording specified in N.J.A.C. 7:26-9 [(Appendix A)](f), as such regulations were constituted on the date shown immediately below:

(Signature)

(Name)

(Title)

(Date)

AGENCY NOTE: See the November 7, 1988 New Jersey Register for a pending proposed amendment to Appendix A subsection (f) which includes many of the changes proposed herein. As the proposed languages does not conflict, it will be reconciled as the amendments are adopted.

(g) A corporate guarantee, as specified in N.J.A.C. 7:26-9.13, shall be worded as follows, except the instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

Corporate Guarantee for Liability Coverage

Guarantee is made this (date) by (name of guaranteeing entity), a business corporation organized under the laws of (if incorporated within the United States "the State of _____" and insert name of state, if incorporated outside the United States, insert the name of the country in which incorporated, the principal place of business within the United States, and the name and address of the corporation's registered agent in the state of the principal place of business), herein referred to as guarantor. This guarantee is made on behalf of our subsidiary (owner or operator) of (business address), to any and all third parties who have sustained or may sustain bodily injury or property damage caused by (sudden and/or nonsudden) accidental occurrences arising from operation of the facility(ies) covered by this guarantee.

Recitals

1. Guarantor meets or exceeds the financial test criteria in N.J.A.C. 7:26-9.13(f) and agrees to comply with the reporting requirements for guarantors as specified in N.J.A.C. 7:26-9.13(g).

2. (Owner or operator) owns or operates the following hazardous waste management facility(ies) covered by this guarantee: (List for each facility: EPA Identification Number, name, and address, and if guarantor is incorporated outside the United States, list the name and address of the guarantor's registered agent in each state where a facility covered by this guarantee is located.). This corporate guarantee satisfies the New Jersey Solid Waste Management Act third-party liability requirements for (insert "sudden" or "nonsudden" or "both sudden and nonsudden") accidental occurrences in above-named owner or operator facilities for coverage in the amount of (insert dollar amount) for each occurrence and (insert dollar amount) annual aggregate.

3. For value received from (owner or operator), guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by (sudden and/or nonsudden) accidental occurrences arising from operations of the facility(ies) covered by this guarantee that in the event that (owner or operator) fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by (sudden and/or nonsudden) accidental occurrences, arising from the operation of the above-named facilities, or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor shall satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage identified above.

4. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the NJDEP Commissioner and to (owner or operator) that the guarantor intends to provide alternate liability coverage as specified in N.J.A.C. 7:26-9.13, as applicable, in the name of (owner or operator). Within 120 days after the end of such fiscal year, the guarantor shall establish such liability coverage unless (owner or operator) has done so.

5. The guarantor agrees to notify the NJDEP Commissioner by certified mail of a bankruptcy proceeding, voluntary or involuntary, under 11 U.S.C. §101 et seq., naming guarantor as debtor, within 10 days after commencement of the proceeding.

6. Guarantor agrees that within 30 days after being notified by the NJDEP Commissioner of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor, he shall establish alternate liability coverage as specified in N.J.A.C. 7:26-9.13 in the name of (owner or operator), unless (owner or operator) has done so.

7. Guarantor reserves the right to modify this agreement only to address amendment or modification of, so as to remain in compliance with, the liability requirements set by the State of New Jersey for hazardous waste facilities as specified in N.J.A.C. 7:26-9.13. Any such modification of this agreement shall only become effective if and when it is approved by the Commissioner.

8. Guarantor agrees to remain bound under this guarantee for so long as (owner or operator) shall be subject to the applicable requirements of N.J.A.C. 7:26-9.13 for the above-listed facility(ies), except as provided in paragraph 9 of this agreement.

9. Guarantor may terminate this guarantee by sending notice by certified mail to the NJDEP Commissioner and to (owner or operator), provided that this guarantee may not be terminated unless and until (the owner or operator) obtains, and the NJDEP Commissioner approves alternative liability coverage complying with N.J.A.C. 7:26-9.13.

10. Guarantor hereby expressly waives notice of acceptance of this guarantee by any party.

11. Guarantor agrees that this guarantee is in addition to and does not affect any other responsibility or liability of the guarantor with respect to the covered facilities.

12. Exclusions

This corporate guarantee does not apply to:

i. Bodily injury or property damage for which the owner or operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the owner or operator would be obligated to pay in the absence of the contract or agreement.

ii. Any obligation of the owner or operator under a worker's compensation, disability benefits, or unemployment compensation law or any similar law.

iii. Bodily injury to:

(A) An employee of the owner or operator arising from, and in the course of, employment by the owner or operator; or

(B) The spouse, child, parent, brother, or sister of that employee as a consequence of, or arising from, and in the course of, employment by the owner or operator above.

This exclusion applies:

(1) Whether the owner or operator may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in paragraphs (A) and (B) above.

iv. Bodily injury or property damage arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle or watercraft.

v. Property damage to:

(A) Any property owned, rented, or occupied by the owner or operator;

(B) Premises that are sold, given away or abandoned by the owner or operator if the property damage arises out of any part of those premises;

(C) Property loaned to the owner or operator;

(D) Personal property in the care, custody or control of the owner or operator;

(E) That particular part of real property on which the owner or operator or any contractors or subcontractors working directly or indirectly on behalf of the owner or operator are performing operations, if the property damage arises out of these operations.

I hereby certify that the wording of this guarantee is identical to the wording specified in N.J.A.C. 7:26-9 Appendix A(g) and agree to be bound by the terms herein.

Effective date:

(Name of guarantor)

(Authorized signature of guarantor)

(Name of person signing)

(Title of person signing)

Signature of witness or notary:

13. The following is an example of the certification of acknowledgement which must accompany the corporate guarantee as specified in this subchapter.

State of _____

County of _____

On this (date), before me personally came (name of officer representing the guarantor) known to me, who, being by me duly sworn, did depose and say that she/he resides at (address), that she/he is (title) of (corporation), the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

(Signature of Notary Public)

(h) (Reserved)

(i)-(j) (No change.)

(a)

DIVISION OF ENVIRONMENTAL QUALITY

Radiation Laboratory Fee Schedule

Proposed Repeals and New Rules: N.J.A.C. 7:28-5

Authorized By: Christopher J. Daggett, Acting Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 13:1B-3, 13:1D-9, 58:12A-1 et seq., and N.J.S.A. 26:2D-1 et seq., specifically N.J.S.A. 58:12A-4, 58:12A-9h and p, and N.J.S.A. 26:2D-91.

DEP Docket Number: 012-89-03.

Proposal Number: PRN 1989-172.

A public hearing concerning these proposed repeals and new rules will be held on:

April 19, 1989 at 10:00 A.M.
Department of Environmental Protection
Radiation Protection Element
Large Conference Room
729 Alexander Road
Princeton, N.J.

Submit written comments by May 3, 1989 to:
Mark Wenzler
Division of Regulatory Affairs
Department of Environmental Protection
CN 402
Trenton, N.J. 08625

The agency proposal follows:

Summary

The Radiation Protection Act, N.J.S.A. 26:2D-1 et seq., established New Jersey's Radiological Health Program, which was transferred from the State Department of Health to the Bureau of Radiation Protection in the Department of Environmental Protection (hereinafter, the Department). The Radiation Section of the Department's Bureau of Radiation and Inorganic Analytic Services (hereinafter, the Department's radiation laboratory) is one of the few laboratories in New Jersey certified by the U.S. Environmental Protection Agency to perform the annual radioisotopic analysis of drinking water samples required under the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.

The Department is proposing to repeal the existing radiation laboratory fee schedule and replace it with a new fee schedule which will cover the Department's costs in providing the required analytical services to suppliers of water.

The Legislature in the Safe Drinking Water Act declared that it is a paramount policy of the State to protect the purity of the water we drink and that the maintenance of high-quality potable water is essential in order to safeguard the health and welfare of the people of the State. The Safe Drinking Water Act defines contaminant to include any radiological substance or matter in water. The Safe Drinking Water Act rules, N.J.A.C. 7:10, adopted in total the current National Primary Drinking Water Regulations (40 CFR, Part 141), including all Federal requirements pertaining to maximum contaminant levels, monitoring and analytical requirements, and reporting as the New Jersey Primary Drinking Water Regulations. Among the requirements imposed on the suppliers of water by the New Jersey Primary Drinking Water Regulations is a monitoring requirement for radioactivity in community water systems which specifies that compliance be based on the analysis of water samples by a certified laboratory.

Both the Radiation Protection Act, at N.J.S.A. 26:2D-91, and the Safe Drinking Water Act, at N.J.S.A. 58:12A-9h and p, authorize the Department to establish and collect fees, in accordance with a fee schedule adopted as a rule, for the services it performs. While N.J.S.A. 58:12A-9p indicates that the fees should cover the estimated costs of administering and enforcing the programs, including laboratory analysis, only to the extent that the costs are not available from the Safe Drinking Water Fund, it is noted that the Safe Drinking Water Fund is not adequately funded to cover the Department's costs in this program. Also, it would be inappropriate to fund the Department's cost for this program from the Safe Drinking Water Fund as the Department's radiation laboratory is acting as a commercial laboratory in performing the required analyses, as only a few laboratories in New Jersey have been certified by the U.S. Environmental Protection Agency to perform the required radiological testing of water samples.

The current radiation laboratory fee schedule has not been updated in over 10 years, and no longer covers the cost of the monitoring services the Department's radiation laboratory performs. It should be noted that in addition to performing the required analyses, the Department's radiation laboratory also reports the results of the analysis to the Department's Bureau of Potable Water in accordance with the Safe Drinking Water Act. The proposed rules will not only bring the radiation laboratory fee schedule into line with the Department's current costs for providing the required analyses, but will also cover the cost of reporting the results of the analyses to the Bureau of Potable Water.

In addition, several new analyses and fees appear in the proposed rules. The fee for gamma-ray spectroscopy was inadvertently omitted from the existing fee schedule, and separate fees are now provided for the Strontium-89 and 90 and Strontium-90 tests which should have been listed separately on the existing fee schedule. Other new fees are being proposed to cover the analyses for Uranium and Radon, as the U.S. Environmental Protection Agency anticipates requiring such testing within the next 12 to 18 months, and some suppliers of water from public water systems have already requested that such analyses be conducted by the Department.

Also, new fees are being proposed to cover priority scheduling of requests by water suppliers seeking expedited analyses of samples. Customers requesting immediate testing will be charged an additional fee equal to 50 percent of the normal test fee per sample, and customers requesting emergency testing will be charged an additional fee equal to 100 percent of the normal test fee per sample. These additional priority scheduling fees reflect the increased cost to the Department of conducting such expedited and unscheduled analyses. Not only will the Department incur overtime salary expenses for its laboratory personnel, but it will also be unable to process expedited samples in batches as is normally the case for the analysis of samples received pursuant to the Department's established sample delivery schedules. The turnaround times for priority analysis of samples depend, of course, on the type of analysis being conducted and are provided in N.J.A.C. 7:28-25.4(b).

Finally, a new container fee of \$10.00 is being proposed for each sample submitted to the Department for analysis to cover the cost of the container, along with the Department's costs of handling and storing the sample. To meet the monitoring requirements of the New Jersey Primary Drinking Water Regulations, the Department intends to perform analysis of an annual composite of four consecutive quarterly samples as permitted by the Safe Drinking Water Act rules whenever possible, rather than using the alternative method of averaging the analyses of four samples obtained at quarterly intervals. Therefore, the Department will be receiving and storing quarterly samples and conducting only one analysis of an annual composite in order to reduce costs to both the Department and the regulated community. In addition, when an annual record has established that the average annual concentration is less than half the maximum contaminant level permitted, the Department intends to exercise its discretion under the New Jersey Primary Drinking Water Regulations to analyze a single yearly sample, rather than following the usual quarterly sampling procedures.

Social Impact

The proposed new rules will have a positive social impact in that the fees paid by the suppliers of water from public water systems for monitoring of radioactivity will reflect the actual or projected costs of the Department in providing this service. Radiological testing of water samples will thus continue to ensure that the public is not exposed to radioactive material in drinking water in excess of the maximum contaminant levels permitted by the New Jersey Primary Drinking Water Regulations.

Economic Impact

The fees imposed by these proposed new rules are expected to cost the regulated community between \$35,000 and \$50,000 annually. The fees assessed to administer the radiological testing of water samples will provide the necessary funds to proportionally support five positions within the Department involved on a part-time basis with this activity, and the associated program costs as follows:

Safe Drinking Water Program Staff

	Percentage of Time	Salary (\$)
Section Chief	5	2,000.00
Radiation Chemist I	15	6,750.00
Radiation Physicist III	15	3,750.00

Senior Laboratory Technician	15	4,200.00
Senior Laboratory Assistant	10	1,500.00
Estimated Salaries		18,200.00
Employee Benefits (16%)		2,912.00
Indirect Costs (5%)		910.00
Assessment (5%)		1,101.00
		<u>23,123.00</u>

Program costs

Printing and Office	1,000.00
Scientific Instrumentation	6,000.00
Scientific Supplies	4,500.00
Postage	2,000.00
Quality Control	3,000.00
	<u>16,500.00</u>

Estimated Totals

Salaries (with employee benefits, indirect costs and assessment)	23,123.00
Program Costs	16,500.00
	<u>\$39,623.00</u>

All suppliers of water from a public water system will be impacted by these fees. The Department anticipates that this increase in the existing fees and the establishment of new fees for additional analyses, priority testing and container handling will enable it to cover the Department's costs in providing the required analytical services to suppliers of water. However, for some suppliers of water the cost for water analyses required by N.J.A.C. 7:18-1.5 may actually decrease. This is a possibility because the past practice of averaging the separate analyses of four quarterly samples will now be replaced by either the analysis of an annual composite of the four quarterly samples or the analysis of a single yearly sample when the requirements of the New Jersey Primary Drinking Water Regulations are satisfied and the Department considers such monitoring appropriate. As an example, under the present fee schedule, the cost for four gross alpha and beta analyses of quarterly samples analyzed individually is \$150.00. Under the proposed fee schedule, the cost for gross alpha and beta analysis of one composite sample comprised of four quarterly samples will be only \$100.00, and the analysis of a single yearly sample will be only \$70.00. The actual cost of compliance to suppliers of water will, of course, depend on the types of analyses required, the results of the required analysis and any follow up or additional analyses either required by the Department or requested by the supplier of water.

Environmental Impact

Clean water and reliable water quality is essential to the health and welfare of New Jersey's residential and business community. Through proper monitoring of the State's water supply systems, all citizens will be able to rely upon having a sufficient supply of clean water to serve their needs. The fees in the proposal contribute to the ability of the Department to provide the necessary radioanalytical services required to protect this natural resource and to ensure the quality of drinking water.

Regulatory Flexibility Statement

The proposed new rules will apply to all suppliers of water from public water systems in the State of New Jersey. It is estimated that of the total number of suppliers of water impacted by these rules, approximately 300 systems employ fewer than 100 full time employees and thus are "small businesses" as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and will be impacted. In order to comply with these rules the small businesses will have to pay the fees established by the rules to cover the Department's cost of monitoring their water systems for radioactivity. It is unlikely that small businesses will need any additional professional services. It is expected that no initial capital costs for small businesses will be incurred and that the annual costs of compliance will range between \$90.00 and \$520.00, depending on the results of the required analysis and any follow up or additional analyses either required by the Department or requested by the supplier of water. In developing these rules, the Department has balanced the need to protect the environment against the economic impact of the proposed rules and has determined that to minimize the impact of the rules would endanger the environment, public health and public safety and, therefore, no exemption from coverage is provided.

Full text of the rules proposed for repeal can be found in the New Jersey Administrative Code at N.J.A.C. 7:28-25.

ENVIRONMENTAL PROTECTION

PROPOSALS

Full text of the proposed new rules follows:

SUBCHAPTER 25. RADIATION LABORATORY FEE SCHEDULE

7:28-25.1 Scope

This subchapter establishes the Department's fee schedule for conducting various radioanalytical services in the monitoring of public water systems for radioactivity in accordance with the New Jersey Primary Drinking Water Regulations, N.J.A.C. 7:10-5.

7:28-25.2 Definitions

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

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

"Public community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Public noncommunity water system" means a public water system that is not a community water system.

"Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system".

"Supplier of water" means any person who owns or operates a public water system.

"Water system" means a system for providing potable water to any person.

7:28-25.3 Terms and conditions for use of the State radiation protection laboratory radioanalytical services

(a) Any supplier of water wishing to utilize the State radiation protection laboratory for the purpose of monitoring a public water system for radioactivity shall apply, in writing, to the address listed below for a sample delivery schedule to be established by the State laboratory:

New Jersey Department of
Environmental Protection
Radiation Protection Laboratory
CN 411
380 Scotch Road
Trenton, New Jersey 08625

(b) The laboratory shall provide appropriate containers to the suppliers of water for use in submitting water samples. No samples will be accepted without prior approval from the laboratory, and only those samples delivered in laboratory provided containers will be accepted and analyzed by the laboratory.

(c) Suppliers of water desiring priority analysis and reporting of water samples may request expedited services as follows:

1. Immediate testing, that is, analysis and reporting of results within the three to 25 day turnaround times specified in N.J.A.C. 7:28-25.4(b).

2. Emergency testing, that is, analysis and reporting of results within the one to 21 day turnaround times specified in N.J.A.C. 7:28-25.4(b).

3. The laboratory will charge an additional fee for such expedited analysis as provided in N.J.A.C. 7:28-25.4(a).

7:28-25.4 Fees for radioanalytical services

(a) The fees for radioanalytical services, priority analysis, and containers are as follows:

Test	Fee (\$)
Gross Alpha	50.00
Gross Beta	50.00
Gross Alpha & Beta	60.00
Tritium	60.00
Radium-226	80.00
Radium-228	140.00
Iodine-131	130.00
Strontium-90	140.00
Cesium-134 and 137	100.00
Strontium-89 and 90	140.00
Uranium	180.00
Radon-222	20.00
Gamma-ray Spectroscopy	95.00

Priority Analysis

Immediate	+50 percent of prescribed fee per sample
Emergency	+100 percent of prescribed fee per sample

Container Fee

10.00 per sample

(b) The priority analysis turnaround times (in days from sample receipt by the Department) are as follows:

Test	Immediate Priority	Emergency Priority
Gross Alpha	5	2
Gross Beta	5	2
Gross Alpha & Beta	5	2
Tritium	4	2
Radium-226	25	18
Radium-228	12	8
Iodine-131	7	4
Strontium-90	25	21
Cesium-134 and 137	7	3
Strontium-89 and 90	25	21
Uranium	10	5
Radon-222	3	1
Gamma-ray Spectroscopy	5	1

7:28-25.5 Payment of fees

Payment of fees shall be made by check or money order, payable to "Treasurer, State of New Jersey", no later than 60 days following the date of the laboratory invoice, to the following address:

Department of Environmental Protection
Bureau of Revenue
CN 402
25 Scotch Road
Trenton, N.J. 08625

(a)

**DELAWARE AND RARITAN CANAL COMMISSION
Delaware and Raritan Canal State Park Review Zone
Proposed Amendments: N.J.A.C. 7:45-1.2, 1.3, 2.6,
4.1, 11.1, 11.2, 11.3, 11.4 and 11.5**

Proposed New Rules: N.J.A.C. 7:45-2.11, 6 and 9

Authorized By: Christopher J. Daggett, Acting Commissioner,
Department of Environmental Protection, and Delaware and
Raritan Canal Commission, Benjamin B. Kirkland, Chairman.
Authority: N.J.S.A. 13:13A-10.

DEP Docket Number: 011-89-03

Proposal Number: PRN 1989-170.

Submit written comments by June 5, 1989 to:

Donald J. Stout
Division of Regulatory Affairs
Department of Environmental Protection
CN 402
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The "Delaware and Raritan Canal State Park Law of 1974," N.J.S.A. 13:13A-1 et seq., (the "Act") created the Delaware and Raritan Canal State Park (the "Park") and established the Delaware and Raritan Canal Commission (the "Commission") to plan for and protect the Park. The Act authorizes the Commission to prepare and adopt a master plan for the development and protection of the Park and to delineate a review zone within which the Commission will review public and private projects that might adversely affect the Park to determine their conformity with the master plan.

New Delaware and Raritan Canal State Park Review Zone Rules were proposed on January 4, 1988 at 20 N.J.R. 23(a). The proposal specified the procedures, standards and scope of review by the Commission to implement its responsibility under the Act to review public and private projects that might have an adverse affect on the Park. The proposed rules consisted essentially of a readoption of rules that had expired on January 11, 1985 pursuant to Executive Order No. 66 (1978) and an expansion of the Commission's scope of review of major public and private projects to include stream corridor impact and traffic impact. The Department of Environmental Protection (the "Department") adopted the new rules effective February 6, 1989 at 21 N.J.R. 324(a), but because of the substantive changes made in response to comments received, the Department did not adopt the proposed rules pertaining to stream corridor impact and traffic impact.

The Department proposes new rules pertaining to stream corridor impact, N.J.A.C. 7:45-6, and traffic impact, N.J.A.C. 7:45-9. The proposed new rules include revisions drafted in response to comments received on the former proposal.

Under N.J.A.C. 7:45-6, the Department proposes to review major projects as defined at N.J.A.C. 7:45-1.2 for their impact on stream corridors of designated streams within the Review Zone. Pursuant to N.J.A.C. 7:45-6.1(a), all major projects within the Review Zone shall be subject to review by the Commission for stream corridor impact if any part of the project is located in the stream corridor for the following designated streams:

- | | |
|---------------------------|-----------------------|
| 1. Alexauken Creek | 10. Moore's Creek |
| 2. Beden's Brook | 11. Shabakunk Creek |
| 3. Duck Pond Run | 12. Shipetauken Creek |
| 4. Fiddler's Creek | 13. Simonson Creek |
| 5. Heathcote Brook | 14. Six Mile Run |
| 6. Jacob's Creek | 15. Stony Brook |
| 7. Little Shabakunk Creek | 16. Swan Creek |
| 8. Lockatong Creek | 17. Ten Mile Run |
| 9. Millstone River | 18. Wickechoke Creek |

The list of designated streams is based upon an analysis of the sizes of the watersheds of all streams that are connected with the Park. The Commission proposes to designate corridors only on those streams that have a significant impact on the Park. In selecting streams for inclusion in the list of streams in N.J.A.C. 7:45-6.1(a) designated for stream corridor impact review, the Department determined that where a stream drains a watershed of not less than two square miles, that stream would have a significant impact on the Park. In evaluating stream impact on the Park, the Commission determined not to limit its review only to streams that are tributary to the Canal since nearly all the streams that have a significant impact on the Park flood into the Canal during storms and all of the streams affect the Park's ability to function as a natural area. The time of greatest potential pollution of a stream and ultimately the Canal is when the stream is flooded and flowing into the Canal.

The Department proposes to limit the geographic extent to which a designated stream and its tributaries will be subject to stream corridor impact review to up to the point where the designated stream and each tributary drains 50 acres. This limitation is consistent with the Department's Stream Encroachment Program (see N.J.A.C. 7:13). Accordingly, the Department proposes to amend N.J.A.C. 7:45-1.2 to include the following definition:

"Stream corridor" means a stream designated in N.J.A.C. 7:45-6.1(a), including any tributary from the point where it feeds into the designated stream up to the point where the tributary drains 50 acres, all of the land within the 100 year flood line on either side of the designated stream and any tributary to the extent included in the stream corridor, and all of the land within a 100 foot wide buffer around the 100 year flood line on either side of the designated stream and any tributary to the extent included in

the stream corridor from the point where the designated stream feeds into the Park up to the point where the designated stream drains 50 acres.

By using the 50 acre criteria to determine the geographic extent to which the stream corridor impact review will be applied, the Department eliminates the possibility of applying the review to a drainage ditch or a stream which only contains water after a rain storm. The protection of the stream above the 50 acre drainage point is important to the health of the stream and may be effected by the Freshwater Wetlands Program under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq., and rules of implementation at N.J.A.C. 7:7A.

The preservation of stream corridors proposed in these rules is intended to achieve the objectives of N.J.A.C. 7:45 and the Master Plan, specifically, preservation of the Park's wildlife habitat and natural vegetation and the function of the Canal as a water supply system. Preservation of natural land within the stream corridors along the designated streams will have the following beneficial effect upon the stream:

1. Absorbs excess stormwater runoff before it reaches the stream;
2. Filters pollutants from surface flow before it reaches the stream;
3. Reduces the temperature of stream water;
4. Reduces bank scouring thereby reducing silt loads; and
5. Creates habitat, food and water for wildlife.

The width of the stream corridor proposed in these rules is intended to achieve the objectives of N.J.A.C. 7:45 and the master plan and be relatively simple for applicants and reviewers to locate. The 100 year flood line has been selected because the Federal Insurance Program recognizes it as a critical determinant for stream protection and because nearly all municipalities require that it be included on any plans submitted for review. By defining the stream corridor in relation to the 100 year flood line, the Department is consistent with the engineering requirements of most municipal approving agencies. A 100 foot buffer around all 100 year flood lines is proposed because scientific studies confirm that a 100 foot buffer around the 100 year flood line is the minimum effective travel space for animal migrations and dispersals of plant propagules. The buffer is also valuable for protecting water quality during times of flood when there is the greatest potential for pollutants entering the stream. A buffered flood plain affords greater opportunity for the pollutants in the storm water runoff to be filtered out before the runoff reaches the flood-swollen stream.

The proposed stream corridor impact rules at N.J.A.C. 7:45-6 are consistent with the statutory responsibility of the Commission to review any proposed public or private project within the Review Zone to determine the project's conformity with the Master Plan for the development and protection of the Park. The stream corridor provisions, however, are not consistent with other similar regulatory programs such as stream encroachment, flood hazard areas and freshwater wetlands because the goals and objectives of the Commission as defined in the Act are significantly different. The Commission is the only State agency specifically chartered with the protection of the unique characteristics of the Canal and the Park including protection of the Canal as a potable water supply source and of the Park as a wildlife habitat.

The Park is currently crossed by approximately 50 vehicular bridges and is paralleled by roads along most of its 60 mile length. The Department recognizes that if traffic patterns are permitted to develop without regard for the Park, it will lose its park-like serenity, it will fail as a natural area and its historic character will be lost. Consequently, in N.J.A.C. 7:45-9, the Department proposes to review for traffic impact, and the applicant will be required to submit a traffic impact study for all major projects in Zone A and all major projects in Zone B, any portion of which is located within one mile of any part of the Park and has direct access to a road that enters Zone A. In reviewing major projects, the Commission will consider the project's impact on roads that cross the Park or are in its immediate vicinity. If, as a result of its review of a project, the Commission determines that increased traffic generated by the project will have an adverse impact on the Park, the applicant shall be required to use feasible site planning techniques that direct any increased traffic away from the Park.

The proposed amendment to N.J.A.C. 7:45-1.2 adds the definition of stream corridor.

N.J.A.C. 7:45-1.3 is proposed to be amended to include stream corridor impact and traffic impact review within the scope of review of governmental and private projects in the Review Zone.

The Department proposes to amend N.J.A.C. 7:45-2.6 to provide that within 20 calendar days after receipt of an application in the Office of the Commission, the Commission staff shall review the application and

either notify the applicant that the application is complete or what additional items are required to be submitted for a complete application. If no action is taken by the Commission staff within said 20 day period, the application is deemed to be complete. The Department proposes to increase the review period from five working days under the existing rules to 20 days to provide the Commission a reasonable amount of time to perform its responsibilities under the proposal to determine whether the application is complete and notify the applicant. The 20 day period is appropriate in light of the proposal that the application be automatically deemed complete if no action is taken by the Commission within said 20 day period.

New N.J.A.C. 7:45-2.11 provides that any private project which has received preliminary site plan or preliminary subdivision approval from the appropriate municipal approving agency prior to the effective date of N.J.A.C. 7:45-2.11 shall be exempt from review by the Commission under N.J.A.C. 7:45-6 and 9.

N.J.A.C. 7:45-4.1 is proposed to be amended to allow a request for an adjudicatory hearing when the Commission denies, approves or approves with conditions a waiver request under N.J.A.C. 7:45-11 as well as a project under N.J.A.C. 7:45-2.8.

New N.J.A.C. 7:45-6 sets forth the purpose and scope of the Commission's review of major projects for their impact on the stream corridors of designated streams. It establishes permitted, prohibited and conditional uses within the stream corridors.

New N.J.A.C. 7:45-9 provides for the review of major projects in Zone A of the Review Zone, or major projects in Zone B of the Review Zone that are within one mile of any portion of the Park and have direct access to a road which enters Zone A, for their impact on roads that enter the Park or any part of Zone A of the Review Zone. This subchapter also sets forth standards for the review of new crossings of the Canal and proposals for new roads or improvements of roads within the Review Zone.

Existing N.J.A.C. 7:45-11.1 to 11.5 have been proposed for recodification as N.J.A.C. 7:45-11.6 to 11.10.

New N.J.A.C. 7:45-11.1 establishes that the purpose of a waiver of governmental or private project review is to provide relief where strict adherence to the review procedure or to a specific requirement of this chapter will create an extreme economic hardship or where the waiver is necessary on the grounds that the project serves a compelling public need or where a specific impact review is not necessary.

New N.J.A.C. 7:45-11.2 establishes the procedures to be followed in the application for a waiver and the Commission's review of the waiver request.

New N.J.A.C. 7:45-11.3 sets forth the criteria that must be satisfied for approval of a waiver on the grounds of extreme economic hardship or compelling public need.

New N.J.A.C. 7:45-11.4 sets forth the criteria that must be satisfied in order for the Commission to approve a waiver of stream corridor impact review.

New N.J.A.C. 7:45-11.5 establishes the criteria that must be satisfied in order for the Commission to approve a waiver of traffic impact review.

Social Impact

The proposed new rules and amendments will allow the Commission to continue to encourage consideration of the natural and recreational resources of the Canal and the Park and to promote cooperation between the Commission, municipal, county and State reviewing agencies and private landowners and developers.

Economic Impact

The economic impact of the proposed rules is both an impact on the Commission in terms of the costs associated with administration of the rules and an impact on applicants in the form of costs associated with compliance with the proposed standards.

Neither the stream corridor review proposed in N.J.A.C. 7:45-6 nor the traffic impact review proposed in N.J.A.C. 7:45-9 will increase the number of projects to be reviewed by the Commission. Both subchapters affect only projects that are already subject to review under the existing rules at N.J.A.C. 7:45. The cost of reviewing projects for stream corridor and traffic impact will be inconsequential. No additional staff is needed.

The cost to applicants of complying with the submission requirements for stream corridor and traffic impact review should not be significant. Applicants for major projects are usually required by the municipal and county reviewing agencies to delineate the 100 year flood line on project site plans and to submit traffic impact studies as part of the project review. The Commission anticipates that the same traffic impact study required

by the municipal and county reviewing agencies will be sufficient for the Commission's review. For stream corridor impact review the Commission expects that the only extra expense for compliance with the submission requirements will be the cost of drawing the line on the project site plans delineating the 100 foot buffer.

The cost of complying with the traffic impact review if the Commission determines that the additional traffic will have an adverse impact on the Park should not significantly increase the cost of the project. The purpose of the Commission's review is to determine whether the additional traffic generated by the project will have an adverse impact on the Park and whether there are feasible on-site improvements that can be made by the applicant to direct the additional traffic away from the Park. The applicant's compliance with traffic impact review will take the form of implementation of feasible on-site improvements that will direct any additional traffic away from the Park. The applicant is not required to make off-site improvements. If the Commission is satisfied that there are no feasible on-site improvements other than as set forth in the proposed project that can direct additional traffic away from the Park, the project shall be approved for traffic impact review.

The cost to applicants of complying with the stream corridor review proposed in N.J.A.C. 7:45-6 is difficult to assess because there are many variable factors involved. Protecting stream corridors as proposed in this subchapter may mean that certain portions of a site that would otherwise be developable will have to be left undeveloped. In some cases, existing municipal or county ordinances or State laws or rules may already prohibit development within the designated stream corridor. In other cases, applicants may be allowed to use the land in the stream corridor to meet pertinent open space requirements of municipal ordinances. When the land in the stream corridor is used to satisfy open space requirements, applicants would not be losing developable land but would be revising the project site plan so that the open space is within the stream corridor. In some cases applicants can take credit for the land preserved in the stream corridor and increase the density of development on the rest of the site, reducing construction costs in the process. There may be instances, however, in which anticipated profits will be less because applicants will have to reduce the lot size for development.

When it is necessary to scale down the size of a project in order to comply with the proposed stream corridor rules, there are other factors that need to be considered in determining the value of a project. The value of a project is directly related to the quality of the environment in which the project is sited. It has been clearly established throughout central New Jersey and elsewhere that the preservation of environmentally sensitive land is an important contributing factor to the quality of life. The value of residential and non-residential property is decreased if there is no preserved land in the area.

There is also an economic impact on taxpayers when stream corridors are not preserved. The costs to the public are significant if remedies must be found for polluted water supply systems, for waterways that are silt-clogged, for lost wildlife habitat, and for increased flood damage.

Waivers granted pursuant to the proposed new rules at N.J.A.C. 7:45-11.1, 11.2 and 11.3 are intended to provide relief when strict adherence to the review procedure or to a specific requirement of N.J.A.C. 7:45 will create an extreme economic hardship or where the waiver is necessary on the grounds that the project serves a compelling public need or where a specific impact review is not necessary.

The proposed amendments of N.J.A.C. 7:45-1.2, 2.6 and 4.1 and the proposed new rule at N.J.A.C. 7:45-2.11 will not have an economic impact on the Commission or applicants.

Environmental Impact

The proposed stream corridor impact rules at N.J.A.C. 7:45-6 and the proposed traffic impact rules at N.J.A.C. 7:45-9 are directly related to the Commission's responsibility under the Act to review any proposed public or private project within the Review Zone to determine the project's conformity with the Master Plan for the development and protection of the Park. Preservation of the natural, historic and recreational resources of the Park as well as preservation of the Canal as a water supply system will be enhanced by requiring applicants to give due consideration to traffic impact and stream corridor preservation.

Although the approval of a waiver request pursuant to the proposed new rules at N.J.A.C. 7:45-11.1 and 11.2 and 11.3 may have some environmental impact, the Commission must review each waiver request and determine whether the extreme economic hardship or compelling public need justifies waiving a project's compliance with specific impact review requirements of N.J.A.C. 7:45.

Regulatory Flexibility Statement

The proposed new rules and amendments would apply to any person or governmental agency proposing to undertake construction within the review zone. It is estimated that of the 300 applications reviewed by the Commission in 1986, approximately 260 were submitted by "small business" as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and will be impacted. In order to comply with these proposed new rules, the small businesses will have to comply with the requirements set forth in the "Summary" above. In so doing, it is likely that small businesses will need the services of professional engineers and environmental consultants. However, small businesses will need the same services in order to comply with the requirements of the appropriate municipal and county reviewing agencies. It is expected that compliance with these proposed new rules will result in an increase in the cost of construction. In developing these proposed new rules, the Department has balanced the need to protect the environment of the Delaware and Raritan Canal State Park against the economic impact of the proposed new rules and has determined that to minimize the impact of the proposed new rules would endanger the environment, public health and public safety, and, therefore, no exemption from coverage is provided.

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

7:45-1.2 Definitions

As used in this chapter, the following words and terms shall have the following meanings:

"Stream corridor" means a stream designated in N.J.A.C. 7:45-6.1(a), including any tributary from the point where it feeds into the designated stream up to the point where the tributary drains 50 acres, all of the land within the 100 year flood line on either side of the designated stream and any tributary to the extent included in the stream corridor, and all of the land within a 100 foot wide buffer around the 100 year flood line on either side of the designated stream and any tributary to the extent included in the stream corridor from the point where the designated stream feeds into the Park up to the point where the designated stream drains 50 acres.

7:45-1.3 Scope of review

(a) In the Review Zone, the Commission shall review governmental and private projects which have the potential to cause an adverse impact on the Park including drainage, aesthetic and ecological factors. In addition, the Commission shall approve all State actions that impact on the Park. Each project and State action shall be reviewed for its conformance with the overall objectives of the Master Plan of the Delaware and Raritan Canal State Park and with the specific standards of this chapter. Review will address [two] four specific types of impact:

1. Storm drainage and water quality impact; [and]
2. Visual and natural quality impact[.];
3. Stream corridor impact; and
4. Traffic impact.

(b) In each case, the scope and depth of review will depend upon the size and location of the land-use activity.

1. Zone A:
 - i. Major projects are reviewed for storm drainage and water quality impact, [and] visual and natural quality impact, traffic impact, and major projects, any portion of which is located in any of the stream corridors designated in N.J.A.C. 7:45-6.1(a), are reviewed for stream corridor impact.
 - ii. (No change.)
2. In Zone B, major projects are reviewed for storm drainage and water quality impact. Major projects in Zone B, any part of which is within one mile of any portion of the Park and having direct access to a road which enters Zone A, are reviewed for traffic impact. Major projects, any portion of which is located in any of the stream corridors designated in N.J.A.C. 7:45-6.1(a), are reviewed for stream corridor impact.

7:45-2.6 Project review and decision

[a]The Commission shall declare the application complete within 5 working days after receipt of all forms, data, and documents required to be submitted under this chapter. Upon declaring the appli-

cation complete, the Commission shall notify the applicant by certified mail, shall notify the relevant municipal approving agency, and shall publish notice of the application in "The DEP Bulletin".]

(a) Within 20 days after the date that an application for project review is received in the Office of the Commission, the Commission staff shall review the application to determine if all the items required for a complete application have been submitted and take one of the following actions:

1. Notify the applicant by certified mail of any missing items required for a complete application; or
2. Notify the applicant by certified mail that the application is complete and notify the appropriate municipal approving agency.

(b) If no action is taken by the Commission staff within a period of 20 days from the date that an application for project review is received in the Office of the Commission, the application shall be deemed to be complete.

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

7:45-2.11 Private projects exempt from project review

Any private project which has received preliminary site plan or preliminary subdivision approval from the appropriate municipal approving agency prior to the effective date of this section shall be exempt from review by the Commission under N.J.A.C. 7:45-6 and 9.

7:45-4.1 Request for an adjudicatory hearing

(a) When the Commission denies, approves, or approves with conditions a project or waiver request, the notice of decision shall advise the applicant, municipality, municipal reviewing agency and those affected parties who specifically requested notice of the Commission's decision of the right to request a contested case hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The notice shall include the following:

1.-3. (No change.)

(b) Within 30 calendar days following the service of the notice of decision under N.J.A.C. 7:45-2.8 or N.J.A.C. 7:45-11.2(g), the applicant, municipality, municipal approving agency or an affected party may submit a request to the Commission for an adjudicatory hearing to contest the denial, approval, or approval with conditions of a project under N.J.A.C. 7:45-2.8 or a waiver request under N.J.A.C. 7:45-11.

(c) (No change.)

SUBCHAPTER 6. STREAM CORRIDOR IMPACT**7:45-6.1 Scope of review**

(a) Except for specific projects expressly waived by the Commission pursuant to N.J.A.C. 7:45-11, all major projects within Zone A or Zone B, or both, of the Review Zone shall be subject to review by the Commission for stream corridor preservation if the project includes a portion of any of the stream corridors of the following designated streams within the Review Zone:

- | | |
|----------------------------|------------------------|
| 1. Alexauken Creek; | 10. Moore's Creek; |
| 2. Beden's Brook; | 11. Shabakunk Creek; |
| 3. Duck Pond Run; | 12. Shipetaukun Creek; |
| 4. Fiddler's Creek; | 13. Simonson Creek; |
| 5. Heathcote Brook; | 14. Six Mile Run; |
| 6. Jacob's Creek; | 15. Stony Brook; |
| 7. Little Shabakunk Creek; | 16. Swan Creek; |
| 8. Lockatong Creek; | 17. Ten Mile Run; and |
| 9. Millstone River; | 18. Wickecheoke Creek. |

7:45-6.2 Submission requirements

(a) For all major projects within Zone A, or Zone B, or both, of the Review Zone and which include a portion of the stream corridor of any designated stream under N.J.A.C. 7:45-6.1(a), the applicant shall submit to the Commission a map of the project site delineating the stream corridor at a scale of one inch equals 200 feet and containing the following:

1. The 100 year flood line;
2. The 100 foot wide buffer along the 100 year flood line; and
3. The location of all improvements proposed to be located within the stream corridor.

7:45-6.3 Permitted uses within designated stream corridors

(a) In addition to preserving land in its natural state and only to the extent not prohibited at N.J.A.C. 7:45-6.4(a), only the following uses shall be permitted within the stream corridor of a stream designated in N.J.A.C. 7:45-6.1(a):

1. Any agricultural use or activity which does not require a permit from a municipal approving agency;
2. Wildlife sanctuary, woodland preserve, and arboretum, except facilities subject to damage by flooding; and
3. Game farms, fish hatcheries, or hunting and fishing reserves, operated for the protection and propagation of wildlife, but excluding enclosed structures.

7:45-6.4 Prohibited uses within stream corridors of designated streams

(a) The following uses shall be prohibited within a stream corridor of a stream designated in N.J.A.C. 7:45-6.1(a):

1. Construction of new structures, buildings and retaining walls;
2. On-site sewage disposal systems;
3. Any solid or hazardous waste facilities, as defined in N.J.A.C. 7:26, including but not limited to sanitary landfills, transfer stations, wastewater lagoons and impoundments;
4. Junk yards, commercial and industrial storage facilities and the open storage of vehicles and materials;
5. Barns, stables, feedlots, barnyards, poultry buildings, and farm waste disposal facilities; and
6. Parking facilities and roads that are parallel with the stream.

7:45-6.5 Conditional uses within stream corridors of designated streams

(a) The following uses shall be permitted within a stream corridor of a stream designated in N.J.A.C. 7:45-6.1(a) if the applicant demonstrates to the satisfaction of the Commission that the proposed use complies with the Master Plan and this chapter:

1. Recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing areas, hiking, bicycle and bridle trails, sport or boating clubs, not to include enclosed structures, but permitting piers, docks, floats or shelters usually found in developed outdoor recreational areas;
2. Outlet installation for sewage treatment plants and sewage pumping stations, and the expansion of existing sewage treatment facilities if the project meets all applicable provisions of this chapter and other Department rules;
3. Private or public water supply wells that have a sanitary seal, flood proofed water treatment facilities, or pumping facilities;
4. Quarrying, excavating, digging, dredging or grading, when incidental to permitted structures or uses including stream cleaning, and stream rehabilitation work undertaken to improve hydraulics or to protect public health;
5. Dams, culverts and bridges that have received approval from the appropriate municipal, county and State agencies having such authority;
6. Sanitary or storm sewers;
7. Detention or retention basins;
8. Utility transmission lines installed during periods of low stream flow in accordance with soil erosion and sediment control practices approved by the United States Soil Conservation Service and the State Soil Conservation Committee and in a manner which will not impede flows or cause ponding of water;
9. Structures, buildings and retaining walls comprising part of a regional flood retention project, water supply impoundments, culverts, or bridges; and
10. In the event of damage or destruction, in whole or in part, by fire, storms, natural hazards, or other acts of God, reconstruction of any existing building not resulting in a greater footprint or total area than that of the damaged or destroyed building and provided that no change in land use results. The reconstruction of a single family dwelling shall not be subject to review by the Commission under this subchapter.

7:45-6.6 Local stream corridor ordinance

When the Commission determines that a municipality or county has adopted a stream corridor ordinance that is more stringent than this subchapter, the Commission shall apply the standards set forth in the ordinance for the review of a project for stream corridor impact.

SUBCHAPTER 9. TRAFFIC IMPACT**7:45-9.1 Review of major projects for traffic impact**

The Commission shall review major projects in Zone A of the Review Zone, or major projects in Zone B of the Review Zone that are within one mile of any portion of the Park and have direct access to a road which enters Zone A, for their traffic impact on roads that enter the Park or any part of Zone A. The applicant shall submit a traffic impact study which shows the amount of additional traffic generated by the project and the directions in which this traffic will move. If the Commission determines that the additional traffic will have an adverse impact on the Park, the applicant shall use any feasible on-site planning techniques that will direct any additional traffic away from the Park. If the Commission is satisfied that there are no feasible on-site planning techniques other than as set forth in the project proposal that can direct any additional traffic away from the Park, the project shall be approved for traffic impact review.

7:45-9.2 Review of road construction, road improvements, and new traffic loads

(a) The Commission shall not approve projects that include new vehicular crossings of the Canal unless the applicant demonstrates to the satisfaction of the Commission that the project conforms with the following goals:

1. A new interstate or similar major road crossing shall relieve congestion on existing local vehicular crossings;
 2. Any new local vehicular crossing shall eliminate an existing local vehicular crossing;
 3. The materials, colors, size, and design of the vehicular crossing shall be compatible with the Park;
 4. Recreational access to the Park and recreational continuity within the Park shall be accommodated by new crossings;
 5. Noise retardation measures shall be utilized wherever appropriate; and
 6. Connections between new vehicular crossing roads and existing or new parallel roads shall not increase traffic flow on the parallel roads.
- (b) Proposals for new or improved roads in Zone A and Zone B of the Review Zone that are within one mile of any portion of the Park that will substantially increase vehicular traffic to roads adjacent to the Canal will not be approved unless the applicant can demonstrate to the satisfaction of the Commission that:
1. Recreational access to the Park is not impeded;
 2. Historic features of the Park are not adversely impacted;
 3. The ecological character of the Park is not adversely impacted; and
 4. The increased traffic will not have a visual or noise impact on the Park.

SUBCHAPTER 11. WAIVER OF GOVERNMENTAL AND PRIVATE PROJECTS REVIEW**7:45-11.1 Purpose**

This subchapter establishes procedures and standards pursuant to which the Commission may waive strict adherence to the review procedure or to a specific requirement of this chapter. Waivers granted pursuant to this subchapter are intended to provide relief where strict adherence to the review procedure or to a specific requirement of this chapter will create an extreme economic hardship or where the waiver is necessary on the grounds that the project serves a compelling public need or where a specific impact review is not necessary.

7:45-11.2 Procedure

(a) An applicant who wants to obtain a waiver shall submit a written request for waiver along with all materials required to be submitted for a complete project application including the materials that are required to be submitted for the specific review for which a waiver is requested. If during review of a project application it appears necessary to obtain a waiver, the applicant may apply for a waiver. Application for waiver shall stay the time period that may be set forth in this chapter for review of the project application pending resolution of the waiver request.

(b) In addition to the requirements in (a) above, an applicant requesting waiver of project review shall provide notice of the application as follows:

1. Notice shall be given to owners of all real property within 200 feet of the subject property. The applicant can obtain a certified list of property owners from the administrative office of the municipality in which the property is located; and

2. Notice shall be given by publication in the official newspaper of the municipality in which the property is located, if there is one, or in a newspaper of general circulation in the municipality.

(c) The notice in (b) above shall state:

1. The nature of the application pending before the Commission, including a description of the proposed development and a statement of all waivers sought;

2. That written comments on the waiver application may be submitted to the Commission and that all such comments received at least five days prior to the Commission meeting at which the waiver application is reviewed will be considered in the review of the application;

3. That the waiver application is available for inspection at the Commission's office;

4. The address and phone number of the Commission;

5. The date on which the Commission will consider the waiver application; and

6. That any person who provides comments or requests a copy of the Commission's determination on the waiver application shall be provided a copy of said determination.

(d) If the applicant significantly modifies either the proposed development or the requested waivers from that described in the most recent notice given pursuant to (b) and (c) above, then the applicant shall again provide notice pursuant to (b) and (c) above so that the notice accurately describes the proposed development and the requested waiver.

(e) No application for a waiver of project review shall be deemed complete until proof is received that the notice required pursuant to (b) and (c) above has been given.

(f) The Commission shall determine whether to deny, approve or approve with conditions an application for a waiver from project review within 45 days after the Commission receives a complete waiver application. The Commission shall issue a notice of decision containing its determination on the waiver application. The notice of decision shall be issued in accordance with N.J.A.C. 7:45-2.8.

(g) The notice of decision shall advise the applicant, municipality and municipal reviewing agency and those affected parties who specifically requested notice of the Commission's decision of the right to request a contested case hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The request for a hearing shall be submitted and acted on pursuant to N.J.A.C. 7:45-4.

7:45-11.3 Waiver of governmental and private project review due to extreme economic project hardship or compelling public need

(a) Commission may waive review or waive any requirement of this chapter, upon a clear and convincing demonstration by the applicant that strict adherence to the review procedure, or to a specific requirement of this chapter, would result in extreme economic hardship or extraordinary and unjustified expense, or would conflict with a compelling public need, and that the project will not impair the intent and propose of the Master Plan or this chapter.

(b) The Commission shall use the following standards in reviewing economic hardship waiver applications:

1. The literal enforcement of this chapter would result in an extreme economic hardship, as distinguished from a mere inconvenience, because of the particular physical surroundings, shape or topographical conditions of the property involved. The necessity of acquiring additional land to meet the setback requirements of this chapter shall not be considered an extreme economic hardship unless the applicant can demonstrate that there is no adjacent land which is reasonably available; and

2. An applicant shall be deemed to have established the existence of an extreme economic hardship only if the applicant demonstrates, based on specific facts, that the subject property is not capable of yielding a reasonable return if its present use is continued, or if it is

developed as authorized by the provisions of this chapter and that this inability to yield a reasonable return results from unique circumstances peculiar to the subject property which:

i. Do not apply to or affect other property in the immediate vicinity;

ii. Relate to or arise out of the characteristics of the subject property rather than the personal situation of the applicant; and

iii. Are not the result of any action or inaction by the applicant or the owner or his predecessors in title.

(c) An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts, that:

1. The proposed project will serve an essential public health or safety need;

2. The public health and safety require the requested waiver;

3. The proposed use is required to serve existing public health or safety needs;

4. There is no alternative available to meet the established public health or safety need;

5. The granting of the waiver will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, will not endanger public safety or result in substantial impairment of the resources of the Park;

6. The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of the Act; and

7. The waiver granted is the minimum relief necessary to relieve the compelling public need.

7:45-11.4 Waiver of stream corridor impact review of governmental and private projects

(a) Governmental and private projects otherwise subject to review by the Commission for stream corridor impact may be waived from such review if the applicant establishes to the satisfaction of the Commission that:

1. The project will not have a harmful effect upon the stream corridor's present ability to function as a buffer for the stream's ecological health and as a natural area; or

2. The project incorporates environmentally sound site planning techniques, or preserves other natural areas, either of which can be demonstrated to have an equivalent effect as would compliance with this chapter.

7:45-11.5 Waiver of traffic review for private and governmental projects

Private and governmental projects otherwise subject to review by the Commission for traffic impact will be waived for such review if the applicant establishes to the satisfaction of the Commission that the project will not have a direct traffic impact on the Park.

Recodify existing 7:45-11.1 to 7:45-11.5 as 7:45-11.6 to 7:45-11.10 (No change in text.)

HEALTH

(a)

DIVISION OF HEALTH FACILITIES EVALUATION

**Notice of Administrative Correction
Alcoholism Treatment facilities
Standards for Licensure**

Proposed New Rules: N.J.A.C. 8:42A

Take notice that the Division of Health Facilities Evaluation, Department of Health, has discovered errors in the proposed text of N.J.A.C. 8:42A, Alcoholism Treatment Facilities Standards for Licensure, published in the December 19, 1988 New Jersey Register at 20 N.J.R. 3059(a). This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7(a).

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

8:42A-1.3 Definitions

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

HEALTH

PROPOSALS

...
 "Bylaws" means a set of rules adopted by the facility for governing its operation. A charter, articles [if] of incorporation, and/or a statement of policies and objectives is an acceptable equivalent.
 ...

"Clinical note" means a written, signed, and dated notation made by a health care professional who renders a service to the patient.
 ...

"Controlled Dangerous Substances Acts" means the Controlled Substances Act of 1970 (Title II, Public Law 91-513) and the New Jersey Alcoholism Counselor[/]Certification Board as a Certified Alcoholism Counselor; and
 ...

8:42A-1.7 Qualifications of the director of alcoholism counseling services

(a) The director of alcoholism counseling services shall:

1. Have a master's degree in social work, psychology, guidance and counseling, or a related field, or shall be certified by the New Jersey Alcoholism Counselor[/]Certification Board as a Certified Alcoholism Counselor; and
2. (No change.)

8:42A-1.9 Qualifications of food service supervisors

(a) Each food service supervisor shall[;]:

- 1.-4. (No change.)

8:42A-2.4 Surveys and temporary license

(a) (No change.)

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

1. (No change.)
2. Written approvals are on file with the Department from the local zoning, fire, health, and building authorities;
- 3.-5. (No change.)
- (c)-(g) (No change.)

8:42A-3.5 Policy and procedural manual

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

1. A written statement of the program's treatment[,] philosophy, mission, and objectives, which shall include at least the following:
 - i.-iii. (No change.)
 - 2.-10. (No change.)
- (b) (No change.)

8:42A-3.9 Notices

(a) The facility shall conspicuously post a notice that the following information is available in the facility between 8:00 A.M. and 8:00 P.M. daily to patients and the public:

1. (No change.)
2. A list of deficiencies from the last annual licensure inspection and certification survey report (if applicable), and the list of [deficiencies] **deficiencies** from any valid complaint investigation during the past 12 months;
- 3.-5. (No change.)

8:42A-6.2 Financial arrangements

(a) The facility shall:

- 1.-2. (No change.)
3. Assess no additional charges, expenses, or other financial liabilities in excess of the daily, weekly, or monthly rate included in the admission agreement, except:
 - i.-iii. (No change.)
 - iv. 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;
- 4.-5. (No change.)

8:42A-6.10 Interpretation services

The facility shall provide interpretation services, if the patient population is non-English-speaking and for patients who are blind or deaf.

8:42A-7.4 Responsibilities of physicians

(a) The physician responsible for providing care to the patient shall document in the patient's medical record:

- 1.-2. (No change.)
3. Orders for laboratory tests including at least the following:
 - i.-iv. (No change.)
 - v. A Mantoux tuberculin skin test with five tuberculin units of purified protein derivative;
 - (1)-(4) (No change.)
 - (5) Patients who have had a significant reaction to a Mantoux test prior to admission and who have completed at least six months of chemoprophylaxis or chemotherapy may be exempted from receiving a chest X-ray, unless symptomatic for tuberculosis;
 - vi.-vii. (No change.)
- 4.-6. (No change.)
- (b) (No change.)

8:42A-8.4 Responsibilities of licensed nursing personnel

(a) In accordance with the State of New Jersey Nursing Practice Act, N.J.S.A. 45:11-23 et seq., as interpreted by the New Jersey State Board of Nursing, and written job descriptions, licensed nursing personnel shall be responsible for providing nursing care, including, but not limited to, the following:

- 1.-2. (No change.)
3. Assessing the nursing care needs of the patient, preparing the nursing portion of the patient treatment plan based upon the assessment, providing nursing care services as specified in the nursing portion of the patient treatment plan, [reassessing] **reassessing** the patient, and revising the nursing portion of the patient treatment plan. The initial assessment shall be performed by a registered professional nurse. Each of these activities shall be documented in the patient's medical record;
- 4.-6. (No change.)

8:42A-8.5 Nursing care services related to pharmaceutical services

(a) (No change.)
 (b) Licensed practical nurses who are trained in drug administration in programs approved by the New Jersey State Board of Nursing may calculate and [adminster] **administer** drug doses in accordance with facility policy and the rules of the New Jersey State Board of Nursing.

8:42A-10.3 Responsibilities of alcoholism counselling personnel

(a) In accordance with written job descriptions, each alcoholism counselor shall be [responsbile] **responsible** for providing patient care, including, but not limited to, the following:

- 1.-3. (No change.)

8:42A-13.3 Policies and procedures for drug administration

(a) The facility's policies and procedures shall ensure that the right drug is administered to the right patient in the right amount through the right route of administration and at the right time. 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. Policies and procedures shall include, but not be limited to, the following:

- 1.-15. (No change.)
16. Policies and procedures concerning the activities of medical and pharmaceutical sales representatives in the facility. **Drug samples shall not be accepted, placed or maintained in stock, distributed, or used in the facility.**

8:42A-14.2 Appointment of dietitian

(a) The facility shall appoint a dietitian who shall be responsible for the direction, provision, and quality of the dietary service. If a dietitian is appointed on a consultant basis, the dietitian's hours shall

PROPOSALS

Interested Persons see Inside Front Cover

HUMAN SERVICES

be scheduled at different hours of the day for successive visits. The dietitian shall be responsible for, but not limited to, the following:
1.-5. (No change.)

8:42A-14.5 Requirements for dietary services

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

(d) Meals shall be planned, prepared, and served in accordance with, but not limited to, the following:

1.-10. (No change.)

8:42A-15.2 Rights of each patient

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

1. (No change.)

2. Is informed of services available in the facility, of the names and professional status of the personnel providing and/or responsible for his or her care, and of fees and related charges, including the payment, fee, deposit, and refund policy of the facility and any charges for services not covered by sources of third-party payment or not covered by the facility's basic rate;

3. Is assured of treatment and medical care in accordance [with] **with** the patient treatment plan, is informed of the patient treatment plan and of his or her condition, unless medically contraindicated as documented by a physician in the patient's medical record, is in patient's medical record, is informed of the risks associated with the use of any drugs and/or procedures, and has the opportunity to participate in the planning of his or her treatment, to refuse medication and treatment, and to refuse to participate in experimental research;

4. (No change.)

5. Is transferred or discharged only for medical reasons or for his or her welfare or that of other patients, upon the written order of a physician, or for nonpayment for the patient's stay (except as prohibited by sources of third-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 family immediately and document the reason for transfer in the patient's medical record. If a transfer or discharge on a nonemergency basis is requested by the facility, the patient and his or her family shall be given at least 10 days advance notice of such transfer or discharge;

6. (No change.)

7. Is free from mental and physical abuse and free from the use of chemical and physical restraints, except those restraints used in accordance with N.J.A.C. 8:42A-6.8. Drugs and other medications shall not be used for punishment, for convenience of facility personnel, or in quantities that interfere with a [patients] **patient's** rehabilitation or living activities;

8. (No change.)

9. Is treated with courtesy, consideration, respect, and recognition of his or her dignity [individuality] **individuality**, and right to privacy, including, but not limited to, auditory and visual privacy and confidentiality concerning patient treatment and disclosures. Privacy of the patient's body shall be maintained during toileting, bathing, and other activities of personal hygiene, except as needed for patient safety or assistance;

10. (No change.)

11. May associate and communicate privately with persons of his or her choice, in accordance [with] **with** the patient treatment plan, may send and receive personal mail, and, upon his or her request, is given assistance in the reading and writing correspondence;

12.-18. (No change.)

19. Is not the object of discrimination with respect to participation in recreational activities, meals, or other social functions because of age, race, religion, sex, nationality, or ability to pay. The patient's participation may be restricted or prohibited if [recommended] **recommended** by a physician in the patient's medical record and consented to by the patient;

20.-21. (No change.)

(b) (No change.)

8:42A-16.1 Emergency plans and procedures

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

(c) Procedures for emergencies shall specify persons to be notified, locations of emergency equipment and alarm signs, [evacuation] **evacuation** routes, procedures for evacuating patients, frequency of fire drills, and tasks and responsibilities assigned to all personnel.

(d) (No change.)

8:42A-19.2 Infection prevention and control policies and procedures

(a) Written policies and procedures shall be established and implemented regarding infection prevention and control, including, but not limited to, policies and procedures for the following:

1.-7. (No change.)

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

i.-iv. (No change.)

9. (No change.)

(b) (No change.)

8:42A-20.1 Provisions of services

(a) (No change.)

(b) The facility shall provide housekeeping, laundry, and pest control services.

(c) Written objectives, policies, a procedure manual, an organizational plan, and a quality assurance program for housekeeping, sanitation, and safety services shall be developed and implemented.

8:42A-20.3 Patient care environment

(a) The following housekeeping, sanitation, and safety conditions shall be met:

1.-20. (No change.)

21. The temperature in the facility shall be kept at a minimum of 70 degrees Fahrenheit (21 degrees Celsius) during the day and at a minimum of 65 degrees Fahrenheit (18 degrees Celsius) at night. "Day" means the time between sunrise and sunset.

8:42A-21.3 Administrator's responsibility for volunteer services

(a) The administrator or the administrator's designee shall be responsible for the direction, provision, and quality of the volunteer services provided. The administrator shall be [reasonable] **responsible** for, but not limited to, the following:

1.-4. (No change.)

8:42A-22.2 Quality assurance activities

(a) Quality assurance activities shall include, but not be limited to, the following:

1.-5. (No change.)

6. Establishment of a patient care outcome assessment system for [evaluation] **evaluation** of the patient care provided by each service.

SUBCHAPTER [33]23. (RESERVED)

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

General Assistance Manual

Determination of Municipal Responsibility

Proposed Amendment: N.J.A.C. 10:85-3.2

Authorized By: Drew Altman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 44:8-111(d).

Proposal Number: PRN 1989-154.

Submit comments by May 3, 1989 to:

Marion E. Reitz, Director

Division of Public Welfare

CN 716

Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment at N.J.A.C. 10:85-3.2(f)5 deletes language stipulating a 30 consecutive day residency time frame. The time frame was established solely for internal use by the Division of Public Welfare (DPW) as a criterion to be used in the resolution of municipal payment responsibility disputes involving client residency. Review of the operational application of that provision discloses, however, that such time frame creates an ambiguous adjunct to language at N.J.A.C. 10:85-3.2(f), resident defined, which states, "No time intervals are relevant so long as the home is not established for a temporary purpose such as for a visit or vacation."

Reference to the 30 consecutive day time frame is, therefore, being deleted to align language concerning residency proposed at N.J.A.C. 10:85-3.2(f)5 with the provision set forth at N.J.A.C. 10:85-3.2(f). Additionally, changes have been made to use the term "client" throughout the rule, consistent with current practice.

Social Impact

The proposed amendment deletes mention of the time frame used by DPW in designating municipal public assistance payment responsibility. The alignment of N.J.A.C. 10:85-3.2(f)5 with text at N.J.A.C. 10:85-3.2(f) should facilitate the resolution of intermunicipal disputes concerning client residency in a less ambiguous manner.

Economic Impact

Since the proposed amendment provides for internal consistency in regulations governing administrative determinations of residency, slight savings in administrative expenditures at the local and State level are anticipated.

Regulatory Flexibility Statement

The proposed amendment has been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The amendment imposes no reporting, recordkeeping or other compliance requirements on small businesses; therefore, a regulatory flexibility analysis is not required inasmuch as the rules govern a public assistance program designed to certify eligibility for General Assistance to a low-income population by a governmental agency rather than a private business establishment.

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] **State** and qualifies as resident in accordance with (f)liii 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)liii below, in a residential medical facility.

1.-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 question, the MWD of the servicing municipality will help the client [/applicant] complete [the] **an** affidavit showing the recent residence 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] **that** 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 respon-

sible that municipality in which the [applicant] **client** most recently lived [for 30 consecutive days] or that municipality which most recently granted assistance to the [applicant] **client** 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 [Administration] **Administrative** Review and Appeals, decision of which shall be final.

(g)-(i) (No change.)

(a)

DIVISION OF PUBLIC WELFARE**General Assistance Manual
Financial Eligibility****Proposed Amendment: N.J.A.C. 10:85-3.3**

Authorized By: Drew Altman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 44:8-111(d).

Proposal Number: PRN 1989-155.

Submit comments by May 3, 1989 to:

Marion E. Reitz, Director
Division of Public Welfare
CN 716

Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment amplifies the definition of countable income at N.J.A.C. 10:85-3.3(b)2 by specifying that income received on a regular and recurring basis will render an applicant ineligible for General Assistance if such income, when calculated on a monthly basis, exceeds the appropriate General Assistance eligibility income standard. Generally, such income will be "deemed" available to an applicant even if it has already been spent at the time of application. Language at N.J.A.C. 10:85-3.3(b)3, concerning availability of income, has also been amended to differentiate between recurring income and income that has been received from a terminated source. Terminated source income cannot be considered available if it has already been spent at the time of application. In instances where regular recurring income is temporarily reduced or interrupted because of situations such as recoupment of prior overpayments, assistance may be granted on an immediate need basis, provided eligibility is otherwise established. Assistance eligibility may also be established during the month of application pursuant to the new text at N.J.A.C. 10:85-3.3(b)3ii for those individuals who have recurring income above the General Assistance allowance standards, but have or will have exhausted or reduced such recurring funds because of payment of necessary household and living expenses, such as food, clothing and shelter, and the nonpayment of such expenses would have resulted or will result in homelessness and/or eligibility for emergency assistance.

Social Impact

The proposed amendment (with exceptions confined to instances of temporary non-receipt of benefits or necessary and emergent diversion or reduction of recurring income as provided at N.J.A.C. 10:85-3.3(b)3ii) should restrict the possibility that a financially ineligible individual will receive an assistance grant based on the unconditional claim that he or she is temporarily without funds because they have been exhausted regardless of reason, due to normal living expenses. Under the provision of N.J.A.C. 10:85-3.3(b)3ii, an individual who has recurring income above the General Assistance allowance standards, but faces an emergency which may render him or her homeless may now, however, be assisted for the month of application.

Economic Impact

A slight increase in expenditures is anticipated, inasmuch as payment will be made to individuals in certain exceptional circumstances who under the current rules, are not eligible for a basic grant under the General Assistance allowance standards.

Regulatory Flexibility Statement

This amendment has been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The amendment imposes no reporting, recordkeeping or other compliance requirements on small busi-

nesses; therefore a regulatory flexibility analysis is not required, inasmuch as the rules govern a public assistance program designed to certifying eligibility for General Assistance to a low-income population by a governmental agency rather than a private business establishment.

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

10:85-3.3 Financial eligibility

(a) (No change.)

(b) Rules concerning countable income are as follows.

1. (No change.)

2. Definition: Income is countable when it is in cash or in some other form readily available to meet the needs of the eligible unit. Monthly income from a recurring source shall be deemed readily available to meet financial needs throughout the month.

i.-ii. (No change.)

iii. Income shall be considered as coming from a recurring source if it was or will be received during the month of application and will be received again from the same source during the following month(s), except as stated in (b)3i or ii below. Examples of income from a recurring source include, but are not limited to, Social Security benefits and unemployment insurance benefits.

iv. Income shall be considered as coming from a terminated source if it was received prior to the date of application and will not be received again from the same source.

3. Availability of income: For purposes of determining immediate need either at the time of initial application or at any point prior to completion of verification, moneys from a terminated source which may have been received in the past, even though recently, and which the applicant has already spent cannot be counted as available so long as he[]/or she provides reasonable explanation or evidence of such expenditures.

i. In situations where the receipt of money, such as Social Security benefits, from a recurring source is temporarily interrupted or the amount reduced below applicable monthly allowance standards, assistance may be granted on the basis of immediate need.

(1) Example: Due to recovery action, a client's Social Security insurance benefit, usually received in an amount of \$300.00 monthly, is reduced by 50 percent to compensate the agency for a prior overpayment. Inasmuch as benefits will not be restored to the client's full level of entitlement during the month of application or for the next month(s), and the monthly allowance standard for that individual is \$210.00, the municipal welfare department may supplement the reduced income, up to the monthly allowance standard, at monthly or lesser intervals, until restoration of the client's Social Security entitlement needs or exceeds the allowance standard.

ii. In situations where funds from a recurring source have been, or will be, reduced or exhausted because of payment of necessary household and living expenses, such as food, clothing and shelter, and nonpayment of such expenses, would have resulted or will result in homelessness, and/or eligibility for emergency assistance authorized under N.J.A.C. 10:85-4.6, the recurring income shall be offset for purposes of countable income in recognition of payment made or obligated to be made for such items in the month of application. In those instances, the client is required to provide evidence of such expenditure or obligation.

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

4. (No change.)

(c)-(g) (no change.)

CORRECTIONS

(a)

THE COMMISSIONER

Mail, Visits and Telephone

Correspondence to and from Other Inmates

Publications to and from Other Inmates

Proposed Amendments: N.J.A.C. 10A:18-2.5 and 4.4

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

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Proposal Number: PRN 1989-156.

Submit comments by May 3, 1989 to:

Elaine W. Ballai, Esq.
Special Assistant for Legal Affairs
Department of Corrections
CN 863
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 10A:18-2.5 removes the phrase "within this State", relating to correctional facilities, from that rule authorizing the reading of all correspondence to or from inmates. The proposed amendment to N.J.A.C. 10A:18-4.4 removes the phrase "within the State", relating to correctional facilities, from that rule authorizing the reading of all publications to or from inmates.

Social Impact

The removal of "within this State" from N.J.A.C. 10A:18-2.5 will authorize the reading of all correspondence of inmates to or from inmates housed in different correctional facilities within or outside of New Jersey. The removal of "within the State" from N.J.A.C. 10A:18-4.4 will authorize the reading of all publications that are to be forwarded by inmates to or received from inmates housed in different correctional facilities within or outside of New Jersey.

Economic Impact

The proposed amendments will have no significant economic impact because additional funding is not necessary to implement or maintain the amendments.

Regulatory Flexibility Statement

The proposed amendments impact on inmates and the Department of Corrections and do not affect small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

10A:18-2.5 Correspondence to or from other inmates

All correspondence to or from inmates housed in other correctional facilities [within this State] may be read to ensure that the correspondence does not contain any contents prohibited by N.J.A.C. 10A:18-2.14.

10A:18-4.4 Publications to or from other inmates

All publications to or from inmates housed in other correctional facilities [within the State] may be read to ensure that the publications do not contain any contents prohibited by N.J.A.C. 10A:18-4.9.

INSURANCE

(a)

DIVISION OF FINANCIAL EXAMINATIONS

High-Risk Investments by Insurers

Proposed New Rules: N.J.A.C. 11:2-24

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1-8.1 and 17:1C-6.

Proposal Number: PRN 1989-177.

Submit comments by May 3, 1989 to:

Verice M. Mason, Assistant Commissioner
Legislative and Regulatory Affairs
Department of Insurance
CN 325

Trenton, New Jersey 08625

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 17:24-1 et seq. and N.J.S.A. 17B:20-1 et seq., a domestic insurance company is permitted to put its capital, surplus and other funds, or any part thereof, in certain investments. Although these statutes in some cases place general quantitative limitations on the various permitted investments, there are no qualitative limitations on admitted investments of questionable quality, that is, high-risk investments.

High-risk investments constitute a category of the insurance company investment portfolio in which there has been significant innovation and proliferation in recent years. However, there is not an adequate historical record with which to project the behavior of such investments to all types of economic cycles. The New Jersey Department of Insurance (hereafter "Department") is concerned, therefore, that negative changes in economic conditions and other market variables can adversely affect domestic, foreign and alien insurers having a high concentration of these investments.

Currently, there is no adequate monitoring system to detect insurers who may have exceeded prudent investment standards regarding the level of risk assumed on high-risk investments. Accordingly, the Department has concluded that limitation on the percentage of total admitted assets that an insurer may prudently invest in, or otherwise acquire on loan upon high-risk investments is reasonable, necessary and required in order to carry out the Department's responsibilities under relevant statutory law.

The proposed new rules establish a limitation in the amount of 20 percent of admitted assets on the aggregate amount of high-risk investments held by an insurer and a limitation of five percent of admitted assets on the non-bond portion.

Social Impact

The proposed new rules will ensure that prudent management of high-risk investments will remain a central element of insurance company investment practices. In addition, the requirements contained in the proposed new rules will assist the Department of Insurance in carrying out its statutory and regulatory function of protecting policyholders in this State.

Economic Impact

The procedural and substantive requirements of the proposed new rules will not result in any significant adverse economic impact upon insurers. The proposed new rules simply require insurers to limit their holdings of investments of questionable quality, despite the high-yield attractions these high-risk investments may possess. Insurers will, however, be required to annually certify to the Department that they are in compliance with the provisions of the proposed new rules.

The Department does not expect to incur any significant additional expense as a result of the proposed new rules.

Regulatory Flexibility Statement

Some insurers affected by the proposed new rules may be small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The reporting and compliance requirements imposed upon insurers, including small businesses, are that they file with the Department an annual certification of compliance with the proposed new rules. None of the requirements is expected to have any adverse economic

impact on insureds or small businesses. To provide for uniform and consistent applicability, and to avoid granting any advantage to insurers who are small businesses, no differential treatment is accorded to them by the proposed new rules.

Full text of the proposal follows:

SUBCHAPTER 24. HIGH-RISK INVESTMENTS BY INSURERS

11:2-24.1 Purpose

(a) The purpose of this subchapter is as follows:

1. To protect the interests of the insurance-buying public by establishing limitations on the amount of high-risk investments which an insurer can hold; and
2. To implement the insurance laws of New Jersey by regulating the acts and practices of insurers with respect to the concentration of high-risk investments.

11:2-24.2 Definitions

The following words and terms used in this subchapter have the following meanings, unless the context clearly indicates otherwise. "Admitted assets" means the total amount of assets recognized on a statutory accounting basis as of the last day of the most recently concluded annual statement year.

"Admitted assets" includes, in the case of life/health insurers high-risk investments in separate accounts which are guaranteed by the insurer, but excludes all other investments in the separate account.

"Aggregate amount" of high-risk investments means the aggregate value of bond and non-bond investments therein.

"Below-investment grade bond" means that the investment has been determined to be in one of the bottom five generic lettered rating classifications (excluding a classification for default) by a securities rating agency acceptable to the Commissioner, or that the investment has been identified in writing by such a rating agency to be of below investment grade quality, or that the investment has been determined to be below investment grade (as indicated by a "no*" or "no**" rating) by the Securities Valuation Office of the National Association of Insurance Commissioners.

"Below-investment grade short-term obligation" means that the short-term investment has been determined to be in the bottom category of rating classification for short-term investments (excluding a classification for default) by a securities rating agency acceptable to the Commissioner or has been identified in writing by such a rating agency to be of below-investment grade quality.

"Commissioner" means the New Jersey Commissioner of Insurance.

"High-risk investment" means an admitted investment in the following types of assets:

1. Below-investment grade bonds and shares in mutual funds that invest in below-investment grade bonds;
2. Below-investment grade short term obligations;
3. Bonds in default;
4. Securities of subsidiary and nonsubsidiary insolvent companies;
5. Cash balances in depository institutions which are not Federal insured;
6. Receivers' certificates;
7. Options and futures contracts; and
8. Any other invested assets determined by the Commissioner to be inadequately secured and to have investment qualities or characteristics wherein the speculative elements are significant.

"Insurer" means a domestic, foreign or alien insurance company authorized or admitted to transact the business of insurance in this State.

"Value" of high-risk bond and non-bond investments means the greater of either:

1. The value of such investments recognized on a statutory accounting basis, excluding the value of separate account assets not guaranteed by the insurer in the case of life/health insurers, as of the last day of the most recently concluded annual statement year; or

2. The original cost of such investments.

11:2-24.3 High-risk investment limitations

(a) The aggregate amount of high-risk investments held by an insurer is not to exceed 20 percent of its admitted assets and the non-bond portion of high-risk investments held by an insurer is not to exceed five percent of its admitted assets.

(b) An insurer who has been authorized or admitted to do business in this State prior to, on or after the effective date of this subchapter, and who already exceeds the limitations contained in (a) above, shall within three years from the effective date, or within a reasonable time not to exceed five years if approved by the Commissioner for good cause, comply with such investment limitations, except that during the applicable period the insurer shall not invest its funds in, or otherwise acquire or loan upon, directly or indirectly, any new high-risk investments unless within the limitations set forth in (a) above; provided, however, that newly formed domestic insurers authorized to do business in this State more than two years after the effective date of this subchapter shall comply with such limitations immediately upon receiving such authorization.

11:2-24.4 Separate account assets excluded

This subchapter does not apply to high-risk investments made for separate accounts established pursuant to N.J.S.A. 17B:28-1 et seq., unless guaranteed by the insurer.

11:2-24.5 Annual certification

Concurrent with the annual statement filing required by N.J.S.A. 17:23-1 and N.J.S.A. 17B-21-1, each insurer shall file a certification with, and on a form provided by, the Department that the insurer is in compliance with this subchapter.

11:2-24.6 Penalties

Failure to comply with this subchapter may result in the imposition of sanctions by the Department including, but not limited to, sanctions pursuant to N.J.S.A. 17:33-2.

(a)

DIVISION OF ADMINISTRATION

Rate Filing Review Procedures: Voluntary Market Private Passenger Automobile Insurance

Proposed New Rules: N.J.A.C. 11:3-18

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1-8.1; 17:1C-6(e); 17:29A-1 et seq.; P.L. 1988, c. 119 (enacted September 8, 1988); and P.L. 1988, c.156 (enacted November 15, 1988).

Proposal Number: PRN 1989-175.

Submit comments by May 3, 1989 to:

Verice M. Mason, Assistant Commissioner
Legislative and Regulatory Affairs
Department of Insurance
CN 325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

This subchapter sets forth the processes for the review of rate filings required by N.J.A.C. 11:3-16.

P.L. 1988, c. 119 and P.L. 1988, c.156 made several changes in automobile insurance rate filing requirements. First, the Commissioner was directed to promulgate uniform rules for rate filings and ratemaking. Secondly, insurers are required to make annual filings of rate information with the Department. Thirdly, insurers may make annual filings for rate adjustments within a flex rating band. Finally, the Commissioner is authorized to designate a person from the Department to conduct hearings on rate filings, which previously were required to be heard by the Commissioner himself or by the Office of Administrative Law.

Together with the rate filing requirements set forth in N.J.A.C. 11:3-16, these rules are intended to remedy some problems that existed in the processing of automobile insurance rate change filings made pursuant to

N.J.S.A. 17:29A-14. The rate filing requirements of N.J.A.C. 11:3-16 provide that the Department and the Division of Rate Counsel of the Department of the Public Advocate, which may participate in the ratemaking process, will receive with the filing sufficient information to evaluate it. In the past, substantial time was required after the initial filing to obtain the statistical and actuarial information required to evaluate proposed rate changes. These proposed rules serve as a compliment to N.J.A.C. 11:3-16 by establishing processing steps and time requirements within which those steps are to be taken.

This subchapter describes internal Departmental review procedures up to and including the time when a determination is made that the matter constitutes a contested case, after which the processes are governed by the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and Uniform Administration Procedures Rules, N.J.A.C. 1:1. It also sets forth rules of hearing contested cases that are specifically required by N.J.S.A. 17:29A-14(c) for insurance rate hearings.

Proposed N.J.A.C. 11:3-18.1 sets forth the purpose and scope of the rules. It is intended to provide for the orderly review by the Department of Insurance of voluntary market private passenger automobile insurance rate filings made by insurers and rating organizations pursuant to N.J.S.A. 17:29A-14, P.L. 1988, c.119 and P.L. 1988, c.156.

Proposed N.J.A.C. 11:3-18.2 contains definitions.

Proposed N.J.A.C. 11:3-18.3 sets forth generally applicable provisions. These include the computation of time and other general administrative matters.

Proposed N.J.A.C. 11:3-18.4 sets forth procedures for review of annual informational filings made pursuant to sections 8b and 28 of P.L. 1988, c.119 (N.J.S.A. 17:29A-36.2b and 17:29A-6.1).

Proposed N.J.A.C. 11:3-18.5 sets forth procedures for review of flex rating filings made pursuant to section 5 of P.L. 1988, c.156 (N.J.S.A. 17:29A-44).

Proposed N.J.A.C. 11:3-18.6 sets forth procedures for the review of rate filings requiring prior approval by the Commissioner, pursuant to N.J.S.A. 17:29A-14.

Proposed N.J.A.C. 11:3-18.7 confirms that these rules do not preclude the Commissioner from initiating actions regarding rates pursuant to general statutory authority.

Social Impact

These rules will affect the Department of Insurance, the Department of the Public Advocate, and insurers and rating organizations that make filings of private passenger automobile insurance rates. The rules will have a positive impact on all parties in that it sets forth orderly processes for the review of these matters by the Department of Insurance, and the manner by which parties participate in the process.

Economic Impact

Since these proposed rules simply articulate processes within the Department of Insurance that are presently required to be done, it does not have any measurable economic impact. To the extent that it may result in improved processes, it will have a positive economic impact on the Department and the parties interested in these matters.

Regulatory Flexibility Analysis

The proposed new rules may apply to "small businesses" as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These "small businesses" would include insurance companies authorized to write private passenger automobile insurance.

Since the rules simply describe internal processes for the review of rate filings by the Department of Insurance, a regulatory flexibility analysis is not required because this proposal does not impose reporting, recordkeeping or other compliance requirements on small businesses.

Full text of the proposal follows:

SUBCHAPTER 18. REVIEW OF RATE FILINGS: VOLUNTARY MARKET PRIVATE PASSENGER AUTOMOBILE INSURANCE

11:3-18.1 Purpose and scope

(a) This subchapter sets forth the processes of the Department of Insurance to review voluntary market private passenger automobile insurance rate filings, implementing N.J.S.A. 17:29A-14; P.L. 1988, c.119; and P.L. 1988, c.156.

INSURANCE

PROPOSALS

(b) This subchapter applies to the following kinds of voluntary market private passenger automobile insurance rate filings submitted to the Department:

1. Annual informational filings, made pursuant to P.L. 1988, c.119, section 8b (N.J.S.A. 17:29A-36.2b) including expense filings made pursuant to P.L. 1988, c.119, section 28 (N.J.S.A. 17:29A-6.1);

2. Flex rating filings made pursuant to P.L. 1988, c.156, section 5; and

3. Rate change filings requiring prior approval pursuant to N.J.S.A. 17:29A-14.

(c) This subchapter shall be construed so as to be compatible with the requirements for rate filings, set forth in N.J.A.C. 11:3-16.1; and the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1 and the Insurance Filing Hearings Rules, concerning the disposition of filings after they have been determined to be a contested case.

11:3-18.2 Definitions

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

"Annual informational filing" means a filing made in accordance with the provisions of section 8b of P.L. 1988, c.119 (N.J.S.A. 17:29A-36.2b).

"Commissioner" means the Commissioner of the Department of Insurance.

"Contested case" means any matter as described in N.J.S.A. 52:14B-2(b), specifically including a prior approval filing or flex rating filing upon a determination by the Commissioner that the matter requires a hearing to be held in accordance with N.J.S.A. 17:29A-14c.

"Day" means a calendar day.

"Department" means the New Jersey Department of Insurance.

"Filer" means a rating organization or any insurer making its own rates and establishing or proposing to establish a new rate or a rate change or making an annual informational filing.

"Flex rating filing" means a filing made to adjust rates within limits in accordance with the provisions of section 5 of P.L. 1988, c.156 (N.J.S.A. 17:29A-44).

"Prior approval filing" means a filing made to alter, supplement or amend rates, rating systems or any part thereof pursuant to N.J.S.A. 17:29A-14, except flex rating filings.

"Parties" includes the filer, the Public Advocate, and any other person with a legal right to participate in the proceedings who has served notice on the Commissioner of its intention to participate.

"Public Advocate" means the Division of Rate Counsel, New Jersey Department of the Public Advocate.

"Rating organization" means every person or persons, corporation, partnership, company, society or association engaged in the business of rate making for two or more insurers.

11:3-18.3 General provisions

(a) In computing any period of time fixed by this subchapter, the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday.

(b) Filings may be submitted by insurers or licensed rating organizations which are authorized to file rates for insurers who are members or subscribers of the rating organization.

1. Insurers required to make their own rates pursuant to N.J.S.A. 17:29A-6.1a(2) shall make all filings themselves.

2. Filings submitted by rating organizations shall provide in the aggregate for all member and subscriber companies all data required by N.J.A.C. 11:3-16. Filings submitted by rating organizations shall also provide separately for each company any data required by N.J.A.C. 11:3-16 to be provided separately, specifically including:

i. The rating system to be implemented, N.J.A.C. 11:3-16.5, each company's expense data loaded separately pursuant to N.J.S.A. 17:29A-6.1a(1);

ii. The cause of loss report, required by N.J.A.C. 11:3-16.6(a);

iii. The comprehensive coverage theft data, required by N.J.A.C. 11:3-16.6(a)15;

iv. The subrogation data required by N.J.A.C. 11:3-16.6(a)16;

v. The expense data required by N.J.A.C. 11:3-16.6(g); and

vi. The percent rate change data required by N.J.A.C. 11:3-16.6(h).

(c) Any filing made between two consecutive annual informational filings that only updates the information from the immediately prior annual informational filing, pursuant to N.J.A.C. 11:3-16.1(e), shall identify the prior annual informational filing and explain any subsequent proceedings regarding it.

(d) All items filed with the Department, which are required to be submitted within a specific number of days after receipt of a previous item, shall contain a statement that sets forth the date the previous item was received and certifies that the item is being submitted within the time provided by these rules.

(e) A determination by the Department that a filing is complete relates solely to the presence in the filing of the items required by N.J.A.C. 11:3-16, and shall not be deemed a finding regarding the accuracy of the information or calculations.

(f) All filings and all other items submitted to the Department in connection with their review shall be sent to the Department at the following address:

New Jersey Department of Insurance
Property Liability Division
20 West State Street
CN-325

Trenton, New Jersey 08625-0325

(g) Any filing and any other item submitted to the Public Advocate in connection with its review shall be sent to the Public Advocate at the following address:

Department of the Public Advocate
Division of Rate Counsel
744 Broad Street

Newark, New Jersey 07102

(h) Rules contained in this subchapter may be relaxed or modified for good cause by the Commissioner in order to obtain a just and proper result.

11:3-18.4 Procedure for review of annual informational filings

(a) Department review of annual informational filings shall begin with receipt of the filing.

(b) Not later than 60 days after receipt of the filing, the Department shall advise the filer if the filing is incomplete.

1. If the filer is not notified that a filing is incomplete, the filing will be deemed to be complete.

2. Notice to the filer that the filing is incomplete shall specify the item or information constituting the deficiency and shall advise the filer that the deficiency as specified must be cured within 30 days and that failure to cure the deficiency within 30 days may result in the imposition of penalties as provided by law.

(c) If an annual informational filing also is submitted as a flex rating filing or a prior approval filing, the matter shall proceed as specified in N.J.A.C. 11:3-18.5 or 18.6 below. The filer shall nevertheless be subject to penalties as provided by law for submitting an incomplete annual informational filing.

11:3-18.5 Processes for review of flex rating filings

(a) Departmental review of a flex rating filing shall begin with the receipt of the filing.

(b) Not later than 60 days after receipt of the filing, the Department shall advise the filer if the filing is incomplete.

1. If the filer is not notified that the filing is incomplete, the filing will be deemed to be complete.

2. A notice to the filer that the filing is incomplete shall specify the item or information constituting the deficiency and shall advise the filer that the deficiency as specified must be cured within 10 days of receipt of the notice.

3. Notice to the filer that the filing is incomplete shall advise the filer that if the deficiency is not cured within 10 days, the Commissioner may enter an order directing the filer to cease using the

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

rates set forth in the filing; to use its rates in effect prior to making the flex rating filing; and file a plan to refund or adjust the rates of any insured whose policy was issued or renewed using the rates set forth in the filing.

4. A notice to the filer that the filing is incomplete shall advise the filer of its right to a hearing on the issue of whether the filing is incomplete, and the manner in which a hearing may be requested.

(c) If the deficiency is not cured by the filer within 10 days, and no request for a hearing has been received, the Commissioner may enter an order directing the filer to cease using rates set forth in the filing; directing the filer to use its rates in effect prior to making the flex rating filing; and directing the filer to file a plan to refund or adjust the rates of any insured whose policy was issued or renewed using the rates set forth in the filing.

(d) A filer's request for a hearing shall be made in writing.

1. A request for hearing shall be filed not later than 10 days after receipt of the notice that the filing is incomplete.

2. A request for hearing shall contain facts or legal arguments that adequately support the filer's contention that the filing is complete.

(e) Not later than 10 days after receipt of a request for hearing, the Commissioner shall determine whether the matter constitutes a contested case and notify the filer in writing.

1. If the matter is not found to be a contested case, the Commissioner may enter a final order disposing of all issues.

2. If the matter is found to be a contested case, the Commissioner may either direct that the matter be transmitted to the Office of Administrative Law for further proceedings; or appoint a Deputy Commissioner or other salaried employee of the Department to hear the matter and submit a report pursuant to N.J.S.A. 17:29A-14c and 17:29A-26.

(f) Further proceedings on the matter shall be governed by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

1:1-18.6 Processes for review of prior approval filings

(a) Departmental review of a prior approval filing shall begin with the receipt of the filing.

(b) Not later than 10 days after receipt of a filing, the Public Advocate shall notify the Department and the filer of its intent to intervene.

(c) Not later than 25 days after receipt of the filing, the Department shall advise the filer whether the filing is complete or incomplete.

1. Notice to the filer that the filing has been found to be incomplete shall specify the item or information constituting the deficiency.

2. The Department shall send a copy of the notice regarding whether the filing is complete to the Public Advocate, if notice of intent to intervene has been received.

3. The Department may return the filing with the notice that it is incomplete, and any resubmission of the filing after the deficiency has been cured shall be considered initial receipt.

(d) Not later than 20 days after receipt of a filing, the Public Advocate may request in writing that the filer provide additional information that may be necessary to clarify or explain information contained in the filing.

1. Not later than 10 days after receipt of any such request, the filer shall respond by either providing the information or petitioning the Commissioner for a protective order as set forth below.

2. The petition shall include a copy of the Public Advocate's request and sufficient explanation why the requested information cannot or will not be provided. A copy shall be sent simultaneously to the Public Advocate.

3. Upon receipt of such a petition, the Commissioner may either sue the protective order requested or deny the petition and direct that the requested clarifying or explanatory information be provided forthwith.

4. Copies of any correspondence between the parties, and any additional information supplied upon request of the Public Advocate, shall also be provided to the Department.

(e) Not later than 20 days after receipt of a filing, the Public Advocate may petition the Commissioner for an order directing the

filer to provide additional information or documents, other than that required to clarify or explain information contained on the filing.

1. The petition shall include a list of the information or documents to be provided and sufficient explanation why the additional information or documents are required. A copy shall be sent to the filer.

2. Upon receipt of such a petition, the Commissioner may either direct the filer to provide the information or documents within a specified time, or deny the petition.

3. Copies of any correspondence between the parties, and any additional information or documents supplied at the direction of the Commissioner shall also be provided to the Department.

(f) Not later than 50 days after receipt of a filing, the Public Advocate shall file with the Department its report and recommendations, and send a copy to the filer.

(g) Not later than 30 days after receipt of a filing by the Department, either the Public Advocate or the filer may request in writing a hearing on the filing. A request for hearing shall include a statement of facts and issues in sufficient detail so as to notify the Department and any other party of the matters in dispute.

(h) Not later than 90 days after receipt of a filing by the Department, or upon receipt of a request for a hearing, the Commissioner shall determine whether the matter is a contested case and notify all parties in writing.

1. If the matter is not found to be a contested case, the Commissioner may enter an appropriate final order disposing of all issues raised by the filing.

2. If the matter is found to be a contested case, the Commissioner may direct that the matter be transmitted to the Office of Administrative Law for further proceedings; or may appoint the Deputy Commissioner or other salaried employee of the Department to hear the matter and submit a report pursuant to P.L. 1988, c.119, section 39 (N.J.S.A. 17:29A-14).

3. Nothing in this rule shall preclude the Commissioner from a finding on his or her own review that the matter constitutes a contested case and directing further proceedings as described in (h)2 above.

(i) Further proceedings on the filing shall be consistent with the provisions of the Uniform Administrative Procedure Rules and N.J.S.A. 17:29A-14c.

1. Pursuant to N.J.S.A. 17:29A-14(c), the hearing shall commence within 30 days of the date of the request or decision that a hearing is to be held.

2. The hearing shall be held on consecutive working days, except when this requirement is waived by the Commissioner for good cause.

3. All parties shall submit prefiled testimony at least 10 days prior to commencement of the hearing, pursuant to N.J.A.C. 1:11-15.1. Since the filing itself includes testimony on behalf of the filer, additional testimony of the filer shall be limited to any matters subsequently raised by the Department or the Public Advocate.

4. Any pretrial conference held in accordance with N.J.A.C. 1:1-13.1 may at the direction of the Commissioner, or the Administrative Law Judge hearing the matter, be conducted as a telephone conference among the parties.

5. Because the procedures described in (d) and (e) above provide adequate opportunity for discovery, no additional mandatory discovery shall be provided. This shall not, however, preclude the parties from voluntarily exchanging information or documents among themselves. The Department shall be provided with copies simultaneously.

6. Pursuant to N.J.S.A. 17:29A-14, the findings and recommendations of the Administrative Law Judge shall be submitted to the Commissioner within 30 days of the close of the hearing, unless the Commissioner for good cause extends the time by not more than 30 days.

7. Pursuant to N.J.S.A. 17:29A-14, a decision shall be rendered by the Commissioner not later than 60 days or, when a 30 day extension was granted for good cause shown not later than 90 days, from the close of the hearing.

INSURANCE

PROPOSALS

11:3-18.7 Other remedies preserved

Nothing in this subchapter shall prevent the Commissioner from at any time initiating an action pursuant to N.J.S.A. 17:29A-1 et seq. to direct that rating systems be altered or revised if found to provide for, result in or produce rates which are unreasonable, inadequate or which discriminate unfairly between risks in this State involving essentially the same hazards and expense elements.

(a)

DIVISION OF ACTUARIAL SERVICES

Standard Limiting Effect of Negative Excess Investment Income in the Computation of Excess Profits

Proposed New Rule: N.J.A.C. 11:3-20A

Authorized By: Kenneth D. Merin, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29A-5.8.

Proposal Number: PRN 1989-176.

Submit comments by May 3, 1989 to:

Verice M. Mason, Assistant Commissioner
Legislative and Regulatory Affairs
Department of Insurance
CN 325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

N.J.S.A. 17:29A-5.6 through 17:29A-5.16, enacted on September 8, 1988, requires private passenger automobile insurers in New Jersey to submit financial disclosure statements and reports for the determination of excess profits. It also repealed the previous excess profits law, N.J.S.A. 17:29A-5.2 to 5.5. Rules were proposed in the March 20, 1989 New Jersey Register to implement the new statute.

N.J.S.A. 17:29A-5.8 authorizes the Commissioner to limit the effect of negative excess investment income in the computation of excess profits. This limit is to be established by promulgating a regulation that provides a standard for the investment of policyholder-supplied funds, pursuant to a regulation promulgated by April 1 of the year in which the excess profits reports are due.

This rule implements that legislation. It establishes the standard on the investment of policyholder-supplied funds at nine percent. According to the rule, a private passenger automobile insurer is assumed to have received at least a nine percent return on its investment of policyholder-supplied funds, notwithstanding the rate of return the insurer actually received. The nine percent standard is derived from the current AAA bond rate. This is a conservative standard and reflects the minimum rate of return that an insurer should be able to receive on its investments if the insurer invests prudently.

Social Impact

The proposed new rule implements the intent of the legislature as expressed in N.J.S.A. 17:29A-5.8. The primary impact of the proposed new rule is that it sets forth a standard by which negative excess investment income is limited in the computation of excess profits. Insurers, therefore, will be made aware of the standard by which negative excess investment income is limited in the computation of excess profits. This should lead to less confusion in the completion and filing of the excess profits reports required by N.J.S.A. 17:29A-5.6 through 17:29A-5.16. The proposed new rule imposes no new reporting or other compliance requirements on insurers.

Economic Impact

The proposed new rule imposes an economic impact on private passenger automobile insurers in New Jersey in that it imputes a minimum rate of return on investment of policyholder-supplied funds of nine percent. This limits the effect of negative excess investment income in the computation of excess profits. Since the effect of negative excess investment income is limited, some insurers might be charged with having a great "excess profit" under N.J.S.A. 17:29A-5.6 through 17:29A-5.16, than they would otherwise have. The economic impact on the public is that insureds might receive additional refunds of excess profits from insurers

due to the limit of the effect of negative excess investment income in the computation of excess profits. The proposed new rule should impose no economic impact on the Department.

Regulatory Flexibility Analysis

The proposed new rule imposes a requirement that insurers filing excess profits reports comply with the standard set forth, which limits the effect of negative excess investment income in the computation of excess profits. Some of these insurers may be "small businesses", as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. There are no other reporting or recordkeeping requirements imposed by the proposed new rule.

N.J.S.A. 17:29A-5.6 through 17:29A-5.16 requires private passenger automobile insurers to file excess profits reports regardless of insurer size. In order to ensure consistent and uniform assessment of excess profits and due to the minimal nature of the compliance requirement imposed, different compliance requirements based on insurer size are not provided in the proposed rule.

Full text of the proposal follows:

SUBCHAPTER 20A. STANDARD LIMITING EFFECT OF NEGATIVE EXCESS INVESTMENT INCOME IN THE COMPUTATION OF EXCESS PROFITS

11:3-20A.1 Standard on the investment of policyholder-supplied funds

To complete Item 7 of Exhibit Eight, Part One-A (see N.J.A.C. 11:3-20 Appendix), an insurer filing an excess profits report, in accordance with N.J.A.C. 11:3-20, shall use a ratio of .090, or the actual ratio calculated in Exhibit Eight, Part One-A, whichever is higher.

(b)

DIVISION OF ADMINISTRATION

Medical Fee Schedules: Automobile Insurance Personal Injury Protection Coverage

Proposed New Rule: N.J.A.C. 11:3-29

Authorized By: Kenneth D. Merin, Commissioner, New Jersey Department of Insurance.

Authority: P.L. 1988, c. 119, section 10, enacted September 8, 1988; as amended P.L. 1988, c. 156, section 4, enacted November 15, 1988 (N.J.S.A. 39:6A-4.6)

Proposal Number: PRN 1989-174.

Submit comments by May 3, 1989 to:

Verice M. Mason, Assistant Commissioner
Legislative and Regulatory Affairs
Department of Insurance
CN 325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Section 10 of P.L. 1988, c. 119 (enacted September 8, 1988; as amended P.L. 1988, c. 156, section 4) directs the Commissioner to promulgate medical fee schedules on a regional basis for the reimbursement of health care providers providing services or equipment for medical expense benefits for which payment is required to be made under the personal injury protection coverage provided by automobile insurance policies. The fee schedules are directed to be based on the type of service provided. Generally, development of a comprehensive medical fee schedule requires 18 months with refinements occurring over the years. The medical fee schedules set forth in these proposed new rules represent the Department's initial effort to develop fee schedules and implement the new law. In accordance with N.J.S.A. 39:6A-4.6, the schedules are subject to biennial review and thus may undergo refinement where appropriate.

Medical providers supplying services and equipment to those injured in automobile accidents include the following:

1. Providers of medical services, including medical doctors, osteopaths, physicians, chiropractors, medical laboratories, etc.;
2. Dentists;

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

3. Nurses and other providers of allied health professional services, including registered nurses, physical therapists, speech therapists, occupational therapists, licensed practical nurses and home health agencies;

4. Providers of durable medical equipment;

5. Providers of medical transportation services, including mobile intensive care units and ambulances; and

6. Acute care hospitals and other specialized medical care facilities.

The schedules proposed are categorized by service or equipment provided. Types of medical services are listed in a nationally recognized coding system known as the Physicians Current Procedural Terminology, fourth edition (hereinafter "CPT-4"). The Department utilized the CPT-4 system as the basic code and description for medical services provided on the proposed fee schedule.

Using a large Statewide data base, the Department analyzed several million billed charges for CPT-4 services to determine levels of fees to be included on the schedule. The Department analyzed billed charges to develop Statewide and regional means. Statewide fees were used in the event the number of billed charges for a particular service in a particular region were inadequate for analysis.

Medical services provided by specialists were not separately analyzed in the development of the schedules. Specialties are taken into account, however, to the extent that particular services predominantly provided by specialists are reflected in the overall level of billed charges for that service.

In analyzing the level of fees actually billed by medical service providers, the Department noted that in general the charge levels in region III were approximately eight to 12 percent higher than those in region I; those in region II fell generally in between. To avoid wide disparities among regions for specific services, and to eliminate statistical anomalies, the scheduled fees were flattened so that all regions were within 10 percent of the fee that would exist had there been a single Statewide fee applied to each region. All fees were reviewed item by item and minor adjustments made where required to eliminate obvious fee aberrations among similar procedures.

To develop dental service fees, the Department first identified those services generally provided to victims of traumatic injury. These are identified by the nationally recognized American Dental Association numerical codes described on the schedule. The Department surveyed several large dental insurers to determine the level of charges billed and paid and utilized a relative value scale to establish the fees for each of the specific services described. No significant or consistent difference was noted in the level of fees by region of the State; therefore, the fees set forth in the proposed schedule for each service are the same in each region.

Nursing and allied health professional services provided to victims of traumatic injury include both nursing services and rehabilitation services for home physical therapy, home speech therapy and home occupational therapy. These services are generally billed on an hourly basis; home health care services are billed on a per visit basis. The Department surveyed several large medical insurers and providers of these services to determine the levels of fees billed and paid in the various regions of the State. The Department analyzed the level of prevailing fees for each of the specific services mentioned. With regard to private nursing care, the data did not reveal significant or consistent differences among the various regions of the State; therefore the fees for each service in each region are the same. With regard to home health visits, the survey did not reveal a significant difference between regions II and III, although the prevailing fees in these regions were slightly higher than region I. Therefore the schedule sets forth the same fee for these services in region I and III, which is slightly higher than the fee for region II.

In developing the schedule for durable medical equipment, the Department referred to the fee schedule currently in use by the Federal Medicare program for New Jersey Medicare recipients. The Medicare program is the principal payor countrywide for durable medical equipment; it is generally the source of more than 50 percent of the total revenue of durable medical equipment providers. The Medicare fee schedule contains a numerical code for each item which has been incorporated into the proposed schedule.

The schedule sets forth the purchase price for each item of equipment. The proposed rules limit the monthly rental of any item to 10 percent of the purchase price, and limit the total of rentals to 15 times the monthly rental fee. The Medicare schedule is applied in New Jersey without regard to region; therefore, the schedule reflects the same fee for durable medical equipment in each region.

Medical transportation services are provided to victims of automobile accidents both by Mobile Intensive Care Units (hereinafter "MICU") and by ambulance companies. For ambulance services, the Department decided to use the Federal Medicare program rates for New Jersey. For MICU services, the Department surveyed medical insurers and providers of MICU services to determine the level of fees in the various regions of the State. No significant and consistent difference was noted by region; therefore, the fee for each service in each region is identical.

With regard to medical services provided by acute care hospitals, fees are already regulated by the Hospital Rate Setting Commission in the Department of Health. These proposed rules, nevertheless, incorporate by reference fees established by the Hospital Rate Setting Commission as automobile insurers' limit of liability under the personal injury protection coverage provided in an automobile insurance policy.

Other specialized medical facilities also have their rates determined by the New Jersey Department of Health in accordance with the Standard Hospital Accounting Rate Evaluation system ("SHARE") pursuant to N.J.S.A. 26:2H-18. The level of charges for these facilities set by the Commissioner of Health for hospital or health service corporations (for example, Blue Cross) has been incorporated by reference in these proposed rules.

In proposing these rules, the Department realizes that many other medical services not specifically listed are nevertheless provided to victims injured in automobile accidents. These include a variety of services and equipment not described for which there was insufficient data available. Development of fees for these services will continue, and these rules will be amended to include them as they are developed. With regard to services and equipment not on the schedule or provided outside of New Jersey, these proposed rules contain a provision that the limit of liability for personal injury protection coverage is a reasonable fee based upon the prevailing fee for that service in the area where it is provided.

Conversely, the Department notes that some specific services or items of equipment only rarely may be required for treatment in connection with injuries resulting from an automobile accident. Other than to eliminate broad categories (for example, oncological and obstetrical services), only a limited effort was made to edit the schedules for such services. The Department decided to err on the side of inclusion.

Proposed N.J.A.C. 11:3-29.1 describes the purpose and scope, which is to establish medical fee schedules on a regional basis, as described in the language of P.L. 1988, c. 119, section 10 as amended. The scope is specifically limited to personal injury protection coverages in private passenger auto insurance; the proposed rules do not apply to other forms of health insurance, nor to other automobile insurance coverages such as bodily injury liability.

Proposed N.J.A.C. 11:3-29.2 sets forth definitions of various terms.

Proposed N.J.A.C. 11:3-29.3 sets forth the regions.

Proposed N.J.A.C. 11:3-29.4 sets forth specific rules for the application of the schedules, and the incorporation by reference of hospital and health care facility fees established by the New Jersey Department of Health.

Proposed N.J.A.C. 11:3-29.5 consists of the medical fee schedules.

Social Impact

These proposed rules impact automobile insurers, automobile insurance purchasers, and those who provide medical services and equipment to insureds injured in automobile accidents. They will have a positive social impact in carrying out the legislative policy to control the cost of medical services with respect to automobile insurance rates. The rules provide limits of liability under the personal injury protection provisions of automobile insurance policies for many medical services furnished to those injured in automobile accidents.

Economic Impact

These proposed rules are expected to reduce the amount of medical expenses paid by insurers, which are reflected in the rates paid by purchasers of automobile insurance policies. The fees included on the schedule have been set so as to be equal to or greater than the charges billed by the majority of the medical service providers. This will result in an anticipated saving of a portion of the automobile insurance premium used for personal injury protection medical expenses. Some of this saving will be offset by the added costs to insurers necessary to develop and implement the schedules through revised claims processing and adjudication procedures. Much of this administrative cost will be a capital cost that will provide rate savings over time.

The Department will monitor the effect of these schedules to determine the actual economic impact, as provided in the legislation.

INSURANCE

PROPOSALS

Regulatory Flexibility Statement

These proposed rules will apply to "small businesses" as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These "small businesses" include insurance companies authorized to write private passenger automobile insurance. Less than 10 of the more than 200 automobile insurers in New Jersey qualify as "small businesses".

A regulatory flexibility analysis is not required because these rules do not impose reporting, recordkeeping or other compliance requirements on small businesses. The medical fee schedule contained in the rules sets forth the limits of liability for personal injury protection coverage contained in automobile insurance policies. While the rules do not impose reporting, recordkeeping and other compliance requirements, it is fully expected that all automobile insurers, including those qualifying as small businesses, will implement the fee schedule in their claims adjudication processes so as to reduce loss expenses for personal injury protection medical expense claims.

Full text of the proposed rule follows:

**SUBCHAPTER 29. MEDICAL FEE SCHEDULES:
AUTOMOBILE INSURANCE PERSONAL
INJURY PROTECTION**

11:3-29.1 Purpose and scope

(a) This subchapter implements the provisions of P.L. 1988, c. 119 and P.L. 1988, c. 156 (N.J.S.A. 39:6A-4.6) to establish medical fee schedules on a regional basis for the reimbursement of health care providers providing services or equipment for medical expense benefits for which payment is required to be made under the personal injury protection coverage provided in N.J.S.A. 39:6A-4a.

(b) This subchapter applies to all insurers that issue policies of automobile insurance containing personal injury protection coverage as described in N.J.S.A. 39:6A-4a.

(c) These schedules do not apply to the following:

1. Other coverages contained in an automobile insurance policy, such as coverage for bodily injury liability; and
2. Any other kind of insurance, such as health insurance, even when the health insurer may be required pursuant to its health insurance contract to pay benefits to, or on behalf of, a person who sustained bodily injury as the result of an accident while occupying, entering into, alighting from or using an automobile, or as a pedestrian, caused by an automobile or an object propelled by or from an automobile.

3. Medical services or equipment provided pursuant to N.J.S.A. 39:6A-4 outside of the geographic boundaries of New Jersey.

11:3-29.2 Definitions

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

"BLS" means basic life support.

"Commissioner" means the New Jersey Commissioner of Insurance.

"Department" means the New Jersey Department of Insurance.

"Health insurance" means a contract or agreement whereby an insurer is obligated to pay or allow a benefit of pecuniary value with respect to the bodily injury, disablement, sickness, death by accident or accidental means of a human being, or because of any expense relating thereto, or because of any expense incurred in prevention of sickness, and includes every risk pertaining to any of the enumerated risks. As used in this subchapter, health insurance includes worker's compensation coverage. As used in this subchapter, health insurance does not include personal injury protection coverages.

"Health insurer" includes any insurer issuing a policy of health insurance as defined in this subchapter.

"Personal injury protection" ("PIP") means the insurance coverage described in N.J.S.A. 39:6A-4a.

"PIP insurer" includes any insurer issuing a policy of automobile insurance on any vehicle that contains PIP coverage.

"Provider" includes all persons who furnish services or equipment for medical expense benefits for which payment is required to be made under the personal injury protection coverage in automobile insurance policies.

"S & I" means physician supervision and interpretation.

11:3-29.3 Regions

(a) Region I, as used in this subchapter, consists of the following counties in New Jersey: Atlantic; Burlington; Camden; Cape May; Cumberland; Gloucester; and Salem.

(b) Region II, as used in this subchapter, consists of the following counties in New Jersey: Hunterdon; Mercer; Middlesex; Monmouth; Ocean; Somerset; Sussex; and Warren.

(c) Region III, as used in this subchapter, consists of the following counties in New Jersey: Bergen; Essex; Hudson; Morris; Passaic; and Union.

11:3-29.4 Application of Medical Fee Schedules

(a) Every policy of automobile insurance issued in this State shall provide that the insurer's limit of liability for medical expenses payable under the personal injury protection coverage is the fee set forth in this subchapter. Nothing in this subchapter shall, however, compel a PIP insurer to pay more for any service or equipment than the amount billed by the provider.

(b) The region used to determine the proper fee set forth on the schedules shall be determined by the region in which the services were rendered or the equipment was provided.

(c) The fees set forth on the schedule for durable medical equipment are purchase prices.

1. The insurer's limit of liability for monthly rental of any item of durable medical equipment described on the schedule is 10 percent of the amount of the purchase price.

2. The insurer's limit of liability for the rental of durable medical equipment set forth on the schedule is 15 times the monthly rental fee.

(d) The insurer's limit of liability for any medical expense benefit for any service or equipment not set forth on the schedule shall be a reasonable amount considering the fees for similar services or equipment in the geographic location where the service or equipment was provided.

(e) When multiple procedures are performed at the same time, it is generally not appropriate for the fee to be the sum of the fees for each procedure, but a lesser amount that is reasonable under the circumstances. Nothing in this subchapter shall be construed to prevent PIP insurers from paying only reasonable and appropriate fee when multiple procedures are performed at the same time or multiple services provided during the same medical visit.

(f) The fee schedule for services provided by acute care hospitals shall be the schedule of rates determined by the Hospital Rate Setting Commission in the New Jersey Department of Health, established pursuant to N.J.S.A. 26:2H-4.1, which are hereby incorporated by reference.

(g) The fee schedule for other health care facilities shall be the rate established by the New Jersey Commissioner of Health pursuant to N.J.S.A. 26:2H-18 and in accordance with the Standard Hospital Accounting Rate Evaluation system applicable to hospital or health service corporations (for example, Blue Cross), which are hereby incorporated by reference.

11:3-29.5 Medical Fee Schedules

(a) The following is the Medical Fee Schedule for medical services

PROPOSALS

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	1	REGION 2	3
MEDICAL SERVICES				
10060	I&D ABSCESS (EG CARBUNCLE, SUBCUTANEOUS ABSCESES); SIMPLE	86.00	86.00	79.00
10061	I&D ABSCESS (EG CARBUNCLE, SUBCUTANEOUS ABSCESES); COMPLICATED	144.00	144.00	138.00
10080	I&D OF PILONIDAL CYST; SIMPLE	127.00	104.00	104.00
10081	I&D OF PILONIDAL CYST; COMPLICATED	173.00	173.00	173.00
10100	I&D OF ONYCHIA/PARONYCHIA; SINGLE OR SIMPLE	39.00	39.00	35.00
10101	I&D OF ONYCHIA/PARONYCHIA; MULTIPLE OR COMPLICATED	64.00	52.00	58.00
10120	INCISION & REMOVAL FOREIGN BODY, SUBCUTANEOUS TISSUES; SIMPLE	68.00	83.00	68.00
10121	INCISION & REMOVAL FOREIGN BODY, SUBCUTANEOUS TISSUES; COMPLICATED	103.00	103.00	120.00
10140	INCISION AND DRAINAGE OF HEMATOMA; SIMPLE	52.00	58.00	63.00
10160	PUNCTURE ASPIRATION OF ABSCESS OR HEMATOMA	77.00	86.00	81.00
11000	DEBRIDEMENT EXTENSIVELY ECZEMATOUS/INFECTED SKIN; UP TO 10% BOD	40.00	35.00	37.00
11040	DEBRIDEMENT SKIN, PARTIAL THICKNESS	46.00	51.00	46.00
11041	DEBRIDEMENT SKIN, FULL THICKNESS	69.00	63.00	57.00
11042	DEBRIDEMENT SKIN, AND SUBCUTANEOUS TISSUE	69.00	64.00	58.00
11730	AVULSION OF NAIL PLATE, PARTIAL OR COMPLETE, SIMPLE; SINGLE	57.00	57.00	47.00
11731	AVULSION OF NAIL PLATE, PARTIAL OR COMPLETE, SIMPLE; SECOND NAIL PLA	46.00	46.00	46.00
11740	EVACUATION OF SUBUNGUAL HEMATOMA	69.00	69.00	63.00
12001	SIMPLE REPAIRS SUPERFICIAL WNDS/SCALP, NECK, AXILLAE; 2.5 CM OR LES	86.00	86.00	95.00
12002	SIMPLE REPAIR OR SUPERFICIAL WOUNDS OF SCALP, NECK, 2.6 TO 7.5 C	109.00	109.00	127.00
12004	SIMPLE REPAIR WNDS/SCALP, NECK, AXIL/GEN/TRUNK/EXTR; 7.6 TO 12.5 CM	161.00	158.00	177.00
12005	SIMPLE REPAIR WNDS/SCALP, NECK, AXIL/GEN/TRUNK/EXTR; 12.6 TO 20.0 C	190.00	190.00	190.00
12011	SIMPLE REPAIR WOUND FAC/EAR/EYELIDS/NOS/LIPS/MUCMEM UP TO 2.5 CM	98.00	98.00	114.00
12013	SIMPLE REPAIR WNDS/FAC/EAR/EYEL/NOS/LIP; 2.6 TO 5.0 CM	125.00	125.00	147.00
12014	SIMPLE REPAIR SUPERFICIAL WNDS FAC/EARS/EYEL/NOSE; 5.1 TO 7.5 CM	184.00	184.00	213.00
12031	LAYER CLOS WOUND SCAL/AXIL/TRUNK/EXTREMITIES UP TO 2.5 CM	144.00	144.00	144.00
12032	LAYER CLOSURE OF WOUNDS OF SCALP, AXILLAE, TRUNK; 2.6 TO 7.5 CM	167.00	167.00	167.00
12034	LAYER CLOSURE OF WOUNDS OF SCALP, AXILLAE, TRUNK; 7.6 TO 12.5 CM	173.00	173.00	173.00
12041	LAYER CLOS WOUND NEC HANDS/FT/GENIT; UP TO 2.5 CM	126.00	126.00	154.00
12042	LAYER CLOSURE OF WOUNDS NECK, HANDS, FEET, GENIT; 2.6 TO 7.5 CM	173.00	173.00	173.00
12051	LAYER CLOS WOUNDS FACE/EAR/EYELID/NOSE/LIP; UP TO 2.5 CM	184.00	150.00	167.00
12052	LAYER CLOSURE OF WOUNDS OF FACE, EARS, EYELID, NOSE; 2.6 TO 5.0 C	317.00	317.00	259.00
12053	LAYER CLOSURE OF WOUNDS OF FACE, EARS, EYELID, NOSE; 5.1 TO 7.5 C	317.00	317.00	317.00
13120	REPAIR, COMPLEX, SCALP, ARMS & OR LEGS; 1.1 CM TO 2.5 CM	257.00	257.00	257.00
13121	REPAIR, COMPLEX, SCALP, ARMS & OR LEGS; 2.6 CM TO 7.5 CM	298.00	298.00	298.00
13131	REPAIR, COMPLEX, FOREHEAD, CHEEKS, GENITALIA, HANDS/FEET 1.1 TO 2.5 C	380.00	380.00	316.00
13132	REPAIR, COMPLEX, FOREHEAD, CHEEKS, MOUTH, HANDS/FEET; 2.6 TO 7.5 CM	570.00	570.00	489.00
13151	REPAIR, COMPLEX, EYELIDS, NOSE, EARS, LIPS; 1.1 CM TO 2.5 CM	414.00	414.00	460.00
13152	REPAIR, COMPLEX, EYELIDS, NOSE, EARS, LIPS; 2.6 CM TO 7.5 CM	690.00	690.00	690.00
13300	COMPLEX WOUND REPAIR, UNUSUAL, COMPLICATED OVER 7.5 CM ANY AR	690.00	690.00	690.00
14000	ADJACENT TIS TRANS OR REARRANS, TRUNK; UP TO 1.0 SQ CM	414.00	414.00	460.00
14001	ADJACENT TIS TRANS OR REARRANS, TRUNK; 10 SQ CM TO 30 SQ CM	647.00	647.00	748.00
14020	ADJAC TIS TRANS OR REARRANGE SCAL/ARM/LEG UP TO 10 SQ CM	552.00	552.00	552.00
14040	ADJ TIS TRANS/REAR FOR/CHK/CH/MTH/NK/AXILGEN/HND/FT TO 10 SQ	1035.00	1035.00	1219.00

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
14060	ADJ TIS TRANS/REARR, EYELID/NOSE/EAR/LIPS UP TO 10 SQ CM	835.00	683.00	759.00
14300	ADJAC TIS TRANS/REARR, MORE THAN 30 SQ SM UNUSUAL/COMP ANY AR	995.00	995.00	995.00
15100	SPLIT GRAFT TRNK/SCAL/ARM/LEG/HNDS/FT UP TO 100 SQ CM	1150.00	1150.00	1150.00
15781	DERMABRASION; LESS THAN TOTAL FACE, EACH AREA	863.00	863.00	863.00
15786	ABRASION; SINGLE LESION (EG. KERATOSIS, SCAR)	345.00	345.00	345.00
15851	REMOVAL OF SUTURES UNDER ANES (OTHER THAN LOCAL) OTHER SURGEON	41.00	41.00	41.00
16000	INIT. TREAT, 1ST DEGREE BURN, ONLY LOCAL TREATMENT REQUIRED	55.00	55.00	63.00
16020	DRESS &/OR DEBRIDEMENT; WO ANES, OFFICE OR HOSP, BURN, SMALL	69.00	60.00	69.00
16025	DRESS &/OR DEBRIDEMENT; WO ANES, MEDIUM (WHOLE FACE/EXTREMITY)	94.00	94.00	106.00
16030	DRESS &/OR DEBRIDEMENT; WO ANES, BURN, LG. (MORE THAN 1 EXTREMITY)	138.00	138.00	138.00
17000	DESTRUCTION ANY METHOD, INCL LOCAL ANES; ONE LESION	52.00	58.00	64.00
17001	DEST. ANY METHOD, W/-W/O SURG. CURETT. LOCAL ANES. SEC. & THIRD LES	69.00	76.00	69.00
17002	SEE CPT-4 (1988) FOR COMPLETE NOMENCLATURE	77.00	92.00	86.00
17100	DESTRUCTION BENIGN SKIN LESION OTHER THAN FACE & ANES; 1 LESIO	52.00	63.00	64.00
17101	DEST. ANY METHOD OF BENIGN SKIN LESIONS ON ANY AREA; 2ND LESIO	52.00	58.00	58.00
17102	DEST. ANY METHOD OF BENIGN SKIN LESIONS; OVER 2 LESIONS UP TO 1	77.00	92.00	77.00
17104	DEST. ANY METHOD OF BENIGN SKIN LESIONS; 15 OR MORE LESIONS	115.00	115.00	115.00
17110	DESTRUCT FLAT WARTS/MOLLUSCUM CONTAGIOSUM, MILIA, UP TO 15 LESI	58.00	63.00	63.00
17200	ELECTROSURG DESTRUCT MULTPL FIBRO CUTANEOUS TAGS; UP TO 15 LESI	92.00	92.00	86.00
17250	CHEMICAL CAUTERIZATION OF A WOUND	58.00	58.00	58.00
17304	SEE CPT-4 (1988) FOR COMPLETE NOMENCLATURE	633.00	633.00	633.00
17340	CRYOTHERAPY (CO2 SLUSH, LIQUID N2)	64.00	58.00	58.00
20501	INJECTION OF SINUS TRACT; DIAGNOSTIC (SINOGRAM) (SEPARATE PROC)	81.00	81.00	81.00
20550	INJECTION, TENDON SHEATH, LIGAMENT, TRIGGER PTS. OR GANGLION	44.00	36.00	40.00
20600	ARTHROCENTESIS, ASPIRATION &/OR INJEC; SMALL JOINT, BURSA/GANGLI	40.00	44.00	40.00
20605	ARTHROCENTESIS, ASPIRA./INJECT.; INTERMEDIATE JNT, BURSA/GANGLIO	51.00	46.00	46.00
20610	ARTHROCENTESIS, ASPIRATION/INJECTION; MAJOR JOINT/BURSA (HIP, KNE)	52.00	52.00	52.00
20670	REMOVAL OF IMPLANT; SUPERFICIAL (EG, BURIED WIRE, PIN OR ROD)	219.00	253.00	207.00
20680	REMOVAL OF IMPLANT; DEEP (EG, BURIED WIRE, PIN, SCREW, METAL BAND)	616.00	616.00	752.00
21315	MANIPULATIVE TREATMENT NASAL BONE FX; WITHOUT STABILIZATION	345.00	345.00	345.00
21320	MANIPULATIVE TREATMENT NASAL BONE FX; WITH STABILIZATION	546.00	546.00	575.00
21330	NASAL FX; COMPLICATED W INT. AND EXT. SKELETAL FIXATION	863.00	863.00	863.00
21335	NASAL FX WITH CONCOMITANT OPEN TREATMENT OF FX SEPTUM	2300.00	2300.00	2300.00
21337	NASAL SEPTAL FRACTURE/CLOSED	518.00	518.00	518.00
21800	RIB, FRACTURE(S), CLOSED (SIMPLE), UNCOMPLICATED	63.00	63.00	63.00
22555	ARTHRODESIS W DISK, CERV ANT APPR W. ILIAC OR AUTO GRAFT	4198.00	4198.00	4198.00
23350	INJECTION PROCEDURE FOR SHOULDER ARTHROGRAPHY	145.00	145.00	155.00
23450	CAPSULORRHAPHY FOR RECUR DISLO, ANT, PUTTI-PLATT OR MAGNUSON	3306.00	3306.00	3306.00
23500	TREATMENT OF CLOSED CLAVICULAR FRACTURE W/O MANIPULATION	155.00	171.00	150.00
23505	TREATMENT OF CLOSED CLAVICULAR FRACTURE W MANIPULATION	328.00	328.00	328.00
23600	HUMERUS, SURGICAL NECK, FRACTURE, CLOSED (SIMPL)	269.00	269.00	269.00
23605	HUMERUS, SURGICAL NECK, FRACTURE, CLOSED MANIPU	529.00	529.00	529.00
23650	TREATMENT OF CLOSED SHOULDER DISLOCATION W MANIP, WO ANESTHES	278.00	278.00	253.00

PROPOSALS

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
23655	TREATMENT OF CLOSED SHOULDER DISLOCATION, W MANIP W ANESTHESI	403.00	403.00	403.00
24577	TREATMENT OF CLOSED CONDYLAR FX MEDIAL OR LATERAL W MANIPULAT	224.00	224.00	224.00
24640	TREAT OF RAD HEAD SUBLUX IN CHILD "NURSEMAID ELBOW" W MANIPULA	86.00	86.00	86.00
24650	TREATMENT OF CLOSED RADIAL HEAD/NECK FX; WO MANIPULATION	348.00	284.00	284.00
24655	TREATMENT OF CLOSED RADIAL HEAD/NECK FX; W MANIPULATION	443.00	443.00	363.00
25000	TENDON SHEATH INCISION; AT RADIAL STYLOID FOR DEQUERVAIN'S	633.00	633.00	633.00
25111	EXCISION OF GANGLION, WRIST; PRIMARY	621.00	719.00	759.00
25500	TX. OF CLOSED RADIAL SHAFT FX.; WITHOUT MANIPULATION	345.00	345.00	345.00
25505	TX. OF CLOSED RADIAL SHAFT FX.; WITH MANIPULATION	546.00	546.00	491.00
25535	TX. OF CLOSED ULNAR SHAFT FRACTURE; WITH MANIPULATION	403.00	403.00	403.00
25565	TX. OF CLOSED RADIAL & ULNAR SHAFT FRACTURES; W/MANIPULATION	633.00	604.00	627.00
25600	SEE CPT-4 (1988) FOR COMPLETE NOMENCLATURE	412.00	420.00	363.00
25605	SEE CPT-4 (1988) FOR COMPLETE NOMENCLATURE	487.00	443.00	403.00
25610	CLOSED, COMPLEX, DISTAL RADIAL FRACTURE OR EPIPHYSEAL	506.00	443.00	460.00
25611	DISTAL RADIAL FRACTURE (E.G., COLLES TYPE) WITH	805.00	805.00	805.00
25635	TREATMENT CLOSED CARPAL BONE FX W MANIPULATION	299.00	299.00	299.00
26055	TENDON SHEATH INCISION FOR TRIGGER FINGER	575.00	575.00	696.00
26115	EXCISION OF BENIGN TUMOR; SUBCUTANEOUS	575.00	575.00	575.00
26122	FASCIECTOMY (FOR DUPUYTRENS CONTRACTURE) UP TO	2530.00	2530.00	2530.00
26160	EX. LESION TENDON SHEATH/CAPSULE (EG, CYST/GANGLION), HAND/FINGER	633.00	633.00	575.00
26235	SEE CPT-4 (1988) FOR COMPLETE NOMENCLATURE	518.00	518.00	518.00
26418	EXT. TENDON REPAIR, FINGER, SINGLE, WO FREE GRAFT	766.00	766.00	766.00
26600	METACARPAL FRACTURE, SINGLE, CLOSED (SIMPLE), W	288.00	282.00	254.00
26605	CLOSED METACARPAL FX. SINGLE; WITH MANIPULATION	288.00	311.00	328.00
26720	PHALANGES, FRACTURE, PROXIMAL OR MIDDLE, FINGER	173.00	173.00	156.00
26725	PHALANGES, FRACTURE, PROXIMAL OR MIDDLE, FINGER	202.00	230.00	207.00
26750	CLOSED DISTAL PHALANGEAL FX WO MANIPULATION	152.00	152.00	152.00
26755	CLOSED DISTAL PHALANGEAL FX WITH MANIPULATION	152.00	152.00	152.00
26760	OPEN DISTAL PHALANGEAL FX W SOFT TISSUE CLOSURE, EACH	345.00	345.00	345.00
26770	CLOSED INTERPHALANGEAL JT DISLOCATION W MANUPUL. & ANESTHESIA	98.00	98.00	98.00
27130	ARTHROPLASTY, ACETABULAR AND PROXIMAL FEMORAL P	5693.00	5693.00	5175.00
27236	OPEN TX. OF CLOSED OR OPEN FEMORAL FRACT, PROXIMAL END, NECK	2783.00	2783.00	2783.00
27244	CLOSED OR OPEN INTER OR PERTROCHANTERIC FX W INT. FIXATION	3163.00	3163.00	3163.00
27370	INJECTION PROCEDURE FOR KNEE ARTHROGRAPHY	114.00	127.00	140.00
27447	ARTHROPLASTY, KNEE, MEDIAL AND LAT, W/WO PATELLA RESURFACING	5796.00	5796.00	6205.00
27520	PATELLA, FRACTURE, CLOSED (SIMPLE), WITH RED	403.00	403.00	403.00
27752	TIBIA, SHAFT FRACTURE, CLOSED (SIMPLE), CLOSED	683.00	683.00	759.00
27760	CLOSED DISTAL TIBIAL FX. WO MANIPULATION	374.00	374.00	374.00
27762	CLOSED DISTAL TIBIAL FX WITH MANIPULATION	455.00	455.00	455.00
27781	CLOSED PROX. FIBULA OR SHAFT FX; WITH MANIPULATION	317.00	317.00	273.00
27786	CLOSED DISTAL FIBULAR FX; WO MANIPULATION	375.00	403.00	403.00
27788	CLOSED DISTAL FIBULAR FX; WITH MANIPULATION	414.00	460.00	506.00
27802	CLOSED TIBIA + FIBULA FX SHAFTS; WITH MANIPULATION	759.00	759.00	748.00
27810	CLOSED BIMALLEOLAR FX; WITH MANIPULATION	518.00	518.00	518.00
27814	CLOSED OR OPEN BIMALLEOLAR FX W/WO FIXATION	2013.00	2013.00	2013.00
28080	EXCISION OF MORTONS NEUROMA, SINGLE TOE	725.00	805.00	863.00
28110	OSTECTOMY, PARTIAL EXCISION OF FIFTH METATARSAL	690.00	690.00	690.00
28119	EXCISION OF CALCANEAL SPUR WITH OR WITHOUT PLAN	1150.00	1150.00	1150.00
28124	PARTIAL EXCISION OF BONE (CRATERIZATION, SAUCER)	621.00	621.00	621.00
28153	RESECTION, HEAD OF PHALANX	633.00	633.00	633.00
28160	HEMIPHALANGECTOMY OR INTERPHALANGEAL JOINT EXCI	575.00	575.00	575.00
28270	CAPSULOTOMY FOR CONTRACTURE, METATARSOPHALANGEA	311.00	311.00	311.00
28285	HAMMER TOE OPERATION, ONE TOE, INTERPHALANGEAL	621.00	702.00	690.00
28290	HALLUX VALGUS CORRECT., W/WO SESAMOIDECTOMY; SIMPLE EXOSTECTOMY	1093.00	1093.00	1093.00
28292	HALLUX VALGUS CORRECT., W/WO SESAMOIDECTOMY; KELLER, MCBRIDE, MAY	1294.00	1438.00	1495.00

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
28293	HALLUX VALGUS CORRECT., W/WO SESAMOIDECTOMY; RESECT. JX W/IMPLAN	2070.00	2300.00	2300.00
28296	HALLUX VALGUS CORRECT., W/WO SESAMOIDECT.; W/METATARSAL OSTEOTOM	1863.00	2070.00	2128.00
28298	HALLUX VALGUS CORRECT., W/WO SESAMOIDECTOMY; PHALANX OSTEOTOMY	1898.00	1898.00	1898.00
28299	KELLER, MCBRIDE, MAYO BY OTHER METHODS (E.G. DOUBLE OSTEOT.)	2300.00	2300.00	2300.00
28308	SEE CPT-4 (1988) FOR COMPLETE NOMENCLATURE	748.00	805.00	690.00
28455	TRTM. OF CLOSED TARSAL BONE FRACTURE, W MANIPULATION, EACH	299.00	299.00	288.00
28470	METATARSAL(S), FRACTURE(S), CLOSED (SIMPLE), WI	259.00	305.00	259.00
28475	METATARSAL(S), FRACTURE(S), CLOSED (SIMPLE), CL	270.00	305.00	259.00
28490	PHALANX OR PHALANGES, FRACTURE GREAT TOE, CLOSE	98.00	98.00	98.00
28495	PHALANX OR PHALANGES, FRACTURE GREAT TOE, CLOSE	144.00	144.00	144.00
28510	CLOSED FX, PHALANX/PHALANGES, BESIDES BIG TOE; WO/MANIPULATION, E	114.00	109.00	94.00
28515	CLOSED FX, PHALANX/PHALANGES, BESIDES BIG TOE; W/MANIPULATION, E	114.00	109.00	94.00
29065	APPLICATION; SHOULDER TO HAND (LONG ARM)	173.00	178.00	173.00
29075	APPLICATION; ELBOW TO FINGER (SHORT ARM)	135.00	161.00	161.00
29085	APPLICATION; HAND & LOWER FOREARM (GAUNTLET)	124.00	138.00	144.00
29105	APPLICATION LONG ARM SPLINT/SHOULDER TO HAND	119.00	132.00	132.00
29125	APPLICATION SHORT ARM SPLINT/FOREARM TO HAND/STATIC	83.00	92.00	101.00
29130	APPLICATION FINGER SPLINT/STATIC	61.00	75.00	75.00
29131	APPLICATION FINGER SPLINT/DYNAMIC	98.00	98.00	98.00
29200	STRAPPING/THORAX	75.00	75.00	75.00
29220	STRAPPING/LOW BACK	81.00	81.00	81.00
29240	STRAPPING/SHOULDER	75.00	67.00	70.00
29260	STRAPPING/ELBOW OR WRIST	54.00	58.00	61.00
29280	STRAPPING/HAND OR FINGER	63.00	63.00	61.00
29345	LONG LEG CAST (THIGH TO TOES), UNDER AGE 10 YRS	186.00	219.00	228.00
29355	LONG LEG CAST (THIGH TO TOES), WALKING OR AMBUL	178.00	178.00	178.00
29358	APPLICATION OF LONG LEG CAST BRACE	201.00	201.00	201.00
29365	APPLICATION OF CYLINDER CAST (THIGH TO ANKLE)	259.00	259.00	259.00
29405	APPLICATION TO SHORT LEG CAST (BELOW KNEE TO TOES)	161.00	190.00	173.00
29425	SHORT LEG CAST (BELOW KNEE TO TOES), WALKING OR	201.00	228.00	228.00
29450	CLUBFOOT CAST WITH MOLDING OR MANIPULATION, LON	95.00	86.00	77.00
29455	CLUBFOOT CAST WITH MOLDING OR MANIPULATION, LON	144.00	138.00	132.00
29505	APPLICATION LONG LEG SPLINT/THIGH TO ANKLE/TOES	63.00	63.00	63.00
29515	APPLICATION SHORT LEG SPLINT/CALF TO FOOT	94.00	114.00	94.00
29530	STRAPPING/KNEE	63.00	75.00	69.00
29540	STRAPPING/ANKLE	57.00	57.00	67.00
29550	STRAPPING/TOES	58.00	58.00	67.00
29580	STRAPPING/UNNA BOOT	69.00	78.00	75.00
29700	REMOVAL OR BIVALVING; GAUNTLET, BOOT OR BODY CAST	46.00	46.00	51.00
29705	REMOVAL OR BIVALVING; FULL ARM OR FULL LEG CAST	52.00	52.00	52.00
29870	ARTHROSCOPY, KNEE, DIAG. W/WO SYNOVIAL BIOPSY (SEP. PROC)	984.00	1202.00	1150.00
29874	ARTHROSCOPY, KNEE, SURGICAL; F/REMOVAL LOOSE/FOREIGN BODY	2530.00	2530.00	2530.00
29875	ARTHROSCOPY, KNEE, SURGICAL; SYNOVECTOMY, LIMITED	2300.00	2300.00	2559.00
29877	ARTHROSCOPY, KNEE, SURG; DEBRIDEMENT/SHAVING ARTICULAR CARTILAGE	2300.00	2415.00	2657.00
29881	ARTHROSCOPY, KNEE, SURG; W MENISCECTOMY	2329.00	2847.00	2588.00
29882	ARTHROSCOPY, KNEE, SURG; W MENISCUS REPAIR	2875.00	2875.00	2875.00
30110	EXCISION, NASAL POLYP(S), SIMPLE; UNILATERAL	288.00	288.00	288.00
30111	EXCISION, NASAL POLYP(S), SIMPLE; BILATERAL	403.00	403.00	403.00
30116	EXCISION, NASAL POLYP(S), EXTENSIVE; BILATERAL	690.00	690.00	690.00
30130	EXCISION TURBINATE, PARTIAL OR COMPLETE	587.00	587.00	587.00
30200	INJECTION INTO TURBINATE(S), THERAPEUTIC	32.00	32.00	32.00
30300	REMOVAL FOREIGN BODY INTRANASAL; OFFICE TYPE PROCEDURE	52.00	52.00	52.00
30420	RHINOPLASTY PRIMARY INCLUDING MAJOR SEPTAL REPAIR	3450.00	3220.00	3680.00
30500	SEPTECTOMY, SUBMUCOUS RESECTION (W/WO TURBINECTOMY & POLYPECTOM)	2070.00	2070.00	1840.00
30520	SEPTOPLASTY WITH OR WITHOUT CARTILAGE IMPLANT	2044.00	2070.00	2300.00
30620	RECON FUNE INT NOSE (SEPT/OTHER INTRANAS DERMOPLA) (W/O GRAFT)	2875.00	2875.00	2875.00

PROPOSALS

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
30800	CAUTER. TURBINATES, UNI. OR BILATERAL (SEP. PROC.); SUPERFICIAL	86.00	86.00	86.00
30901	CONTROL NASAL HEMORRHAGE, ANT, SIMPLE (CAUTERIZATION) UNILATE	77.00	86.00	86.00
30902	CONTROL NASAL HEMORRHAGE, ANT, SIMPLE (CAUTERIZATION) BILATER	86.00	86.00	86.00
30903	CONTROL NASAL HEM ANT COMPLEX (CAUT W LOCAL ANESTH PACK) UNI	115.00	115.00	115.00
30904	CONTROL NASAL HEM ANT COMPLEX (CAUT W LOCAL ANESTH PACK) BILA	173.00	173.00	173.00
30905	CONTROL NASAL HEMORRHAGE, POST, W POST NASAL PACKS; INITIAL	345.00	345.00	345.00
31000	LAVAGE BY CANNULATION; MAXILLARY SINUS, UNI (ANTRUM/NAT OSTIU)	88.00	88.00	88.00
31001	LAVAGE BY CANNULATION; MAXILLARY SINUSES, BILATERAL	144.00	144.00	130.00
31021	SINUSOTOMY, MAXILLARY (ANTROTOMY); INTRANASAL, BILATERAL	690.00	690.00	690.00
31030	SINUSOTOMY MAX RAD UNI (CALDWELL-LUC) W/O REM ANTROCHO POLYPS	1898.00	1898.00	1898.00
31201	ETHMOIDECTOMY; INTRANASAL, TOTAL	1725.00	1725.00	1725.00
31500	ENDOTRACHEAL INTUBATION & RESUSCITATION (EXCEPT NEWBORN)	161.00	190.00	173.00
31515	LARYNGOSCOPY DIRECT; FOR ASPIRATION	127.00	127.00	127.00
31525	LARYNGOSCOPY DIRECT; DIAGNOSTIC; EXCEPT NEWBORN	363.00	363.00	403.00
31535	LARYNGOSCOPY, DIRECT, OPERATIVE, W BIOPSY	748.00	748.00	748.00
31536	LARYNGOSCOPY DIRECT OPERATING MICROSCOPE	978.00	978.00	978.00
31540	LARYNGOS DIRECT OPER W EXC TUMOR/STRIP VOCAL CORDS/EPIGLOTTIS	1035.00	1035.00	1150.00
31541	LARYNGOS DIR OPER W EXC TUM/STRIP VOC CORDS/EPIGLOT W OPE MIC	1035.00	1035.00	1150.00
31575	LARYNGOSCOPY, FLEXIBLE FIBERSCOPIC; DIAGNOSTIC	316.00	316.00	288.00
31600	TRACHEOSTOMY, PLANNED (SEPARATE PROCEDURE)	920.00	920.00	920.00
31620	BRONCHOSCOPY; DIAGNOSTIC, RIGID BRONCHOSCOPE	600.00	600.00	734.00
31645	BRONCHOSCOPY; W THERA ASPIRATION OF TRACHEOBRONCH TREE INITIAL	600.00	600.00	600.00
32000	THORACENTESIS, PUNCTURE PLEURAL CAVITY FOR ASPIRATION INIT/SU	201.00	179.00	201.00
32020	TUBE THORACOSTOMY W WATER SEAL (PNEUMOTHO/HEMOTHO) (SEP PROC)	518.00	633.00	575.00
32100	THORACOSTOMY; MAJOR; W EXPLORATION AND BIOPSY	2875.00	2875.00	2875.00
36000	INTRODUCTION OF NEEDLE OR INTRACATHETER, VEIN; UNILATERAL	126.00	154.00	144.00
36001	INTRODUCTION OF NEEDLE OR INTRACATHETER, VEIN; BILATERAL	269.00	269.00	269.00
36010	INTRO OF CATH. IN SUPERIOR/INFERIOR VENA CAVA RT HEART	326.00	362.00	345.00
36100	INTRO NEEDLE OR INTRACATH. CAROTID OR VERTEBRAL; UNILATERAL	345.00	345.00	398.00
36101	INTRO NEEDLE OR INTRACATH. CAROTID OR VERTEBRAL; BILATERAL	569.00	569.00	569.00
36140	INTRO OF NEEDLE OR INTRACATH. EXTREMITY ARTERY	345.00	311.00	368.00
36160	INTRO OF NEEDLE OR INTRACATH. AORTIC TRANSLUMB	399.00	399.00	399.00
36200	INTRO OF CATH. AORTA	379.00	397.00	444.00
36210	INTRO OF CATH; CEREBRAL, ARTERY, SELECTIVE, SINGLE	450.00	450.00	409.00
36220	INTRO OF CATH. MULTIPLE CEREBRAL ARTERIES W/VO MIDSTREAM INJ.	466.00	518.00	570.00
36230	INTRO OF CATH. CORONARY ARTERY, SELECTIVE, UNI OR BILAT	1006.00	1006.00	1006.00
36240	INTRO OF CATH. RENAL, CELIAC W/VO INJ. SELECTIVE, SINGLE	414.00	414.00	374.00
36250	INTRO OF CATH. BILATERAL RENAL OR MULTIPLE ARTERIES	491.00	491.00	600.00
36400	VENIPUNCTURE, UNDER 3 YRS; FEMORAL JUGULAR OR SAGITTAL SINUS	51.00	51.00	51.00
36410	VENIPUNCTURE, OVER AGE 3 YRS; NON-ROUTINE; DIAG OR THERAPEUTI	15.00	15.00	15.00
36415	ROUTINE VENIPUNCTURE FOR COLLECTION OF SPECIMEN(S)	6.00	6.00	6.00
36415	ROUTINE VENIPUNCTURE FOR COLLECTION OF SPECIMEN(S)	8.00	8.00	10.00
36430	BLOOD TRANSFUSION, INDIRECT	64.00	64.00	52.00
36440	PUSH TRANSFUSION, 2 YEARS OR UNDER	115.00	115.00	115.00
36470	INJ SCLEROSING SOLUTION; SINGLE VEIN	48.00	48.00	46.00
36471	INJ SCLEROSING SOLUTION; MULTIPLE VEINS, SAME LEG	88.00	88.00	108.00

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
36488	PLACEMENT CENTRAL VENOUS CATH; PERCUTANEOUS, AGE 2 YRS OR UNDER	115.00	115.00	115.00
36489	CATH, SUBCLVIAN, PERCU, BY CUTDOWN F CENTRAL VENOUS PRESSR DETERM	288.00	259.00	288.00
36490	CUTDOWN PLACEMENT OF CENT. VENOUS CATH. AGE 2 OR UNDER	869.00	1063.00	966.00
36491	PLACEMENT CENTRAL VENOUS CATHETER; CUTDOWN, OVER AGE 2	633.00	693.00	690.00
36510	CATH. OF UMBILICAL VEIN FOR DIAGNOSIS OR THERAPY, NEWBORN	161.00	161.00	161.00
36620	ARTERIAL CATHETERIZATION FOR MONITORING OR TRAN	201.00	173.00	173.00
36640	ARTERIAL CATH. FOR PROLONGED INF. THERAPY (CHEMOTHERAPY), CUTDOWN	805.00	805.00	805.00
36660	UMBILICAL ARTERY CATHETERIZATION, NEWBORN, FOR	207.00	207.00	207.00
36810	INSERT. OF CANNULA FOR HEMODIAL, ARTERIOVENOUS EXT. (SCRIBNER TY)	828.00	828.00	828.00
36820	INSERT. OF CANNULA FOR HEMO. ARTERIOVENOUS, INTERNAL (CIMINO TYPE)	2070.00	2070.00	2070.00
36830	ARTERIO-VENOUS FISTULA, NON AUTOGENOUS GRAFT (INCLUDES BOVINE)	2300.00	2300.00	2300.00
37720	LIGATION AND DIVISION AND COMPLETE STRIPPING OF	1392.00	1392.00	1531.00
37730	LIGATION AND DIVISION AND COMPLETE STRIPPING OF	1380.00	1380.00	1394.00
38500	BX. OR EXC. OF LYMPH NODE(S); SUPERFICIAL (SEP. PROC.)	323.00	345.00	395.00
38510	BX. OR EXC. OF LYMPH NODE(S); DEEP CERVICAL NODE(S)	518.00	518.00	518.00
38745	RADICAL LYMPHADENECTOMY, AXILLARY, COMPLETE	1380.00	1380.00	1380.00
39400	MEDIASTINOSCOPY, WITH OR WITHOUT BIOPSY	1024.00	1024.00	1012.00
40812	EXCISION OF LESION OF MUCOSA A SUBMUCOSA; WITH SIMPLE REPAIR	201.00	201.00	201.00
41811	SURG REMOVAL IMPACTED TOOTH; W PARTIAL BONE COVER, INITIAL	248.00	276.00	288.00
41812	SURG REMOVAL IMPACTED TOOTH; W PARTIAL BONE COVER, EA. ADDITIONAL	207.00	207.00	230.00
41813	SURG REMOVAL IMPACTED TOOTH; W COMPLETE BONE COVER; INITIAL	264.00	293.00	288.00
41814	SURG REMOVAL IMPACTED TOOTH; W COMPLETE BONE COVER; EA. ADDITIONAL	259.00	259.00	236.00
41815	SURG REMOVAL IMP TOOTH WITHOUT BONE COVER TISSUE IMP INIT	207.00	207.00	207.00
41816	SURG. REM. IMPACT. TOOTH; W/O BONE COV. (TISSUE IMPACT.) EA. ADDITIONAL	153.00	153.00	134.00
42550	INJECTION PROCEDURE FOR SIALOGRAPHY	144.00	144.00	144.00
42660	DILATION AND CATHETERIZATION OF SALIVARY DUCT W/WO INJECTION	115.00	115.00	115.00
42700	PHARYNX, ADENOIDS AND TONSILS; INCISION-DRAINAGE	317.00	317.00	317.00
44120	ENTERECTOMY, RESECTION SM INTESTINE; WITH ANASTOMOSIS	2300.00	2300.00	2300.00
44140	INTESTINES-COLECTOMY, PARTIAL, WITH ANASTOMOSIS	2588.00	2875.00	3134.00
44143	COLECTOMY PARTIAL; W END COLOSTOMY & CLOSURE DISTAL SEGMENT	2737.00	2737.00	2737.00
44145	COLECTOMY, PARTIAL; WITH COLOPROCTOSTOMY (LOW PELVIC ANAS.)	3807.00	3807.00	3807.00
44950	APPENDECTOMY	1144.00	1162.00	1398.00
45300	PROCTOSIGMOIDOSCOPY, DIAGNOSTIC.	89.00	81.00	81.00
45330	SIGMOID/FLEXIBLE FIBEROPTC/DX	190.00	156.00	173.00
45360	COLONOSCOPY, FIBEROPTIC, BEYOND 25 CM SPLENIC FLEXURE DIAG. PROCED	345.00	380.00	334.00
45365	SEE CPT-4 FOR (1988) FOR COMPLETE NOMENCLATURE	466.00	518.00	518.00
45378	COLONOSCOPY (TOTAL) TO CECUM.	742.00	638.00	719.00
45380	SEE CPT-4 (1988) FOR COMPLETE NOMENCLATURE	805.00	748.00	805.00
47500	PERCUTANEOUS TRANSHEPATIC CHOLANGIOGRAPHY, INCL	345.00	345.00	345.00
47600	CHOLECYSTECTOMY	1630.00	1725.00	1992.00
47605	CHOLECYSTECTOMY WITH CHOLANGIOGRAPHY (OPERATIVE)	1780.00	1863.00	2113.00
47610	CHOLECYSTECTOMY, WITH OPEN EXPLORATION OF COMMO	2875.00	2875.00	2875.00
49000	EXPLORATORY LAPAROTOMY: EXPLORATORY CELIOTOMY	1610.00	1627.00	1915.00
49080	ABDOMINAL PARACENTESIS, INITIAL	132.00	138.00	158.00
49081	ABDOMINAL PARACENTESIS, SUBSEQUENT	94.00	94.00	94.00
49420	INTRODUCTION; INSERTION OF INTRAPERITONEAL CANN	190.00	190.00	190.00
29421	CANNULA INSERTION (PERMANENT) FOR PERITONEAL DIALYSIS (TENCKH)	1139.00	1139.00	932.00
49500	REPAIR OF INGUINAL HERNIA, UNDER 5 YRS, W- W/HYDROCELECTOMY	1495.00	1495.00	1495.00

PROPOSALS

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
49505	HERNIORRHAPHY, INGUINAL, UNILATERAL	1035.00	1143.00	1234.00
49515	HERNIORRHAPHY, INGUINAL, W EXC. OF HYDROCELE OR SPERMATOCELE	1438.00	1438.00	1610.00
49520	HERNIOPLASTY, HERNIORRHAPHY, HERNIOTOMY; INGUIN	1438.00	1438.00	1438.00
49560	HERNIOPLASTY, HERNIORRHAPHY, HERNIOTOMY; VENTRA	1191.00	1323.00	1455.00
49581	REPAIR UMBILICAL HERNIA; AGE 5 OR OVER	1139.00	1139.00	1035.00
50080	PERCU NEPHROSTOLITHOTOMY/PYELOSTOLITHOMY, W/WO ENDO, ETC; TO 2 C	2875.00	2875.00	2875.00
50200	RENAL BIOPSY, PERCUTANEOUS.	403.00	403.00	363.00
50220	NEPHRECTOMY, INCLUDING PARTIAL URETERECTOMY, AN	3163.00	3163.00	3163.00
50390	ASPIRATION AND OR INJECTION OF RENAL CYST OR PE	230.00	230.00	230.00
50392	INTRO OF INTRACATHETER RENAL PELVIS DRAINAGE/INJECTION, PERCUT	534.00	534.00	534.00
50393	INTRO URETERAL CATH/STENT THRU RENAL PELVIS/DRAIN/INJ	453.00	453.00	453.00
50394	INJECT PROC FOR PYELOGRAPHY (SEPARATE PROCEDURE)	115.00	115.00	115.00
50590	EXTRACORPOREAL SHOCK WAVE LITHOTRIPSY (ESWL), INCL SVCS-PHYSICI	2256.00	2256.00	2256.00
51600	INJECTION PROCEDURE FOR CYSTOGRAPHY	114.00	114.00	94.00
51700	BLADDER IRRIGATION, SIMPLE, LAVAGE AND/OR INSTI	23.00	23.00	25.00
51720	BLADDER INSTILLATION OF ANTICARCINOGENIC AGENT (INCL DETENTION)	69.00	69.00	81.00
51725	SIMPLE CYSTOMETGRM	138.00	124.00	152.00
51840	ANTERIOR VESICourethropeXY/urethropeXY (MARSHALL-TYPE); SIMPLE	1725.00	1725.00	1725.00
51845	ABDOMINAL-VAGINAL VESICAL NECK SUSPENSION (EG, STAMEY, RAZ, MODI)	2444.00	2444.00	2444.00
52000	CYSTourethroscopy (SEPARATE PROCEDURE)	181.00	184.00	221.00
52005	DIAGNOSTIC CYSTourethroscopy WITH URETERAL CATH	414.00	414.00	506.00
52276	CYSTourethroscopy/W/DIRECT VISION INT URETHROTOMY	748.00	886.00	886.00
52281	CYSTourethroscopy W CALIBRATION/DILATION OF URETHRAL STRICTUR	414.00	414.00	489.00
52320	CYSTourethroscopy WITH REMOVAL OF URETERAL CALC	957.00	1063.00	1093.00
52330	CYSTourethroscopy WITH MANIPULATION WITHOUT REM	880.00	880.00	880.00
52332	CYSTOURTHCPY/W/INSRT STENT	805.00	725.00	805.00
52335	CYSTourethroscopy W URETEROSCOPY &/OR PYELOSOPY	963.00	963.00	963.00
52336	CYSToureth W/URETEROS/PYELOS/REMOV OR MANIP/CALCULUS	1840.00	2013.00	2013.00
52601	TRANSURETHRAL RESECTION OF PROSTATE, INCLUDING	2174.00	2185.00	2444.00
61310	CRANIECTOMY/CRANIOTOMY EVAC HEMAT. EXTRADURAL SUBDURAL; SUPR	5750.00	5750.00	5750.00
62223	CREATION OF SHUNT; VENTRICULO-PERITONEAL, -PLEURAL, - OTHER	3795.00	3795.00	3795.00
62230	REPLACEMENT/REVISION OF SHUNT, OBSTRUCTED VALVE OR CATHETER	2530.00	2530.00	2530.00
62270	SPINAL PUNCTURE, LUMBAR PUNCTURE (INDEPENDENT PROCEDURE)	124.00	144.00	144.00
62278	CAUDAL/EPIDURAL/BLOCK	313.00	282.00	322.00
62279	INJ ANESTH. SUBSTANCE: EPIDURAL OR CAUDAL, CONTINUOUS	152.00	152.00	152.00
62284	INJ FOR MYELOGRAPHY AND/OR CAT SCAN, SPINAL OR POSTERIOR FOSS	345.00	288.00	339.00
62289	EPIDURAL OR CAUDAL INJECTIONS OTHER THAN ANESTHETIC, CONTRAST	248.00	248.00	288.00
63030	LAMINOTOMY-ONE SPACE-LUMBAR, UNILATERAL	3182.00	3890.00	3623.00
63042	LAMINOTOMY-LUMBAR, EXTENSIVE	4383.00	4383.00	4383.00
64400	INJ ANESTH. AGENT; TRIGEMINAL NERVE (NERVE BLOCK)	41.00	41.00	63.00
64420	INJ ANESTH. AGENT (NERVE BLOCK); INTERCOSTAL NERVE-SINGLE	54.00	54.00	54.00
64421	INJ ANESTH. AGENT (NERVE BLOCK); INTERCOSTAL NERVES-MULTIPLE	127.00	127.00	127.00
64440	INJ ANESTH. AGENT (NERVE BLOCK); PARAVERTEBRAL NERVE-SINGLR	69.00	63.00	69.00
64445	INJ ANESTH. AGENT (NERVE BLOCK); SCIATIC NERVE	69.00	69.00	69.00
64450	INJ ANESTH. AGENT (NERVE BLOCK); OTHER PERIPHERAL NERVE	47.00	47.00	54.00
64640	DESTRUCTION BY NEUROLYTIC AGENT; OTHER PERIPHERAL NERVE	173.00	173.00	173.00
64721	NEUROLYSIS AND/OR TRANSPOSITION; MEDIAN NERVE AT CARPAL TUNNE	1139.00	1323.00	1265.00
65205	REMOVAL FOREIGN BODY EYE; CONJUNCTIVAL SUPERFICIAL	52.00	52.00	58.00
65210	REM. FOREIGN BODY, EXT EYE CONJ EMBED, SUBCONJ OR SCLERA/NONFERF	76.00	76.00	76.00

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
65220	REMOVAL OF IMBEDDED FOREIGN BODY-CORNEA	63.00	63.00	58.00
65222	REM. FOREIGN BODY EXT EYE; CORNEAL, WITH SLIT LAMP	98.00	88.00	92.00
65435	REMOVAL CORNEAL EPITHELIUM (ABRASION, CURETTAGE)	51.00	51.00	51.00
65855	TRABECULOPLASTY BY LASER SURGERY, 1 OR MORE SESSIONS- DEF. TRT.	1255.00	1380.00	1533.00
66625	IRIDECTOMY W CORNEOSCLERAL OR CORNEAL SECTION PERIPH.- GLAUCOMA	1150.00	1150.00	1150.00
66830	ASPIRATION OF VITREOUS	1150.00	1150.00	1150.00
66985	SECONDARY INSERTION OF INTRAOCULAR LENS	2875.00	2875.00	2875.00
67036	VITRECTOMY, MECHANICAL PARS PLANA APPROACH	4600.00	4600.00	4600.00
67105	INITIAL REPAIR RETINAL, DETACH, 1 OR MORE SESSIONS; PHOTOCOAGULA	1380.00	1380.00	1380.00
67107	SCLERAL BUCKLING/W/WO IMPLANT (SUCH AS LAMELLAR EXC; IMBRICATIO)	3795.00	3795.00	3795.00
67112	REPAIR RETINAL, DETACH, 1 OR MORE SESSIONS; SUBSEQUENT, ANY TECHN	1380.00	1380.00	1380.00
69000	INCISION: DRAINAGE OF ABSCESS OR HEMATOMA OF AU	115.00	115.00	115.00
69200	ENDOSCOPY: OTOSCOPY WITH REMOVAL OF FOREIGN BODY	73.00	89.00	86.00
70100	MANDIBLE; PARTIAL, LESS THAN FOUR VIEWS; S+I ONLY	38.00	38.00	38.00
70100	MANDIBLE; PARTIAL, LESS THAN FOUR VIEWS	52.00	52.00	52.00
70110	MANDIBLE; COMPLETE, MINIMUM OF FOUR VIEWS; S+I ONLY	38.00	38.00	38.00
70110	MANDIBLE; COMPLETE, MINIMUM OF FOUR VIEWS	78.00	75.00	75.00
70130	MASTOIDS; MINIMUM OF THREE VIEWS, PER SIDE; S+I ONLY	41.00	39.00	40.00
70130	MASTOIDS; COMPLETE, MINIMUM OF THREE VIEWS	99.00	99.00	104.00
70140	FACIAL BONES; LESS THAN THREE VIEWS; S+I ONLY	30.00	34.00	31.00
70150	FACIAL BONES; COMPLETE, MINIMUM OF THREE VIEWS; S+I ONLY	40.00	36.00	36.00
70150	FACIAL BONES; COMPLETE, MINIMUM OF THREE VIEWS	90.00	82.00	74.00
70160	NASAL BONES; S+I ONLY	25.00	23.00	24.00
70160	NASAL BONES; COMPLETE, MINIMUM OF THREE VIEWS	66.00	58.00	62.00
70200	ORBITS; COMPLETE, MINIMUM OF FOUR VIEWS; S+I ONLY	32.00	35.00	33.00
70200	ORBITS; COMPLETE PROCEDURE	65.00	78.00	79.00
70210	SINUSES; PARANASAL, LESS THAN THREE VIEWS; S+I ONLY	28.00	28.00	32.00
70210	SINUSES; PARANASAL, LESS THAN THREE VIEWS	64.00	61.00	52.00
70220	PARANASAL SINUSES; COMPLETE, MINIMUM OF THREE VIEWS W/O CONTRAST; S+I	33.00	35.00	35.00
70220	SINUSES, PARANASAL; COMPLETE, MINIMUM OF THREE VIEWS W/O CONTRAST	86.00	85.00	86.00
70240	SELLA TURCICA; S+I ONLY	23.00	23.00	23.00
70250	SKULL; LESS THAN FOUR VIEWS WITH OR W/O STEREO; S+I ONLY	36.00	35.00	39.00
70250	SKULL; LESS THAN FOUR VIEWS WITH OR W/O STEREO	89.00	73.00	79.00
70260	SKULL; COMPLETE, MINIMUM OF FOUR VIEWS W OR W/O STEREO S+I ONLY	41.00	37.00	39.00
70260	SKULL; COMPLETE, MINIMUM OF FOUR VIEWS WITH OR W/O STEREO	98.00	86.00	90.00
70328	TEMPOROMANDIBULAR JOINT, UNILATERAL; S+I ONLY	39.00	39.00	39.00
70330	TEMPOROMANDIBULAR JOINT, BILATERAL; S+I ONLY	39.00	39.00	39.00
70330	TEMPOROMANDIBULAR JT OPEN AND CLOSED MOUTH BILATERAL	87.00	83.00	92.00
70360	NECK FOR SOFT TISSUES OR FOREIGN BODY; S+I ONLY	21.00	23.00	23.00
70360	NECK FOR SOFT TISSUES	51.00	51.00	41.00
70370	PHARYNX OR LARYNX, INCLUDING FLUOROSCOPY; S+I ONLY	46.00	46.00	46.00
70380	SALIVARY GLAND FOR CALCULUS	69.00	69.00	69.00
70390	SIALOGRAPHY; S+I ONLY	62.00	62.00	62.00
70450	CAT SCAN—HEAD, WITHOUT CONTRAST; S+I ONLY	151.00	145.00	136.00
70450	COMPUTERIZED AXIAL TOMOGRAPHY HEAD W/O CONTRAST MATERIAL	443.00	431.00	460.00
70460	CAT SCAN—HEAD WITH CONTRAST; S+I ONLY	153.00	152.00	146.00
70460	COMPUTERIZED AXIAL TOMOGRAPHY HEAD WITH CONTRAST MATERIAL	454.00	489.00	466.00
70470	CAT SCAN—HEAD W/O CONTRAST FOLLOWED BY CONTRAST; S+I ONLY	190.00	173.00	156.00
70470	CAT HEAD W/O CONTRAST FOLLOWED BY CONTRAST FURTHER SECT	580.00	529.00	518.00
70480	CAT SCAN—ORBIT, SELLA, MIDDLE EAR; W/O CONTRAST; S+I ONLY	114.00	114.00	127.00
70480	CAT ORBIT SELLAEAR W/O CONTRAST MATERIAL	352.00	352.00	352.00
70481	CAT SCAN—ORBIT, SELLA, MIDDLE EAR; WITH CONTRAST; S+I ONLY	171.00	155.00	144.00
70481	CAT ORBIT SELLAEAR WITH CONTRAST MATERIAL	570.00	570.00	546.00
70482	CAT—ORBIT, SELLA, MID EAR; W/O CONTRAST PLUS CONT.; S+I ONLY	173.00	173.00	173.00

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
70482	CAT ORBIT SELLAEAR W/O CONTRAST FOLLOWED BY CONTRAST	489.00	489.00	489.00
70486	CAT SCAN—MAXILLOFACIAL W/O CONTRAST; S+I ONLY	155.00	155.00	144.00
70486	COMPUTERIZED AXIAL TOMOGRAPHY MAXILLOFACIAL W/O CONTRAST MAT	627.00	627.00	627.00
70487	CAT SCAN—MAXILLOFACIAL WITH CONTRAST; S+I ONLY	155.00	155.00	146.00
70487	COMPUTERIZED AXIAL TOMOGRAPHY MAXILLOFACIAL WITH CONTRAST MAT	637.00	637.00	637.00
70490	CAT SCAN—SOFT TISSUE NECK; W/O CONTRAST; S+I ONLY	139.00	139.00	144.00
70490	COMPUTERIZED AXIAL TOMOGRAPHY SOFT TISSUE NECK W/O CONTRAST	518.00	518.00	518.00
70491	CAT SCAN—SOFT TISSUE NECK; WITH CONTRAST; S+I ONLY	155.00	155.00	144.00
70491	COMPUTERIZED AXIAL TOMOGRAPHY SOFT TISSUE NECK WITH CONTRAST	528.00	528.00	528.00
70492	CAT SCAN—SOFT TISSUE NECK; W/O CONTRAST PLUS CONTRAST; S+I	178.00	178.00	178.00
70551	MAGNETIC RESONANCE (EG. PROTON) IMAGING (MRI); BRAIN; S+I ONLY	115.00	115.00	115.00
70551	MAGNETIC RESONANCE (EG. PROTON) IMAGING (MRI); BRAIN (INC. BRAIN STE)	863.00	863.00	863.00
71010	CHEST, SINGLE VIEW; S+I ONLY	22.00	22.00	23.00
71010	CHEST, SINGLE VIEW	49.00	46.00	46.00
71020	CHEST, TWO VIEWS, PA AND LATERAL; S+I ONLY	26.00	25.00	25.00
71020	CHEST, TWO VIEWS	64.00	58.00	58.00
71030	CHEST, MIN FOUR VIEWS; S+I ONLY	33.00	35.00	37.00
71030	CHEST, COMPLETE; MINIMUM OF FOUR VIEWS	75.00	83.00	91.00
71034	CHEST, COMPLETE, INCLUDING FLUOROSCOPY; S+I ONLY	58.00	58.00	58.00
71035	CHEST, SPECIAL VIEWS (EG LAT. DECUBITUS); S+I ONLY	10.00	10.00	10.00
71090	INSERTION PACEMAKER, FLUORO AND RADIOGRAPHY; S+I ONLY	76.00	76.00	76.00
71100	RIBS, UNILATERAL; S+I ONLY	29.00	29.00	29.00
71100	RIBS, UNILATERAL; TWO VIEWS	76.00	69.00	69.00
71101	RIBS, INCLUDING PA CHEST, MIN THREE VIEWS; S+I ONLY	39.00	35.00	32.00
71101	RIBS, UNILATERAL, INCLUDING CHEST; MINIMUM OF THREE VIEWS	76.00	69.00	77.00
71110	RIBS, BILATERAL; S+I ONLY	39.00	35.00	36.00
71110	RIBS, BILATERAL; THREE VIEWS	76.00	83.00	77.00
71111	RIBS, BILATERAL, INCLUDING PA CHEST, MIN FOUR VIEWS; S+I ONLY	51.00	51.00	51.00
71111	RIBS, BILATERAL, INCLUDING CHEST; MINIMUM OF FOUR VIEWS	86.00	83.00	77.00
71120	STERNUM; MINIMUM TWO VIEWS; S+I ONLY	23.00	24.00	23.00
71120	STERNUM; MINIMUM TWO VIEWS	55.00	55.00	66.00
71130	STERNOCLAVICULAR JOINT; S+I ONLY	32.00	32.00	32.00
71250	CAT SCAN—THORAX W/O CONTRAST; S+I ONLY	144.00	144.00	150.00
71250	COMPUTERIZED AXIAL TOMOGRAPHY THORAX W/O CONTRAST MATERIAL	483.00	557.00	557.00
71260	CAT SCAN—THORAX, WITH CONTRAST; S+I ONLY	171.00	155.00	155.00
71260	COMPUTERIZED AXIAL TOMOGRAPHY THORAX WITH CONTRAST MATERIAL	546.00	557.00	557.00
71270	CAT SCAN—THORAX, WO CONTRAST PLUS CONTRAST; S+I ONLY	181.00	181.00	205.00
72010	SPINE ENTIRE SURVEY STUDY, AP AND LATERAL; S+I ONLY	60.00	60.00	60.00
72010	SPINE SURVEY STUDY, AP AND LATERAL	127.00	132.00	115.00
72020	SPINE, SINGLE VIEW; S+I ONLY	23.00	24.00	29.00
72020	SPINE, SINGLE VIEW (SPECIFY LEVEL)	26.00	29.00	32.00
72040	SPINE, CERVICAL, AP AND LATERAL; S+I ONLY	29.00	29.00	30.00
72040	SPINE, CERVICAL; AP AND LATERAL	52.00	58.00	58.00
72050	SPINE, CERVICAL, MINIMUM FOUR VIEWS; S+I ONLY	35.00	35.00	38.00
72050	SPINE, CERVICAL; MINIMUM OF FOUR VIEWS	92.00	92.00	92.00
72052	SPINE, CERVICAL; COMPLETE, INC. OBLIQUE/FLEXION &/OR EXTENSION ST; S+I ONLY	47.00	45.00	45.00
72052	SPINE, CERVICAL; COMPLETE, INC. OBLIQUE/FLEXION &/OR EXTENSION ST	104.00	108.00	98.00
72070	SPINE, THORACIC, MINIMUM OF TWO VIEWS; S+I ONLY	29.00	29.00	29.00
72070	SPINE, THORACIC; AP AND LATERAL	69.00	63.00	63.00
72072	RAD EXAM/THOR SPINE/PA AND LAT/INCL SWIMMERS VIEW; S+I ONLY	74.00	74.00	74.00
72074	RAD EXAM/THOR SPINE/COMPLETE/INCL OBL/MIN FOUR VIEWS; S+I ONLY	92.00	92.00	92.00
72080	SPINE, THORACOLUMBAR, AP AND LATERAL; S+I ONLY	32.00	32.00	35.00
72080	SPINE, THORACOLUMBAR; AP AND LATERAL	69.00	66.00	59.00
72100	SPINE, LUMBO-SACRAL, AP AND LATERAL; S+I ONLY	40.00	38.00	40.00

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	1	2	3
72100	SPINE, LUMBOSACRAL; AP AND LATERAL	69.00	69.00	63.00
72110	SPINE, LUMBOSACRAL, COMPLETE W OBLIQUE VIEWS; S+I ONLY	41.00	40.00	40.00
72110	SPINE, LUMBOSACRAL, COMPLETE INCLUDING OBLIQUE VIEWS	110.00	98.00	104.00
72114	SPINE, LUMBOSACRAL, PLUS BENDING VIEWS; S+I ONLY	41.00	41.00	41.00
72114	SPINE, LUMBOSACRAL, COMPLETE INCLUDING BENDING	104.00	111.00	115.00
72120	LUMBOSACRAL, BENDING VIEWS ONLY, S+I ONLY	46.00	51.00	56.00
72125	CAT SCAN—CERVICAL SPINE W/O CONTRAST; S+I ONLY	135.00	135.00	163.00
72125	COMPUTERIZED AXIAL TOMOGRAPHY CERVICAL SPINE W/O CONTRAST MAT	518.00	546.00	546.00
72126	CAT SCAN—CERVICAL SPINE WITH CONTRAST; S+I ONLY	173.00	173.00	173.00
72128	CAT SCAN—THORACIC SPINE, W/O CONTRAST; S+I ONLY	138.00	138.00	153.00
72129	CAT SCAN—THORACIC SPINE, WITH CONTRAST; S+I ONLY	150.00	150.00	150.00
72131	CAT SCAN—LUMBOSACRAL SPINE, W/O CONTRAST; S+I ONLY	144.00	155.00	152.00
72131	COMPUTERIZED AXIAL TOMOGRAPHY LUMBAR SPINE W/O CONTRAST MAT	518.00	546.00	546.00
72132	CAT SCAN—LUMBOSACRAL SPINE; WITH CONTRAST; S+I ONLY	161.00	161.00	173.00
72141	MRI, SPINAL CANAL & CONTENTS; CERVICAL; S+I ONLY	115.00	115.00	115.00
72141	MRI, SPINAL CANAL & CONTENTS; CERVICAL	863.00	863.00	863.00
72170	PELVIC, AP VIEW; S+I ONLY	23.00	24.00	25.00
72170	PELVIS; AP ONLY	58.00	52.00	53.00
72180	PELVIS, STEREO; S+I ONLY	29.00	29.00	29.00
72180	PELVIS, STEREO	63.00	63.00	63.00
72190	PELVIS, COMPLETE, MIN THREE VIEWS; S+I ONLY	40.00	40.00	40.00
72190	PELVIS, COMPLETE, MINIMUM OF THREE VIEWS	62.00	76.00	62.00
72192	CAT SCAN—PELVIS W/O CONTRAST; S+I ONLY	130.00	144.00	152.00
72192	COMP TOMOGRAPHY/PELVIS/W/O CONTRAST MATERIAL	366.00	366.00	366.00
72193	CAT SCAN—PELVIS, WITH CONTRAST; S+I ONLY	171.00	155.00	155.00
72193	COMP TOMOGRAPHY/PELVIS/WITH CONTRAST MATERIAL	541.00	541.00	541.00
72194	CAT SCAN—PELVIS W/O CONTRAST PLUS CONTRAST; S+I ONLY	171.00	166.00	166.00
72200	SACROILIAC JOINTS, LESS THAN THREE VIEWS; S+I ONLY	24.00	24.00	24.00
72200	SACROILIAC JOINTS; LESS THAN THREE VIEWS	51.00	51.00	51.00
72202	SACROILIAC JOINTS, THREE OR MORE VIEWS; S+I ONLY	36.00	36.00	30.00
72202	SACROILIAC JOINTS; THREE OR MORE VIEWS	75.00	68.00	75.00
72220	SACRUM AND COCCYX, MIN 3 VIEWS; S+I ONLY	24.00	24.00	25.00
72220	SACRUM AND COCCYX; MINIMUM TWO VIEWS	69.00	60.00	61.00
72240	MYELOGRAPHY, CERVICAL; S+I ONLY	95.00	95.00	101.00
72265	MYELOGRAPHY, LUMBOSACRAL; S+I ONLY	114.00	106.00	94.00
72270	MYELOGRAPHY, ENTIRE SPINAL CANAL; S+I ONLY	138.00	138.00	138.00
73000	CLAVICLE; S+I ONLY	21.00	21.00	22.00
73000	CLAVICLE	53.00	47.00	52.00
73010	SCAPULA; S+I ONLY	24.00	24.00	23.00
73010	SCAPULA	52.00	52.00	57.00
73020	SHOULDER, ONE VIEW; S+I ONLY	23.00	25.00	24.00
73020	SHOULDER; ONE VIEW	58.00	58.00	52.00
73030	SHOULDER, COMPLETE, MINIMUM TWO VIEWS; S+I ONLY	24.00	23.00	25.00
73030	SHOULDER, COMPLETE; MINIMUM TWO VIEWS	60.00	58.00	58.00
73040	SHOULDER, ARTHROGRAPHY; S+I ONLY	87.00	87.00	98.00
73050	ACROMIOCLAVICULAR JOINTS; S+I ONLY	23.00	29.00	26.00
73050	ACROMIOCLAVICULAR JTS. BILATERAL W OR W/O WEIGHTED DISTRACTIO	63.00	62.00	69.00
73060	HUMERUS, INCLUDING ONE JOINT; S+I ONLY	23.00	24.00	24.00
73060	HUMERUS; MINIMUM OF TWO VIEWS	58.00	52.00	58.00
73070	ELBOW, AP AND LATERAL VIEWS; S+I ONLY	21.00	24.00	22.00
73070	ELBOW; AP AND LATERAL VIEWS	48.00	52.00	55.00
73080	ELBOW, COMPLETE, MINIMUM OF THREE VIEWS; S+I ONLY	24.00	24.00	25.00
73080	ELBOW, COMPLETE; MINIMUM OF THREE VIEWS	63.00	55.00	58.00
73090	FOREARM INCLUDING ONE JOINT; S+I ONLY	21.00	22.00	23.00
73090	X-RAY FOREARM AP & LATERAL VIEWS	52.00	52.00	57.00
73092	UPPER EXTREMITY INFANT, MIN TWO VIEWS; S+I ONLY	24.00	24.00	24.00
73100	WRIST, AP AND LATERAL; S+I ONLY	21.00	23.00	25.00
73100	WRIST AP AND LATERAL VIEWS	52.00	52.00	52.00
73110	WRIST, COMPLETE STUDY, MINIMUM OF THREE VIEWS; S+I ONLY	24.00	25.00	25.00
73110	WRIST, COMPLETE STUDY, MINIMUM OF THREE VIEWS	58.00	53.00	54.00
73120	HAND, TWO VIEWS; S+I ONLY	23.00	25.00	25.00
73120	HAND, TWO VIEWS	47.00	48.00	52.00
73130	HAND, COMPLETE STUDY, MINIMUM OF THREE VIEWS; S+I ONLY	24.00	25.00	25.00
73130	HAND, COMPLETE STUDY, MINIMUM OF THREE VIEWS	58.00	52.00	55.00
73140	HAND, FINGER OR FINGERS, MINIMUM OF TWO VIEWS; S+I ONLY	21.00	21.00	21.00
73140	HAND, FINGER OR FINGERS, MINIMUM OF TWO VIEWS	46.00	46.00	46.00

PROPOSALS PROCEDURE CODE	Interested Persons see Inside Front Cover DESCRIPTION OF SERVICES	INSURANCE		
		1	2	3
73200	CAT SCAN—UPPER EXTREMITY, W/O CONTRAST; S+I ONLY	131.00	131.00	152.00
73201	CAT SCAN—UPPER EXTREMITY, WITH CONTRAST; S+I ONLY	161.00	161.00	161.00
73500	HIP, UNILATERAL ONE VIEW; S+I ONLY	28.00	25.00	28.00
73500	HIP, UNILATERAL ONE VIEW	58.00	58.00	63.00
73510	HIP, COMPLETE MIN TWO VIEWS; S+I ONLY	32.00	30.00	30.00
73510	HIP, UNILATERAL COMPLETE MINIMUM OF TWO VIEWS	69.00	63.00	69.00
73520	HIPS, BILAT, MIN TWO VIEWS INCLUD AP PELVIS; S+I ONLY	46.00	51.00	48.00
73520	HIPS, BILATERAL MIN. TWO VIEWS OF EACH HIP INCLUD AP OF PELVIS	86.00	81.00	75.00
73530	RADIOLOGIC EXAMINATION, HIP, DURING OPERATIVE PERIOD	32.00	32.00	32.00
73540	PELVIS AND HIPS, INFANT/CHILD, MIN TWO VIEWS; S+I ONLY	36.00	38.00	40.00
73540	PELVIS AND HIPS, INFANT OR CHILD, MINIMUM OF TWO VIEWS	69.00	57.00	58.00
73550	FEMUR, AP AND LATERAL VIEWS; S+I ONLY	24.00	23.00	24.00
73550	FEMUR, AP AND LATERAL VIEWS	63.00	58.00	58.00
73560	KNEE, AP AND LATERAL VIEWS; S+I ONLY	22.00	24.00	25.00
73560	KNEE, AP AND LATERAL VIEWS	58.00	58.00	58.00
73562	KNEE, AP AND LATERAL W OBLIQUES, MIN THREE VIEWS; S+I ONLY	28.00	25.00	25.00
73562	KNEE/AP AND LAT/W/OBLIQUES/MIN THREE VIEWS	63.00	60.00	61.00
73564	KNEE, COMPLETE INCLUD. OBLIQUES, AND/OR TUNNEL, PATELLAR; S+I	25.00	26.00	26.00
73564	KNEE/INCL OBL/AND/OR/TUNNEL/PATELLA/STANDING/VIEWS	69.00	75.00	70.00
73580	KNEE ARTHROGRAPHY; S+I ONLY	77.00	77.00	92.00
73590	TIBIA AND FIBULA, AP AND LATERAL VIEWS; S+I ONLY	23.00	23.00	23.00
73590	TIBIA AND FIBULA, AP AND LATERAL VIEWS	63.00	58.00	58.00
73592	LOWER EXTREMITY INFANT, MINIMUM OF TWO VIEWS	58.00	58.00	58.00
73600	ANKLE, AP AND LATERAL VIEWS; S+I ONLY	22.00	21.00	21.00
73600	ANKLE, AP AND LATERAL VIEWS	51.00	53.00	57.00
73610	ANKLE, COMPLETE MIN OF THREE VIEWS; S+I ONLY	25.00	24.00	24.00
73610	ANKLE, COMPLETE MINIMUM OF THREE VIEWS	63.00	58.00	58.00
73620	FOOT, AP AND LATERAL, S+I ONLY	23.00	24.00	23.00
73620	FOOT, LIMITED	46.00	46.00	46.00
73630	FOOT, COMPLETE MIN THREE VIEWS; S+I ONLY	24.00	25.00	24.00
73630	FOOT, COMPLETE MINIMUM OF THREE VIEWS	58.00	58.00	58.00
73650	CALCANEOS, MIN. TWO VIEWS; S+I ONLY	20.00	23.00	22.00
73650	OS CALCIS (HEEL)	49.00	49.00	47.00
73660	TOE OR TOES, MIN TWO VIEWS; S+I ONLY	19.00	21.00	23.00
73660	TOE OR TOES, MINIMUM OF TWO VIEWS	46.00	46.00	46.00
73700	CAT SCAN—LOWER EXTREMITY, W/O CONTRAST; S+I ONLY	148.00	148.00	152.00
73700	COMP TOMOGRAPHY/LOWER EXTREMITY/WITHOUT CONTRAST MAT	400.00	400.00	400.00
73701	CAT SCAN—LOWER EXTREMITY, WITH CONTRAST; S+I ONLY	148.00	148.00	152.00
74000	ABDOMEN, SINGLE VIEW; S+I ONLY	23.00	25.00	26.00
74000	ABDOMEN, SINGLE VIEW (KUB)	47.00	52.00	52.00
74010	ABDOMEN, AP AND ADDITIONAL OBLIQUE AND CONE VIEWS; S+I ONLY	35.00	32.00	33.00
74010	ABDOMEN (KUB) WITH ADDITIONAL OBLIQUE AND CONE VIEWS	59.00	73.00	69.00
74020	ABDOMEN, COMPLETE INCLUD. DECUBITUS OR ERECT VIEWS; S+I ONLY	35.00	35.00	35.00
74020	ABDOMEN, COMPLETE, INCLUDES DECUBITUS AND/OR ER	71.00	78.00	69.00
74150	CAT SCAN ABDOMEN W/O CONTRAST; S+I ONLY	144.00	148.00	144.00
74150	COMPUTERIZED AXIAL TOMOGRAPHY ABDOMEN W/O CONTRAST MATERIAL	518.00	449.00	460.00
74160	CAT SCAN ABDOMEN WITH CONTRAST; S + I ONLY	169.00	161.00	161.00
74160	COMPUTERIZED AXIAL TOMOGRAPHY ABDOMEN WITH CONTRAST	526.00	473.00	546.00
74170	CAT SCAN ABDOMEN W/O CONTRAST FOLLOWED BY CONTRAST; S + I ONLY	184.00	173.00	170.00
74170	CAT ABDOMEN W/O CONTRAST FOLLOWED BY CONTRAST AND FURTHER SEC	633.00	546.00	546.00
74210	PHARYNX AND/OR CERVICAL ESOPHAGUS; S + I ONLY	47.00	52.00	42.00
74210	PHARYNX AND/OR CERVICAL ESOPHAGUS	94.00	108.00	104.00
74220	ESOPHAGUS; S + I ONLY	48.00	45.00	44.00
74220	ESOPHAGUS	93.00	86.00	102.00
74241	UPPER GI TRACT, W/WO DELAYED FILMS WITH KUB; S + I ONLY	81.00	73.00	81.00
74241	UPPER GI TRACT W/WO DELAYED FILMS WITH KUB	150.00	161.00	173.00
74245	UPPER GI TRACT, WITH SMALL BOWEL, INCLUDES MULTIPLE FILMS-S+I	83.00	86.00	81.00
74245	UPPER GI WITH SMALL BOWEL INCLUDES MULTIPLE SECIAL FILMS	181.00	201.0	207.00
74246	UPPER GI TRACT, AIR CONT W HIGH DENSITY BARIUM W/O KUB- S+I	75.00	70.00	70.00

INSURANCE		PROPOSALS		
PROCEDURE CODE	DESCRIPTION OF SERVICES	1	2	3
74246	UPPER GI TRACT AIR CONTRAST W HIGH DENSITY BARIUM W/O KUB	174.00	184.00	157.00
74247	UPPER GI TRACT AIR CONT W HIGH DENSITY BARIUM WITH KUB-S+I	78.00	78.00	78.00
74247	UPPER GI TRACT AIR CONTRAST W HIGH DENSITY BARIUM WITH KUB	174.00	184.00	190.00
74249	UPPER GI, AIR CONTRAST, HIGH DENSITY BARIUM; W SMALL BOWEL FOLLO	241.00	241.00	241.00
74270	COLON BARIUM ENEMA (BE); S+I ONLY	60.00	63.00	68.00
74270	COLON, BARIUM ENEMA	138.00	150.00	159.00
74280	AIR CONTRAST W SPECIFIC HIGH DENSITY BARIUM, W/WO GLUCAGON; S+I	92.00	86.00	78.00
74280	AIR CONTRAST W SPECIFIC HIGH DENSITY BARIUM, W/WO GLUCAGON	182.00	184.00	184.00
74285	BARIUM ENEMA HIGH KILOVOLTAGE FOR POLYP STUDY S + I ONLY	102.00	102.00	102.00
74285	BARIUM ENEMA AIR CONTRAST HIGH KV TECH. FOR POLYP STUDY	182.00	184.00	184.00
74290	GALL BLADDER, CHOLECYSTOGRAPHY (GB SERIES); S+I ONLY	43.00	44.00	46.00
74290	CHOLECYSTOGRAPHY, ORAL	104.00	98.00	104.00
74291	CHOLECYSTOGRAPHY ADDITIONAL OR REPEAT EXAM-S + I ONLY	36.00	36.00	36.00
74291	CHOLECYSTOGRAPHY, ORAL, REPEAT EXAMINATION, SAM	115.00	115.00	115.00
74300	CHOLANGIOGRAPHY, OPERATIVE; S+I ONLY	52.00	51.00	42.00
74305	CHOLANGIOGRAPHY POST-OPERATIVE-S + I ONLY	49.00	59.00	54.00
74400	UROGRAPHY, INTRAVENOUS, INCLUD. KIDNEYS, URETERS+BLADDER-S+I	68.00	64.00	59.00
74400	UROGRAPHY INTRAVENOUS (PYELOGRAPHY); (IVP)	165.00	144.00	161.00
74405	IVP HYPERTENSIVE (RAPID); S+I ONLY	74.00	67.00	67.00
74405	UROGRAPHY (2=&) HYPERTENSIVE AND/OR CLEARANCE STUDIES	163.00	163.00	173.00
74410	UROGRAPHY, INFUSION, DRIP TECHNIQUE-S+I ONLY	58.00	62.00	64.00
74410	UROGRAPHY, INFUSION (DRIP)	186.00	186.00	190.00
74415	NEPHROTOMOGRAM, INFUSION; S+I ONLY	81.00	71.00	75.00
74415	UROGRAPHY, INFUSION (DRIP) WITH NEPHROTOMOGRAM	207.00	216.00	201.00
74420	UROGRAPHY, RETROGRADE W/WO KUB; S+I ONLY	45.00	41.00	46.00
74425	UROGRAPHY, ANTEGRADE; S+I ONLY	59.00	59.00	49.00
74430	CYSTOGRAPHY, MIN 3 VIEWS; S+I ONLY	43.00	43.00	41.00
74450	URETHROCYSTOGRAPHY, RETROGRADE; S+I ONLY	55.00	55.00	55.00
74455	URETHROCYSTOGRAPHY, VOIDING; S + I ONLY	62.00	62.00	51.00
74475	INTRO INTRACATHETER INTO RENAL PELVIS FOR DRAINAGE AND/OR INJ	115.00	115.00	115.00
75605	AORTOGRAPHY, THORACIC WITH SERIALOGRAPHY; S + I ONLY	136.00	136.00	136.00
75622	AORTOGRAPHY ABD CATH. W/O SERIALOGRAPHY; S + I ONLY	124.00	124.00	124.00
75627	AORTOGRAPHY, ABD. CATHETER BY SERIALOGRAPHY; S + I ONLY	144.00	144.00	131.00
75630	AORTOGRAPHY ABD PLYS BILAT ILIOFEMORAL LOWER EXTREMITY BY SER	181.00	181.00	181.00
75650	ANGIO CERVICOCEREBRAL, CATH INCLUD VESSEL ORIGIN; S+I ONLY	200.00	200.00	200.00
75652	ANGIO CERVICOCEREBRAL SELECTIVE CATH INCLUD VESSEL ORIGIN, ON	267.00	267.00	267.00
75656	ANGIO CERVICO. SELECT. CATH. 3 OR 4 VESSEL; S + I ONLY	267.00	267.00	267.00
75665	ANGIOGRAPHY, CAROTID, CEREBRAL, UNILATERAL; S + I ONLY	123.00	123.00	123.00
75671	ANGIOGRAPHY, CAROTID, CEREBRAL, BILAT. S + I ONLY	156.00	173.00	173.00
75676	ANGIOGRAPHY, CAROTID, CERVICAL, UNILATERAL; S + I ONLY	91.00	91.00	91.00
75680	ANGIOGRAPHY, CAROTID, CERVICAL, BILAT. S + I ONLY	173.00	173.00	173.00
75710	ANGIOGRAPHY, EXTREMITY, UNILATERAL; S + I ONLY	133.00	133.00	109.00
75716	ANGIOGRAPHY, EXTREMITY, BILATERAL; S + I ONLY	154.00	154.00	154.00
75722	ANGIOGRAPHY, RENAL, UNILATERAL, SELECTIVE; S + I ONLY	156.00	156.00	156.00
75726	ANGIOGRAPHY, VISCERAL; SELECTIVE OR SUPRASELECTIVE; S + I ONLY	144.00	144.00	144.00
75743	ANGIOGRAPHY, PULMONARY, BILAT. SELECTIVE; S + I ONLY	208.00	208.00	208.00
75820	VENOGRAPHY, EXTREMITY, UNILATERAL; S + I ONLY	105.00	97.00	89.00
75822	VENOGRAPHY, EXTREMITY, BILATERAL; S + I ONLY	163.00	163.00	147.00
75984	CHANGE PERCUTANEOUS DRAINAGE CATH. W/CONTRAST MONITORING-S+I	64.00	64.00	64.00
76000	FLUOROSCOPY—INDEPENDENT PROCEDURE S + I ONLY	40.00	39.00	43.00
76506	ECHOENCEPHALOGRAPHY B-SCAN &/OR REAL TIME; S & I	76.00	76.00	81.00
76506	ECHOENCEPHALOGRAPHY B-SCAN AND/OR REAL TIME WITH IMAGE DOCUME	112.00	112.00	112.00
76511	ECHOGRAPHY, OPHTHALMIC & ORBITAL (A-MODE), W AMPLITUDE QUANTIFICA	190.00	173.00	173.00

PROPOSALS		Interested Persons see Inside Front Cover			INSURANCE		
PROCEDURE CODE	DESCRIPTION OF SERVICES	1	2	3	REGION		
76512	ECHOGRAPHY OPHTHALMIC, CONTACT SCAN B-MODE (TOTAL X-RAY)	317.00	259.00	288.00			
76516	OPHTHALMIC BIO BY ULTRASOUND ECHOGRAPHY, A-MODE (EACH EYE); S+I	155.00	155.00	155.00			
76516	OPHTHALMIC BIOMETRY ULTRASOUND ECHOGRAPHY, A-MODE (EACH EYE)	221.00	181.00	221.00			
76519	OPHTHALMIC BIOMETRY ULTRASOUND ECHOGRAPHY, A-MODE; INTRAOCULAR	259.00	259.00	288.00			
76536	ECHOGRAPHY, SOFT TISSUES-HEAD & NECK, B-SCAN &/OR REALTIME; S+I	69.00	63.00	69.00			
76536	ECHOGRAPHY, SOFT TISSUES-HEAD & NECK, B-SCAN &/OR REALTIME IMAG	173.00	173.00	178.00			
76604	ECHOGRAPHY, CHEST; B-SCAN AND/OR REAL TIME; S + I ONLY	67.00	67.00	67.00			
76620	ECHOGRAPHY, M-MODE, COMPLETE; S + I ONLY	135.00	135.00	165.00			
76620	ECHOCARDIOGRAPHY, M-MODE, COMPLETE	259.00	259.00	265.00			
76627	ECHOCARDIOGRAPHY, COMPLETE-REALTIME W IMAGE DOCUMENTATION; S+I	201.00	181.00	221.00			
76627	ECHOCARDIOGRAPHY, COMPLETE-REALTIME W IMAGE DOCUMENTATION	280.00	288.00	328.00			
76628	ECHOCARDIOGRAPHY, LIMITED-REALTIME W IMAGE DOCUMENTATION; S+I	115.00	115.00	115.00			
76628	ECHOCARDIOGRAPHY, LIMITED-REALTIME W IMAGE DOCUMENTATION	173.00	173.00	173.00			
76629	ECHOCARDIOGRAPHY, M-MODE & REALTIME, W IMAGE DOCUMENTATION; S+I	230.00	213.00	230.00			
76629	ECHOCARDIOGRAPHY, M-MODE & REALTIME, W IMAGE DOCUMENTATION	403.00	411.00	345.00			
76700	ECHOGRAPHY, ABD B-SCAN AND/OR REAL TIME; COMPLETE; S+I	101.00	90.00	92.00			
76700	ECHOGRAPHY ABDOMINAL B-SCAN AND/OR REAL TIME COMPLETE	184.00	184.00	207.00			
76705	ECHOGRAPHY, ABD B-SCAN AND/OR REAL TIME, LIMITED; S+I ONLY	93.00	90.00	86.00			
76705	ECHOGRAPHY ABDOMINAL B-SCAN AND/OR REAL TIME LIMITED	184.00	184.00	207.00			
76770	ECHOGRAPHY, RETROPERITONEAL, B-SCAN AND/OR REAL TIME-S+I ONLY	101.00	91.00	86.00			
76770	ECHOGRAPHY RETROPERITONEAL B-SCAN AND/OR REAL TIME COMPLETE	234.00	207.00	207.00			
76775	ECHOGRAPHY, RETROPERITONEAL (LIMITED); B-SCAN; S+I ONLY	98.00	91.00	86.00			
76775	ECHOGRAPHY RETROPERITONEAL B-SCAN AND/OR REAL TIME LIMITED	181.00	181.00	181.00			
76805	ECHOGRAPHY, PELVIC B-SCAN AND/OR REAL-TIME; COMPLETE S+I ONLY	98.00	89.00	81.00			
76805	ECHOGRAPHY PELVIC B-SCAN AND/OR REAL-TIME PREGNANCY DIAGNOSIS	190.00	173.00	173.00			
76815	ECHOGRAPHY, PELVIC (LIMITED); B-SCAN AND/OR REAL TIME-S+I	85.00	75.00	85.00			
76815	ECHOGRAPHY B-SCAN AND/OR REAL-TIME; LIMITED	130.00	144.00	144.00			
76816	ECHOGRAPHY, PREGNANT UTERUS, B-SCAN, REALTIME; FOLLOW-UP/REPEAT	98.00	98.00	98.00			
78104	BONE MARROW IMAGING; WHOLE BODY S & I ONLY	139.00	139.00	139.00			
78185	SPLEEN IMAGING ONLY; S+I ONLY	81.00	81.00	81.00			
78201	LIVER IMAGING; ONLY; S+I ONLY	90.00	90.00	90.00			
78202	LIVER IMAGING WITH VASCULAR FLOW; S+I ONLY	115.00	115.00	115.00			
78215	LIVER AND SPLEEN IMAGING; S+I ONLY	108.00	104.00	98.00			
78215	LIVER AND SPLEEN IMAGING	230.00	230.00	207.00			
78216	LIVER AND SPLEEN IMAGING WITH VASCULAR FLOW; S+I ONLY	104.00	114.00	114.00			
78220	LIVER FCT STUDY W HEPATOBILIARY AGENTS W SERIAL IMAGES; S+I	104.00	98.00	95.00			
78223	HEPATOBILIARY DUCTAL SYSTEM IMAGING, INCLUD. GALL BLADDER; S+I	110.00	109.00	121.00			
78223	HEPATOBILIARY DUCTAL SYSTEM IMAGING, INCLUD. GALL BLADDER	184.00	184.00	184.00			
78262	GASTROESOPHAGEAL REFLUX STUDY; S+I ONLY	113.00	113.00	113.00			
78264	GASTRIC EMPTYING STUDY; S+I ONLY	116.00	116.00	116.00			
78278	ACUTE GASTROINTESTINAL BLOOD LOSS IMAGING; S+I	109.00	109.00	109.00			
78280	GASTROINTESTINAL BLOOD LOSS STUDY; S+I ONLY	101.00	101.00	101.00			
78290	BOWEL IMAGING; S+I ONLY	101.00	101.00	92.00			
78300	BONE IMAGING; LIMITED AREA; S+I ONLY	101.00	104.00	104.00			
78300	BONE IMAGING; LIMITED (EG SKULL, PELVIS)	178.00	178.00	196.00			
78305	BONE IMAGING MULTIPLE AREAS; S+I ONLY	106.00	104.00	104.00			

INSURANCE		PROPOSALS		
PROCEDURE CODE	DESCRIPTION OF SERVICES	1	REGION 2	3
78305	BONE IMAGING; MULTIPLE AREAS	213.00	213.00	213.00
78306	BONE IMAGING; WHOLE BODY; S+I ONLY	110.00	106.00	115.00
78306	BONE IMAGING; WHOLE BODY	285.00	285.00	259.00
78310	BONE IMAGING WITH VASCULAR FLOW ONLY; S+I	95.00	95.00	95.00
78315	BONE IMAGING; BY THREE PHASE TECHNIQUE; S+I	129.00	129.00	129.00
78401	CARDIAC BLOOD POOL IMAGING; S+I ONLY	76.00	76.00	76.00
78402	CARDIAC BLOOD POOL IMAGING WITH VASCULAR FLOW; S+I ONLY	104.00	104.00	104.00
78403	CARDIAC BLOOD POOL IMAGING W DETERMINATION OF VENT. FCT; S+I	173.00	156.00	173.00
78403	CARDIAC BLOOD POOL W REG. VENT. FUNCTION INCLUD. EJECT. FRACT	403.00	403.00	403.00
78404	CARDIAC BLD POOL IMAGING W EXER INC CONT VITAL SIGNS/PHA; S+I	92.00	92.00	92.00
78409	CARDIAC BLD POOL IMAGING W VENTRICULAR EJECTION FRACTION; S+I	177.00	148.00	155.00
78412	CARDIAC BLD POOL FIRST PST TECH W EXER SUBMAXIMAL/MAX LEVEL; S+I	115.00	115.00	115.00
78415	CARDIAC BLD POOL IMAGING, FCTL (EG, PHASE & AMPL ANALYSIS); S+I	60.00	60.00	60.00
78418	MYOCARDIUM IMAGING; REGIONAL MYOCARDIAL PERFUSION AT REST; S+L	138.00	124.00	144.00
78418	MYOCARDIUM IMAGING; REGIONAL MYOCARDIAL PERFUSION AT REST	219.00	219.00	219.00
78419	MYOCARDIUM IMAGING; MYOCARDIAL PERFUSION AT REST & W; S+L	160.00	193.00	173.00
78419	MYOCARDIUM IMAGING; REGIONAL MYOCARDIAL PERFUSION AT REST/&W E	316.00	316.00	316.00
78420	MYOCARDIUM IMAGING; W QUANTITATIVE EVALUATION	32.00	32.00	32.00
78422	MYOCARDIUM IMAGING; FOR EVALUATION OF INFARCTION	111.00	111.00	91.00
78424	MYOCARDIUM IMAGING; REGIONAL MYOCARDIAL PERFUSION; S+L	144.00	138.00	144.00
78424	MYOCARDIUM IMAGING; REGIONAL MYOCARDIAL PERFUSION	219.00	219.00	219.00
78435	CARDIAC IMAGING (RADIONUCLIDE ANGIOCARDIOGRAPHY, PULMONARY;) S+I	109.00	109.00	109.00
78445	VASCULAR IMAGING (RADIONUCLIDE, ANGIOGRAPHY/VENOGRAPHY); S+I	94.00	94.00	104.00
78445	VASCULAR FLOW IMAGING (RADIONUCLIDE, ANGIOGRAPHY/VENOGRAPHY)	138.00	138.00	138.00
78582	PULMONARY PERF. GASEOUS W VENT REBREATHING AND WASHOUT; S+I	120.00	120.00	120.00
78584	PULMONARY PERF. PARTICULATE W VENTILATION; SINGLE BREATH; S+I	201.00	201.00	201.00
78585	PULMONARY PERF. REBREATH, WASHOUT W/WO SINGLE BREATH; S+I ONLY	171.00	140.00	144.00
78586	PULMONARY VENTILATION IMAGING, AEROSOL; SINGLE; S+I ONLY	106.00	106.00	106.00
78587	PULMONARY VENT. IMAGING, AEROSOL; MULTIPLE PROJECTION; S+I	83.00	83.00	92.00
78593	PULMONARY VENT. GAS, W REBREATHING AND WASH W/WO SINGLE BR; S+I	133.00	123.00	120.00
78594	PUL. VENT. GAS MULTIPLE PROJ. W/WO BREATH W REBREATHING; S+I	133.00	123.00	120.00
78605	BRAIN IMAGING COMPLETE STUDY; S+I ONLY	91.00	91.00	91.00
78606	BRAIN IMAGING COMPLETE WITH VASCULAR FLOW; S+I ONLY	144.00	144.00	144.00
78700	KIDNEY IMAGING; ONLY S+I ONLY	95.00	92.00	89.00
78701	KIDNEY IMAGING; WITH VASCULAR FLOW; S+I ONLY	133.00	118.00	121.00
78704	KIDNEY IMAGING WITH FUNCTION STUDY; S+I ONLY	88.00	88.00	88.00
78707	KIDNEY IMAGING WITH VASCULAR FLOW AND FUNCTION STUDY; S+I ONLY	158.00	139.00	144.00
78715	KIDNEY VASCULAR FLOW ONLY; S+I ONLY	89.00	89.00	89.00
78720	KIDNEY FUNCTION STUDY ONLY (RENOGRAM); S+I ONLY	144.00	144.00	144.00
78725	KIDNEY FUNCTION STUDY ONLY; S+I ONLY	115.00	115.00	115.00
78760	TESTICULAR IMAGING; S+I ONLY	115.00	115.00	115.00
78761	TESTICULAR IMAGING W VASCULAR FLOW; S & I ONLY	115.00	115.00	115.00
78805	ABSCCESS LOCALIZATION, LIMITED AREA; S+I ONLY	115.00	115.00	115.00
78806	ABSCCESS LOCALIZATION, WHOLE BODY; S+I ONLY	132.00	132.00	132.00
78890	GENERATION OF AUTOMATED DATA LESS THAN 30 MIN.	58.00	58.00	58.00

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
80002	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 1 OR 2 TESTS	29.00	33.00	33.00
80003	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 3 TESTS	29.00	33.00	33.00
80004	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 4 TESTS	29.00	33.00	33.00
80005	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 5 TESTS	29.00	33.00	33.00
80006	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 6 TESTS	29.00	33.00	33.00
80007	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 7 TESTS	29.00	33.00	33.00
80008	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 8 TESTS	29.00	33.00	33.00
80009	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 9 TESTS	29.00	33.00	33.00
80010	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 10 TESTS	29.00	33.00	33.00
80012	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 12 TESTS	29.00	33.00	33.00
80016	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 13-16 TESTS	29.00	33.00	33.00
80018	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 17-18 TESTS	29.00	33.00	33.00
80019	AUTOMATED MULTICHANNEL CHEMISTRY TEST, 19 OR MORE TESTS	29.00	33.00	33.00
80031	THERAPEUTIC DRUG MONITORING—BLOOD OR URINE—1 DRUG	43.00	49.00	49.00
80058	HEPATIC FUNCTION PANEL	35.00	35.00	39.00
80059	HEPATITIS PANEL	109.00	120.00	120.00
80061	LIPID PROFILE	37.00	44.00	45.00
80062	CARDIAC EVALUATION PANEL	45.00	45.00	54.00
80065	METABOLIC PANEL	35.00	35.00	35.00
80070	THYROID PANEL	26.00	32.00	26.00
80071	THYROID PANEL WITH TRH	46.00	46.00	46.00
80072	ARTHRITIS PANEL	66.00	66.00	54.00
80073	RENAL PANEL	40.00	40.00	35.00
80090	ANTIBODY PANEL	114.00	114.00	114.00
81000	ROUTINE URINALYSIS	9.00	9.00	11.00
81002	URINALYSIS; ROUTINE—WITHOUT MICROSCOPY	6.00	6.00	7.00
81005	URINALYSIS, CHEMICAL, QUALITATIVE	4.00	4.00	4.00
81015	URINALYSIS: MICROSCOPIC ONLY	12.00	11.00	12.00
82011	ACETYSALICYLICACID, QUANTITATIVE	33.00	33.00	33.00
82040	ALBUMIN, SERUM	14.00	14.00	14.00
82055	CHEMISTRY: ALCOHOL (ETHANOL, BLOOD)	48.00	48.00	48.00
82065	ALCOHOL ETHANOL, URINE, CHEMICAL	48.00	48.00	48.00
82085	ALDOLASE, BLOOD, KINETIC ULTRAVIOLET METHOD	30.00	30.00	30.00
82137	AMINOPHYLLINE	40.00	44.00	40.00
82138	AMITRIPTYLINE	91.00	91.00	91.00
82140	CHEMISTRY: AMMONIA, BLOOD	45.00	45.00	45.00
82150	CHEMISTRY: AMYLASE, BLOOD	20.00	18.00	18.00
82156	CHEMISTRY: AMYLASE, URINE	18.00	18.00	16.00
82157	ANDROSTENEDIONE RIA	77.00	77.00	77.00
82164	ANGIOTENSIN-CONVERTING ENZYME	52.00	52.00	52.00
82205	CHEMISTRY: BARBITURATES (BLOOD, URINE), QUANTITATIVE	51.00	51.00	51.00
82232	BETA-2 MICROGLOBULIN, RIA, SERUM	30.00	30.00	30.00
82250	BILLIRUBIN, BLOOD, TOTAL OR DIRECT	14.00	15.00	15.00
82251	BILLIRUBIN; BLOOD, TOTAL AND DIRECT	18.00	18.00	18.00
82270	BLOOD, OCCULT, FECES, SCREENING	7.00	7.00	8.00
82310	CHEMISTRY: CALCIUM, BLOOD	12.00	13.00	13.00
82330	CALCIUM, BLOOD, FRACTIONATED, DIFFUSIBLE	79.00	79.00	79.00
82340	CALCIUM, URINE QUANTITATIVE, TIME SPECIMEN	17.00	17.00	18.00
82355	CALCULUS (STONE) QUALITATIVE, CHEMICAL	32.00	32.00	32.00
82365	CALCULUS (STONE), QUALITATIVE, INFRARED SPECTROSCOPY	45.00	45.00	45.00
82372	CARBAMAZEPINE, SERUM	50.00	55.00	56.00
82374	CARBON DIOXIDE, COMBINING POWER OR CONTENT	13.00	13.00	13.00
82375	CARBON MONOXIDE, QUANTITATIVE	23.00	23.00	23.00
82380	CHEMISTRY: CAROTENE, BLOOD	29.00	29.00	29.00
82382	CATECHOLAMINES; TOTAL URINE	63.00	63.00	63.00
82384	CATECHOLAMINES, FRACTIONATED	88.00	88.00	88.00
82435	CHEMISTRY: CHLORIDES, BLOOD	8.00	8.00	8.00
82465	CHOLESTEROL, SERUM; TOTAL	12.00	12.00	13.00
82507	CITRATE	91.00	91.00	91.00
82525	COPPER, BLOOD	14.00	14.00	14.00
82533	CORTISOL, RIA, PLASMA	49.00	49.00	46.00
82534	CORTISOL, RIA, URINE	37.00	37.00	37.00
82540	CREATININE, BLOOD	17.00	17.00	17.00
82550	CHEMISTRY: CREATINE PHOSPHOKINASE (CPK), BLOOD	17.00	18.00	19.00
82552	CREATININE PHOSPHOKINASE (CPK), ISOENZYMES	41.00	41.00	51.00
82565	CHEMISTRY: CREATINE, BLOOD	14.00	14.00	15.00
82570	CREATININE, URINE	16.00	16.00	16.00

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
82575	CHEMISTRY: CREATININE CLEARANCE	28.00	28.00	28.00
82606	B 12 (CYANOCOBALAMIN)	28.00	28.00	28.00
82607	CYANOCOBALAMIN, RIA	55.00	55.00	55.00
82626	DEHYDROEXPIANDROSTERONE-SULFATE (DHEA-S) (PLASMA)RIA- INC. TOT 17	76.00	76.00	62.00
82628	DESPRAMINE	85.00	85.00	85.00
82643	DIGOXIN, RIA	44.00	44.00	49.00
82670	ESTRADIOL, RIA	86.00	86.00	77.00
82728	FERRITIN	49.00	49.00	54.00
82730	FIBRINOGEN, QUANTITATIVE	36.00	36.00	36.00
82746	FOLIC ACID; BLOOD, RIA	46.00	46.00	46.00
82756	T-7, FREE THYROXINE INDEX	31.00	25.00	28.00
82784	GAMMAGLOBULIN, A, D, G, M, NEPHELMETRIC, EACH	39.00	39.00	47.00
82792	GASES, BLOOD, OXYGEN SATURATION, BY OXIMETRY	32.00	32.00	32.00
82941	GASTRIN, RIA	56.00	56.00	56.00
82947	GLUCOSE, EXCEPT URINE	11.00	12.00	12.00
82948	GLUCOSE, BLOOD, STICK TEST	12.00	12.00	12.00
82950	SUGAR (GLUCOSE), POST GLUCOSE DOSE (INCLUDES GLUCOSE)	17.00	17.00	15.00
82952	GLUCOSE TOLERANCE TEST, EACH AND BEYOND 3 SPECIMENS	11.00	9.00	11.00
82954	GLUCOSE, URINE	13.00	13.00	15.00
82955	GLUCOSE 6 PHOSPHATE DEHYDROGENASE, QUANTITATIVE	34.00	34.00	34.00
83015	HEAVY METAL SCREEN, CHEMICAL	40.00	40.00	40.00
83020	CHEMISTRY: HEMOGLOBIN ELECTROPHORESIS	36.00	34.00	40.00
83036	HEMOGLOBIN, GLYCOSYLATED (A1C)	28.00	30.00	34.00
83051	CHEMISTRY: HEMOGLOBIN, PLASMA (CHEMICAL, SPECTR)	8.00	8.00	8.00
83053	HEMOGLOBIN, SOLUBILITY	13.00	13.00	13.00
83497	HYDROXYINDOLACETIC ACID, URINE	51.00	51.00	51.00
83498	HYDROXYPROGESTERONE, 17-0 RIA	69.00	69.00	69.00
83523	IMIPRAMINE	89.00	89.00	89.00
83525	INSULIN, RIA	26.00	26.00	26.00
83526	INSULIN, TOLERANCE TES	22.00	22.00	22.00
83540	IRON, SERUM, CHEMICAL	19.00	18.00	22.00
83445	IRON, SERUM, AUTOMATED	5.00	5.00	5.00
83550	IRON BINDING CAPACITY, SERUM, CHEMICAL	28.00	29.00	29.00
83555	IRON BINDING CAPACITY, SERUM; AUTOMATED	14.00	14.00	14.00
83589	KETOSTERCIDS, 17, URINE, TOTAL	36.00	36.00	36.00
83615	LACTIC DEHYDROGENASE, BLOOD, KINETIC UV METHOD	14.00	14.00	14.00
83625	LACTIC DEHYDROGENASE (LDH), ISOENZYMES, ELECTROPHORETIC	55.00	55.00	55.00
83655	LEAD, AQUANTITATIVE; BLOOD	45.00	45.00	45.00
83690	LIPASE, BLOOD	20.00	18.00	18.00
83700	CHEMISTRY: LIPID (TOTAL)	31.00	31.00	27.00
83705	LIPIDS, BLOOD; FRACTIONATED	35.00	35.00	35.00
83715	LIPOPROTEIN, BLOOD, ELECTROPHORETIC SEP AND QUANTITATION	19.00	15.00	17.00
83718	LIPOPROTEIN HIGH DENSITY CHOLESTEROL BY PRECIPITATION METHOD	19.00	15.00	17.00
83719	LIPOPROTEIN VERY LOW DENSITY CHOLESTEROL	29.00	29.00	29.00
83720	LIPOPROTEIN CHOLESTEROL FRACTIONATION BY FORMULA	13.00	13.00	14.00
83725	LITHIUM, QUANTITATIVE	21.00	21.00	24.00
83735	MAGNESIUM, BLOOD, CHEMICAL	13.00	13.00	12.00
83750	MAGNESIUM, BLOOD; ATOMIC ABSORPTION	23.00	23.00	23.00
83872	MUCIN, SYNOVIALFLUID (ROPES TEST)	15.00	15.00	15.00
83915	SERUM 5-NUCLEOTIDASE	22.00	22.00	22.00
83930	CHEMISTRY: OSMOLALITY, BLOOD	9.00	9.00	9.00
83945	OXALATE, URINE.	51.00	51.00	51.00
83970	PARATHORMONE (PARATHYROID HORMONE) RIA.	123.00	123.00	123.00
84030	CHEMISTRY: PHENYLALANINE (GUTHRIE METHOD)-(QUAL)	14.00	14.00	14.00
84045	PHENYTOIN	50.00	50.00	50.00
84060	CHEMISTRY: ACID PHOSPHATASE	22.00	22.00	19.00
84065	PHOSPHATASE, ACID, PROSTATIC FRACTION	19.00	20.00	23.00
84066	PHOSPHATASE, ACID; PROSTATIC FRACTION, RIA	30.00	30.00	31.00
84075	PHOSPHATASE, ALKALINE, BLOOD	17.00	14.00	15.00
84100	CHEMISTRY; PHOSPHORUS, BLOOD	13.00	13.00	13.00
84105	CHEMISTRY; PHOSPHORUS, URINE	16.00	16.00	16.00
84132	POTASSIUM, BLOOD	12.00	12.00	12.00
84133	CHEMISTRY: POTASSIUM, URINE	9.00	9.00	9.00
84520	BLOOD, UREA, NITROGEN (BUN), QUANTITATIVE	12.00	12.00	12.00
84550	CHEMISTRY: URIC ACID, BLOOD	10.00	10.00	8.00

PROPOSALS	Interested Persons see Inside Front Cover	INSURANCE		
PROCEDURE CODE	DESCRIPTION OF SERVICES	1	2	3
84560	URIC ACID, URINE	15.00	15.00	16.00
85000	BLEEDING TIME, DUKE	8.00	8.00	8.00
85005	BLOOD COUNT; BASOPHIL COUNT, DIRECT	13.00	13.00	11.00
85007	BLOOD COUNT; DIFFERENTIAL WBC COUNT	12.00	13.00	12.00
85009	BLOOD COUNT; DIFFERENTIAL WBC COUNT, BUFFY COAT	12.00	12.00	12.00
85012	BLOOD COUNT, EOSINOPHIC COUNT, DIRECT	20.00	20.00	20.00
85014	BLOOD COUNT, HEMATOCRIT	8.00	8.00	9.00
85018	BLOOD COUNT, HEMOGLOBIN, COLORIMETRIC	8.00	8.00	6.00
85021	BLOOD COUNT; HEMOGRAM, AUTOMATED	13.00	12.00	12.00
85022	BLOOD COUNT, HEMOGRAM, AUTOMATED W/DIFF WBC (CBC)	15.00	17.00	17.00
85023	BLOOD COUNT; HEMOGRAM & PLATELET COUNT, AUTO & MANUAL DIFF WBC	17.00	17.00	15.00
85024	HEMOGRAM & PLATELET COUNT, AUTOMATED & PARTIAL DIFF WBC COUNT	25.00	25.00	25.00
85025	HEMOGRAM & PLATELET COUNT, AUTOMATED & COMP. DIFF. WBC COUNT (CBC)	15.00	15.00	14.00
85027	BLOOD COUNT; HEMOGRAM, AUTOMATED W/PLATELET COUNT	13.00	13.00	11.00
85028	BLOOD COUNT, HEMOGRAM, AUTOMATED, AND DIFF WBC COUNT W/PLATEL	19.00	19.00	17.00
85031	BLOOD COUNT, HEMOGRAM, MANUAL, COMPLETE	17.00	15.00	17.00
85041	BLOOD COUNT, REBLOOD CELL (RBC)	12.00	12.00	12.00
85044	BLOOD COUNT, RETICLOCYTE COUNT	12.00	12.00	11.00
85048	BLOOD COUNT; WHITE BLOOD CELL COUNT (WBC)	8.00	9.00	10.00
85580	PLATELET COUNT (REES-ECKER) DIRECT METHOD	11.00	12.00	11.00
85585	PLATELET; ESTIMATION ON SMEAR, ONLY	8.00	8.00	8.00
85590	PLATELET; PHASE MICROSCOPY	12.00	12.00	12.00
85595	PLATELET COUNT, ELECTRONIC	12.00	12.00	12.00
85610	PROTHROMBIN TIME	13.00	15.00	14.00
85650	SEDIMENTATION RATE (ESR)	13.00	13.00	15.00
85651	SEDIMENTATION RATE—WESTERNGREN TYPE	12.00	13.00	12.00
85660	SICKLING OF RBC, REDUCTION, SLIDE METHOD	17.00	17.00	17.00
85730	THROMBOPLASTIN TIME, PARTIAL (PTT), PLASMA OR WHOLE BLOOD	19.00	19.00	21.00
86002	AGGLUTINS; PANEL	23.00	23.00	23.00
86006	ANTIBODY, QUALT, NOT OTHERWISE SPEC, FRST ANTIGEN, SLIDE/TUBE	17.00	17.00	17.00
86008	ANTIBODY, QUANT TITER N OTHHW SPEC; FIRST ANTIGEN	43.00	43.00	48.00
86009	ANTIBODY, QUANT TITER N OTHHW SPEC; EACH ADD ANTIGEN	10.00	10.00	10.00
86012	ANTIBODY ABSORPTION, COLD AUTO ABSORPTION: PER SERUM	30.00	30.00	30.00
86017	ANTIBODIES, RBC, SALINE; W ABO—RH(D) TYPING	12.00	12.00	12.00
86024	ANTIBODY INDENT; RCB ANTIBODIES (8-10 CELL PANEL) STD TECH.	46.00	46.00	46.00
86031	ANTIHUMAN GLOBULIN TEST, DIRECT (COOMBS) 1-3 DILUTIONS	16.00	16.00	16.00
86032	ANTIHUMAN GLOBULIN TEST; INDIRECT, QUALITATIVE	10.00	10.00	10.00
86038	ANTINUCLEAR ANTIBODIES (ANA), RIA	35.00	35.00	35.00
86060	ANTISTREPTOLYSIN TITER (ASO)	18.00	18.00	16.00
86063	ANTISTREPTOLYSIN O; TITER	14.00	14.00	14.00
86067	ANTITRYPSIN, ALPHA-1; OTHER METHOD	49.00	49.00	49.00
86080	BLOOD TYPING, ABO ONLY	6.00	6.00	6.00
86062	BLOOD TYPING; ABO AND RHO(D)	9.00	8.00	8.00
86100	BLOOD TYPING; RHO(D) ONLY	26.00	26.00	26.00
86115	BLOOD TYPING; ANTI-RH IMMUNOGLOBULIN TESTING	36.00	36.00	44.00
86140	C-REACTIVE PROTEIN	9.00	9.00	8.00
86312	AID TEST (HTLV III ANTIBODY DETECTION: ELISA)	47.00	47.00	53.00
86320	IMMUNOELECTROPHORESIS, SERUM	80.00	80.00	89.00
86329	IMMUNODIFFUSION, QUANTITATIVE EACH	64.00	62.00	52.00
86335	IMMUN/GLOBULIN TYPING, EACH	65.00	65.00	65.00
86357	LYMPHOCYTES; T + B DIFFERENTIATION	171.00	171.00	171.00
86376	MICROSOMAL ANTIBODY (THYROID); RIA	68.00	68.00	68.00
86377	MICROSOMAL ANTIBODY; OTHER METHOD	26.00	26.00	26.00
86422	RAST OR FAST; 6 OR MORE ANTIGENS	16.00	20.00	17.00
86423	RAST/PRIST, IGE	46.00	46.00	46.00
86430	PHEUMATOID FACTOR, LATEX FIXATION	15.00	17.00	15.00
86580	SKIN TEST; TUBERCULOSIS, PATCH OR INTRADERMAL	11.00	13.00	12.00
86585	SKIN TEST, TUBERCULOSIS, TINE	11.00	12.00	12.00
86592	SYPHILIS, PRECIPITATION OR FLOCCULATION TESTS QUALITATIVE	9.00	7.00	8.00
86593	SYPHILIS, PRECIPITATION OR FLOCCULATION TESTS QUANTITATIVE	17.00	17.00	17.00
86600	TOXOPLASMOSIS	36.00	36.00	36.00
86650	TREPONEMA ANTIBODIES, FLUORESCENT, ABSORBED	42.00	42.00	42.00

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
86800	THYRIGLOBULIN ANTIBODY, RIA	46.00	46.00	46.00
86812	TISSUE TYPING; HLA TYPING, A, B, OR C, SINGLE ANTIGEN	81.00	81.00	81.00
86813	TISSUE TYPING-HLA TYPING, AB AND/OR C, MULTI, ANTIGENT	132.00	132.00	132.00
87040	CULTURE, BACTERIAL, DEFINITIVE, AEROBIC, BLOOD	37.00	37.00	45.00
87045	CULTURE, BACTERIAL, DEFINITIVE, AEROBIC, STOOL	38.00	38.00	42.00
87060	CULTURE, BACTERIAL, DEFINITIVE, AEROBIC: THROAT OR NOSE	15.00	14.00	14.00
87070	CULTURE, BACTERIAL, DEFINITIVE, AEROBIC, ANY OTHER SOURCE	32.00	32.00	36.00
87072	CULTURE/PRESUMP/PATH ORG/COM KIT/ANY SOURCE BUT URINE	17.00	17.00	16.00
87075	CULTURE, BACTERIAL, ANY SOURCE, ANAEROBIC	39.00	39.00	32.00
87076	CULTURE, BACTERIAL ANY SOURCE; DEFEIDENT INCLD GAS CHROM/ANNE	12.00	12.00	12.00
87081	CULTURE, BACTERIAL, SCREENING ONLY F SNGL ORGANISMS	17.00	19.00	15.00
87082	CULTURE/PRESUMP/PATH ORG/CO KIT/SCREEN/SINGLE ORG	18.00	17.00	17.00
87084	CULTURE/PRESUMP/PATH ORG/W/COLON Y EST FROM DENS CHART	13.00	12.00	12.00
87086	CULTURE, SCREEN, URINE, QUANTITATIVE, WITH COLON COUNT	29.00	26.00	29.00
87087	CULTURE, BACTERIAL, URINE; COMMERCIAL KIT	19.00	17.00	17.00
87088	CULTURE, BACTERIAL, URINE; IDENT, IN ADD TO QUANT/COMM KIT	25.00	23.00	23.00
87101	CULTURE, FUNGI, ISOLATION	17.00	19.00	17.00
87102	CULTURE, MYCROPLASMA, ANY SOURCE	29.00	31.00	26.00
87106	CULTURE, FUNGUS DEF IDEN PER ORG IN ADD TO SKIN OR OTHER SOURCE	26.00	32.00	29.00
87109	CULTURE, MYCROPLASMA ANY SOURCE	58.00	58.00	58.00
87117	CULTURE, ACID-FAST BACILLI; CONCENTRATION PLUS ISOLATION	58.00	58.00	58.00
87140	CULTURE, TYPING; FLUORESCENT METHOD EACH ANTISERUM	26.00	26.00	26.00
87177	OVA AND PARASITES, DIRECT SMEARS, CONCENTRATION AND ID	28.00	28.00	31.00
87181	SENSITIVITY STUDIES ANTIBIOTIC; AGAR DIFFUSION METH, ECH ANTI	26.00	26.00	26.00
87184	SENSITIVITY STUDIES, ANTIBIOTIC, DISC METHOD, EA PLATE	22.00	20.00	18.00
87186	SENSITIVITY STUDIES ANTIBIOTIC; MICROTITER (MIC) 8 OR LESS ANTIBO	19.00	19.00	19.00
87205	SMEAR, PRIMARY SOURCE W/INTERP, ROUT STN FOR BAC, FUNGI, CELL	13.00	13.00	12.00
87206	SMEAR, PRIMARY SOUR W INT; WET T DRY MOUNT W INTERPR F OVA/PA	8.00	8.00	8.00
87207	CYTOMEGALIC INCLUSIONS	58.00	58.00	58.00
87210	WET MOUNT FOR BACTERIA, FUNGI, PARASITES, OVA	12.00	12.00	12.00
87250	VIRUS, INOCULATION EGG, TISSUE CULTURE, ANIMAL, INC OBSUTINTER	77.00	77.00	70.00
88300	SURGICAL PATHOLOGY, GROSS ONLY (PROFESSIONAL COMPONENT ONLY)	25.00	23.00	25.00
88302	SURGICAL PATHOLOGY, GROSS AND MICRO, EXAM FOR ID AND RECORDS	41.00	39.00	43.00
88304	SURG PATHOLOGY, GROSS/MICROSCOPIC; DIAG EXAM UNCOMPLICATED SPEC	81.00	75.00	75.00
88311	SURG PATHOLOGY GROSS/MICROSCOPIC; DECALCIFICATION PROCEDURE	19.00	19.00	17.00
88312	SPECIAL STAINS; GROUP I STAINS F MICROORGANISMS	36.00	36.00	35.00
88313	SPECIAL STAINS; GROUP II, ALL OTHR SPECIAL STNS AXC IMMUNOPRXD	19.00	17.00	17.00
88321	CONSULT/RPT SLIDES PREPARED ELSEWHERE	142.00	142.00	142.00
88329	CONSULTATION DURING SURGERY	109.00	109.00	108.00
88331	CONSULTATION DURING SURG W FROZEN SECTIONS	165.00	161.00	139.00
88332	CONSULTATION DURING SURG; ECH ADD FROZEN SECT D SAME V SURG O	69.00	63.00	63.00
90000	OFFICE VISIT NEW PATIENT BRIEF SERVICE	36.00	44.00	40.00
90010	OFFICE VISIT NEW PATIENT LIMITED SERVICE	58.00	58.00	58.00
90015	OFFICE VISIT NEW PATIENT INTERMEDIATE SERVICE	58.00	58.00	63.00
90017	OFFICE VISIT NEW PATIENT EXTENDED SERVICE	69.00	64.00	76.00
90020	OFFICE VISIT NEW PATIENT COMPREHENSIVE SERVICE	92.00	92.00	86.00
90030	OFFICE VISIT ESTABLISHED PATIENT MINIMAL SERVICE	29.00	29.00	35.00
90040	OFFICE VISIT ESTABLISHED PATIENT BRIEF SERVICE	32.00	35.00	39.00
90050	OFFICE VISIT ESTABLISHED PATIENT LIMITED SERVICE	40.00	40.00	44.00
90060	OFFICE VISIT ESTABLISHED PATIENT INTERMEDIATE SERVICE	40.00	40.00	46.00
90070	OFFICE VISIT ESTABLISHED PATIENT EXTENDED SERVICE	47.00	56.00	57.00
90080	OFFICE VISIT ESTABLISHED PATIENT COMPREHENSIVE SERVICE	69.00	69.00	75.00

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
90150	HOME VISIT ESTABLISHED PATIENT LIMITED SERVICE	41.00	51.00	41.00
90160	HOME VISIT ESTABLISHED PATIENT INTERMEDIATE SERVICE	75.00	75.00	75.00
90170	HOME VISIT ESTABLISHED PATIENT EXTENDED SERVICE	95.00	95.00	95.00
90200	BRIEF HISTORY & EXAM, INITIATION OF DX, & TREATM PROG. HOSP. RECOR	83.00	87.00	92.00
90215	INITIAL HOSPITAL CARE INTERMEDIATE HISTORY AND EXAMINATION	115.00	115.00	115.00
90220	INITIAL HOSPITAL CARE COMPREHENSIVE HISTORY AND EXAMINATION	144.00	144.00	150.00
90240	SUBSEQUENT HOSPITAL CARE BRIEF SERVICE	41.0	42.00	46.00
90250	SUBSEQUENT HOSPITAL CARE LIMITED SERVICE	46.00	46.00	55.00
90260	SUBSEQUENT HOSPITAL CARE; INTERMEDIATE SERVICE	47.00	47.00	55.00
90270	SUBSEQUENT HOSPITAL CARE EXTENDED SERVICE	58.00	58.00	63.00
90280	SUBSEQUENT HOSPITAL CARE COMPREHENSIVE SERVICE	76.00	63.00	69.00
90282	SUBSEQUENT HOSPITAL NORMAL NEWBORN SERVICES, EACH DAY	35.00	35.00	0.00
90292	HOSPITAL DISCHARGE DAY MANAGEMENT	0.00	0.00	76.00
90350	SKILLED NURSING FACILITY SUBSEQUENT CARE; LIMITED SERVICE	40.00	40.00	40.00
90360	SKILLED NURSING FACILITY SUBSEQUENT CARE INTERMEDIATE SERVICE	40.00	40.00	40.00
90450	NURSING HOME ESTABLISHED PATIENT LIMITED SERVICE	46.00	46.00	46.00
90460	NURSING HOME ESTABLISHED PATIENT INTERMEDIATE SERVICE	48.00	48.00	48.00
90500	EMERGENCY DEPARTMENT NEW PATIENT MINIMAL SERVICE	23.00	23.00	25.00
90505	EMERGENCY DEPARTMENT NEW PATIENT BRIEF SERVICE	40.00	39.00	41.00
90510	EMERGENCY DEPARTMENT NEW PATIENT LIMITED SERVICE	52.00	58.00	61.00
90515	EMERGENCY DEPARTMENT NEW PATIENT INTERMEDIATE SERVICE	68.00	79.00	76.00
90517	EMERGENCY DEPARTMENT NEW PATIENT EXTENDED SERVICE	98.00	98.00	110.00
90520	COMPREHENSIVE SERVICE, NEW PATIENT, EMERGENCY DEPARTMENT	161.00	161.00	155.00
90550	EMERGENCY DEPARTMENT ESTABLISHED PATIENT LIMITED SERVICE	65.00	65.00	65.00
90560	EMERGENCY DEPARTMENT ESTABLISHED PATIENT INTERMEDIATE SERVICE	65.00	65.00	69.00
90570	EMERGENCY DEPARTMENT ESTABLISHED PATIENT EXTENDED SERVICE	77.00	86.00	86.00
90600	CONSULTATION INITIAL, LIMITED	86.00	86.00	95.00
90605	CONSULTATION INITIAL, INTERMEDIATE	109.00	98.00	114.00
90610	CONSULTATION INITIAL, EXTENSIVE	119.00	127.00	144.00
90620	CONSULTATION INITIAL, COMPREHENSIVE	156.00	161.00	173.00
90630	CONSULTATION INITIAL, COMPLEX	173.00	173.00	190.00
90640	FOLLOW-UP CONSULT; BRIEF	47.00	41.00	51.00
90641	FOLLOW-UP CONSULTATION; LIMITED	47.00	47.00	57.00
90642	FOLLOW-UP CONSULT; INTERMEDIATE	58.00	52.00	58.00
90643	FOLLOW-UP CONSULT; EXTENDED	76.00	76.00	69.00
90652	CONFIRMATORY CONSULTATION; EXTENSIVE	150.00	150.00	150.00
90703	IMMUNIZATION ACTIVE; TETANUS TOXOID	13.00	14.00	15.00
90782	THERAPEUTIC INJECTION OF MEDICATION; SUBCUTANEOUS OR INTRAMUS	15.00	17.00	17.00
90784	THERAPEUTIC INJECTION OF MEDICATION INTRAVENOUS	26.00	26.00	29.00
90788	INTRAMUSCULAR INJECTION OF ANTIBIOTIC	17.00	17.00	17.00
90801	COMPLETE NEURO-PSYCHIATRIC EXAMINATION, INITIAL PROCEDURE	156.00	173.00	173.00
90825	PSYCHIATRIC EVALUATION OF HOSPITAL RECORDS AND OTHER REPORTS	120.00	120.00	120.00
90830	PSYCHOLOGICAL TEST BY PHYSICIAN, WRITTEN REPORT PER HOUR	109.00	115.00	115.00
90841	INDIVIDUAL PSYCHOTHERAPY, LIMITED TREATMENT LESS THAN 25 MIN	36.00	36.00	44.00
90843	INDIVIDUAL PSYCHOTHERAPY, ONE-HALF SESSION (25 MINUTES)	75.00	68.00	76.00
90844	INDIVIDUAL PSYCHOTHERAPY, FULL SESSION (50 MINUTES)	127.00	115.00	109.00
90847	FAMILY PSYCHOTHERAPY OF TWO FAMILY MEMBERS	135.00	135.00	135.00
90849	MULTIPLE-FAMILY GROUP MEDICAL PSYCHOTHERAPY	35.00	35.00	35.00
90853	GROUP MEDICAL PSYCHOTHERAPY, 90 MINUTE SESSION	52.00	47.00	52.00
90862	CHEMO MGMT, INC. PRESCRIP, USE, REVIEW MEDICINE MIN. PSYCHOTHERAPY	69.00	69.00	63.00
90870	ELECTROCONVULSIVE THERAPY: SINGLE SEIZURE	132.00	132.00	162.00
90887	INTERPRETATION OF MEDICAL DATA TO FAMILY OF PSYCHIATRIC PATIE	104.00	104.00	104.00

INSURANCE		PROPOSALS		
PROCEDURE CODE	DESCRIPTION OF SERVICES	1	2	3
90900	BIOFEEDBACK TRAINING; BY ELECTROMYOGRAM APPLICATION	92.00	100.00	100.00
90915	BIOFEEDBACK TRAINING; OTHER	83.00	83.00	101.00
92002	OPHTHALMOLOGICAL SERVICES: INTERMEDIATE, NEW PATIENT	58.00	63.00	58.00
92004	OPHTHALMOLOGICAL SVS; COMPERHENSIVE, NEW PT. 1 OR MORE VISIT	58.00	63.00	63.00
92012	OPHTHALMOLOGICAL SERVICES: INTERMEDIATE, ESTABLISHED PATIENT	46.00	52.00	49.00
92014	OPHTHALMOLOGICAL SERVICES: COMPREHENSIVE, ESTABLISHED PATIENT	57.00	63.00	63.00
92020	GONIOSCOPY WITH MEDICAL DIAGNOSTIC EVALUATION	51.00	51.00	46.00
92060	SENSORIMOTOR EXAM WITH MEDICAL DIAGNOSTIC EVALUATION	65.00	65.00	65.00
92081	VISUAL FIELD EXAM WITH MEDICAL DIAGNOSTIC EVALUATION	46.00	46.00	46.00
92083	VISUAL FIELD EX. W/MED. DX. EVAL; EXTEND EX, QUANTITATI PERIMETRY	95.00	86.00	77.00
92100	SERIAL TONOMETRY W MED DX EVAL; ONE OR MORE SESSIONS SAME DAY	40.00	40.00	40.00
92225	OPHTHALMOSCOPY EXTENDED AS FOR RETINAL DETACHMENT; INITIAL	127.00	127.00	138.00
92226	OPHTHALMOSCOPY EXTENDED AS FOR RETINAL DETACHMENT; SUBSEQUENT	59.00	59.00	58.00
92235	OPHTHALMOSCOPY INC. MED. DX EVAL WITH FLUORESCEIN ANGIOGRAPHY	297.00	243.00	270.00
92250	OPHTHALMOSCOPY, W/FUNDUS PHOTOGRAPHY, INCL MED DIAG EVALUATION	76.00	62.00	69.00
92280	VISUALLY EVOKED POTENTIAL STUDY, W MEDICAL DIAG EVALUATION	207.00	253.00	230.00
92504	BINOCULAR MICROSCOPY	17.00	17.00	17.00
92507	SPEECH, LANGUAGE OR HEARING THERAPY WITH MED SUPERVISION, IND	32.00	32.00	32.00
92511	NASOPHARYNGOSCOPY WITH ENDOSCOPE (SEPARATE PROCEDURE)	158.00	158.00	158.00
92551	SCREENING TEST PURE TONE, AIR ONLY	19.00	19.00	17.00
92552	AUDIOMETRIC HEARING TEST, PURETONE (AIR ONLY)	29.00	26.00	32.00
92555	AUDIOMETRIC HEARING TEST, SPEECH (THRESHOLD ONLY)	21.00	21.00	21.00
92556	SPEECH AUDIOMETRY: THRESHOLD AND DISCRIMINATION	32.00	32.00	26.00
92557	BASIC COMPREHENSIVE AUDIOMETRY (92553 + 92556 COMBINED)	69.00	58.00	63.00
92566	IMPEDANCE TESTING	32.00	26.00	29.00
92567	TYMPANOMETRY	32.00	29.00	29.00
92568	ACOUSTIC REFLEX TESTING	21.00	23.00	25.00
92569	ACOUSTIC REFLEX DECAY TEST	25.00	25.00	25.00
92581	EVOKED RESPONSE AUDIOMETRY	230.00	230.00	230.00
92950	CARDIOPULMONARY RESUSCITATION (EG, IN CARDIAC ARREST)	259.00	288.00	317.00
92960	CARDIOVERSION ELECTIVE, ELECTRICAL CONVERSION OF ARRHYTHMIA EX	259.00	286.00	267.00
93000	ELECTROCARDIOGRAM (EKG) WITH INTERPRETATION AND REPORT	46.00	46.00	52.00
93010	EKG, INTERPRETATION AND REPORT ONLY	39.00	35.00	35.00
93012	TELEPHONIC/TELEMETRIC TRANSMISSION-EKG, RHYTHM STRIP	63.00	63.00	63.00
93014	TELEPHONIC/TELEMETRIC TRANSMISSION-EKG, RHYTHM STRIP; REVU-INT	69.00	69.00	69.00
93015	CARDIAC STRESS TESTING, PHYSICIAN MONITORED, DURING EXERCISE	259.00	248.00	242.00
93018	CARDIOVASCULAR STRESS TEST; INTERPRETATION AND REPORT	150.00	144.00	144.00
93040	RHYTHM ECG 1 TO 3 LEADS; WITH INTERPRETATION	35.00	39.00	32.00
93042	RHYTHM ECG ONE TO THREE LEADS; INTERPRETATION AND REPORT ONLY	19.00	17.00	17.00
93274	ECG MONITORING 12 THRU 24 HRS; INCL RECORDING ANALY INTER REP	259.00	276.00	288.00
93300	ECHOCARDIOLOGY, M-MODE; COMPLETE; S+I	138.00	138.00	139.00
93300	ECHOCARDIOGRAPHY, M-MODE; COMPLETE	219.00	219.00	219.00
93307	ECHOCARDIOGRAPHY, REAL-TIME W/IMAGE (2D); COMPLETE; S+I	190.00	156.00	190.00
93307	ECHOCARDIOGRAPHY, REAL-TIME W/IMAGE (2D); COMPLETE	348.00	284.00	288.00
93309	ECHOCARDIOGRAPHY, M-MODE AND/OR REAL TIME WITH IMAGE; S+I	230.00	230.00	213.00
93309	ECHOCARDIOGRAPHY, M-MODE AND/OR REAL TIME WITH IMAGE	380.00	345.00	345.00
93501	CATHETERIZATION OF THE HEART, RIGHT	575.00	575.00	575.00
93503	SWAN GANZ CATHETERIZATION (FLOW DIRECTED CATHET)	575.00	604.00	604.00
93505	ENDOCARDIAL BIOPSY	575.00	575.00	575.00

PROPOSALS		Interested Persons see Inside Front Cover			INSURANCE		
PROCEDURE CODE	DESCRIPTION OF SERVICES	1	2	3	1	2	3
93510	CATHETERIZATION OF LEFT HEART, RETROGRADE: PERCUTANEOUS	805.00	805.00	863.00			
93526	COMBINED RIGHT AND LEFT HEART CATHETERIZATION	1104.00	1104.00	1104.00			
93545	RIGHT HEART CATHETERIZATION, WITH SELECTIVE ANGIOCARDIOGRAM O	777.00	777.00	777.00			
93547	COMBINED L/HEART CATHETER SELECT/CORONARY ANGIOG/L- VENTRI ANG	1380.00	1380.00	1265.00			
93548	COMBINED LF HEART CATH, SELECTIVE CORNRY ANGIOGRAPHY, SELECT L	1150.00	1150.00	1150.00			
93549	COMBINED LEFT AND RIGHT HEART CATHETERIZATION WIT	1242.00	1380.00	1518.00			
93793	ELECTRNIC ANALYSS SNGL-CHAMBER INTERNL PACEMKR: W REPROGRAMIN	121.00	121.00	121.00			
93795	ELECTRONIC WAVE FORM PACEMAKER ANALYSIS COMPLETE	75.00	75.00	83.00			
93860	NON-INVASIVE STUDIES OF CAROTID ARTERY, NON-IMAGING	230.00	230.00	230.00			
93870	NON-INVASIVE STUDIES OF CAROTID ARTERY, IMAGING: S+I	161.00	138.00	155.00			
93870	NON-INVASIVE STUDIES OF CAROTID ARTERY, IMAGING (DOPPLER)	431.00	388.00	460.00			
93890	NON-INVASIVE STUDIES OF UPPER EXTREMITY ARTERIES; S+I	144.00	144.00	144.00			
93890	NON-INVASIVE STUDIES OF UPPER EXT. (DOPPLER)	156.00	156.00	173.00			
93910	NON-INVASIVE STUDIES OF LOWER EXTREMITY ARTERIES: S+I	98.00	94.00	114.00			
93910	NON-INVASIVE STUDIES OF LOWER EXT. ARTERIES (DOPPLER)	190.00	173.00	173.00			
93950	NON-INVASIVE STUDIES OF LOWER EXTREMITY VEINS; S+I	92.00	83.00	92.00			
93950	NON-INVASIVE STUDIES OF LOWER EXT. VEINS (DOPPLER)	144.00	130.00	158.00			
94010	SPIROMETRY, INCLUD GRAPHIC RECORD; S+I	46.00	41.00	46.00			
94010	SPIROMETRY	51.00	46.00	46.00			
94060	BRONCHOSPASM EVAL; SPIRO AS IN 94010 BEFORE AND AFTER; S+I	76.00	62.00	69.00			
94060	BRONCHOSPASM EVAL: SPIROMETRY AS IN 94010 BEFORE AND AFTER	109.00	94.00	114.00			
94160	VITAL CAPACITY, TIMED	25.00	23.00	21.00			
94200	MAXIMUM BREATHING CAPACITY, MAXIMAL VOLUNTARY VENTILATION; S+I	17.00	17.00	17.00			
94200	MAXIMUM BREATHING CAPACITY, MAXIMAL VOLUNTARY VENTILATION	40.00	40.00	44.00			
94240	RESIDUAL AIR (HELIUM METHOD) INCLUDING EQUILIBRATION TIME; S+I	29.00	29.00	35.00			
94240	RESIDUAL AIR (HELIUM METHOD) INCLUDING EQUILIBRATION TIME, IN	77.00	77.00	86.00			
94375	RESPIRATORY FLOW VOLUME LOOP; S+I	32.00	32.00	32.00			
94375	RESPIRATORY FLOW VOLUME LOOP	68.00	68.00	83.00			
94664	AEROSOL OR VAPOR INHALATIONS FOR SPUTUM MOBILIZATION, INITIAL	26.00	26.00	29.00			
94700	ANALYSIS OF ARTERIAL BLD GAS (OXYG. SATURA: PO2, PCO2, CO2) REST; S+I	64.00	52.00	58.00			
94700	ANALYSIS OF ARTERIAL BLOOD GAS (OXY SAT, PO2, PCO2, CO2, pH); RES	127.00	104.00	127.00			
94720	CARBON DIOXIDE DIFFUISNG CAPACITY, ANY METHOD; S+I ONLY	35.00	35.00	35.00			
94720	CARBON DIOXIDE DIFFUSING CAPACITY, ANY METHOD	32.00	32.00	32.00			
95819	EEG W/RECDNG AWAKE, DRSY & ASLEEP, W/HYPER A/O PH STIM;S/; S+I	86.00	86.00	95.00			
95819	EEG W/RECDNG AWAKE, DROWSY & ASLEEP, W/HYPERVNT A/O PH STIM; S/	165.00	165.00	144.00			
95822	ELECTROENCEPHALOGRAM (EEG); SLEEP ONLY; S+I	115.00	115.00	115.00			
95822	ELECTROENCEPHLAOGRAM (EEG); SLEEP ONLY	173.00	173.00	173.00			
95860	ELECTROMYOGRAPHY; 1 EXTREMITY & RELATED PARASPINAL AREAS: S+I	154.00	184.00	173.00			
95860	ELECTROMYOGRAPHY-EMG ONE EXTREMITY AND RELATED AREAS OF THE B	156.00	184.00	173.00			
95861	ELECTROMYOGRAPHY; 2 EXTREMITIES & RELATED PARASPINAL AREA; S+I	242.00	228.00	259.00			
95861	ELECTROMYOGRAPHY; TWO EXTREMITIES AND RELATED PARASPINAL AREAS	249.00	235.00	266.00			
95900	NERVE CONDUCTION, VELOCITY/LATENCY; MOTOR, ECH NERVE; S+I ONLY	51.00	46.00	46.00			
95900	NERVE CONDUCTION, VELOCITY/LATENCY; MOTOR, ECH NERVE	57.00	57.00	57.00			
95904	NERVE CONDUCTION, VELOCITY/LATENCY STDY; SENSORY ECH NERVE; S+I	49.00	46.00	46.00			
95904	NERVE CONDUCTION, VELOCITY/LATENCY STDY; SENSORY ECH NERVE	51.00	51.00	51.00			

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
95935	"H" REFLEX BY ELECTRODIAGNOSTIC TESTING; S+I ONLY	44.00	44.00	40.00
95935	"H" REFLEX BY ELECTRODIAGNOSTIC TESTING	51.00	46.00	46.00
95950	AMBULATORY 24 HOURS EEG MONITORING	575.00	575.00	575.00
97010	PHYSICAL MEDICINE TREATMENT TO ONE AREA; HOT OR COLD PACKS	26.00	26.00	32.00
97012	PHYSICAL MEDICINE TREATMENT TO ONE AREA; TRACTION, MECHANICAL	29.00	29.00	26.00
97014	PHYSICAL MEDICINE TREATMENT TO ONE AREA; ELECTRICAL STIMULATION	23.00	21.00	25.00
97018	PHYSICAL MEDICINE TREATMENT TO ONE AREA; PARAFFIN BATH	35.00	35.00	35.00
97022	PHYSICAL MEDICINE TREATMENT TO ONE AREA; WHIRLPOOL	29.00	26.00	29.00
97024	PHYSICAL MEDICINE TREATMENT TO ONE AREA; DIATHERMY	21.00	21.00	21.00
97110	PHYS MED TRTMNT TO ONE AREA, INITIAL 30 MIN; THERAPEUTIC EXERCISE	41.00	51.00	41.00
97118	PHYS MED TRTMNT TO ONE AREA, INITIAL 30 MIN; ELECTRICAL STIMULA	40.00	40.00	40.00
97124	PHYS MED TRTMNT TO ONE AREA, INITIAL 30 MIN; MASSAGE	21.00	21.00	25.00
97128	PHYS MED TRTMNT TO ONE AREA, INITIAL 30 MIN; ULTRASOUND	26.00	26.00	32.00
97145	PHYSICAL MEDICINE TREATMENT TO ONE AREA, EACH ADDITIONAL 15 MI	17.00	17.00	17.00
97240	POOL THERAPY/HUBBARD TANK W THERAPEUTIC EXERCISES; INIT. 30 MI	35.00	35.00	35.00
97260	MANIPULATION, PERFORMED BY PHYSICIAN; ONE AREA	32.00	35.00	34.00
97530	KINETIC ACTIV INCREASE COORD, STRENGTH, 1 AREA; INIT. 30 MIN, EA. VI	47.00	47.00	57.00
97700	ONE OF THE FOLLOWING TESTS OR MEASUREMENTS WITH REPORT: ORTHO	53.00	53.00	43.00
97720	EXTREMITY TEST/STRENGTH, DEXTERITY, STAMINA; 30 MIN; EACH VISIT	51.00	51.00	51.00
97752	MUSCLE TEST, TORQUES CURVES DURING ISOMETRIC & ISOKINETIC EXER	86.00	86.00	86.00
99000	HANDLING/CONVEYANCE OF SPECIMEN/TRNSFR FROM DRS. OFFICE TO LA	11.00	12.00	12.00
99050	SERVICES REQUESTED AFTER OFFICE HOURS IN ADD. TO BASIC SERVICE	52.00	52.00	52.00
99058	OFFICE SERVICES PROVIDED ON AN EMERGENCY BASIS	52.00	52.00	57.00
99062	EMERGENCY CARE FACIL.	83.00	86.00	101.00
99064	EMERGENCY CARE FACIL. RENDERED NOT DURING REG. OFFICE HOURS	127.00	115.00	115.00
99065	EMERGENCY CARE FACIL. RENDERED DURING REG. OFFICE HOURS	95.00	95.00	95.00
99150	PROLONGED DETENTION WITH PATIENT IN CRITICAL CONDITION OR STA	144.00	171.00	156.00
99155	MEDICAL CONFERENCE BY PHYSICIAN REGARDING MEDICAL MNGT. W/PAT	76.00	76.00	69.00
99156	MEDICAL CONFERENCE BY PHYSICIAN W/PATIENT APPROX. 50 MINS.	130.00	130.00	130.00
99160	CRITICAL CARE, INITIAL REG. PRESENCE OF THE PHYSICIAN; EC HOU	175.00	175.00	207.00
99170	GASTIC INTUBATION, ASPIRATION/LAVAGE FOR TX. (INGESTED POISONS)	101.00	101.00	92.00
99170	GASTRIC INTUBATION/LAVAGE-TREATMENT (EG. FOR INGESTED POISONS)	86.00	86.00	92.00
99172	CRITICAL CR SUB FU/LIMITED/SAME/NEW ILLNESS	69.00	69.00	75.00
99173	CRITICAL CR SUB FU/INTERMED/SAME/NEW ILLNESS	74.00	69.00	81.00
99174	CRITICAL CR EXT REEXM/EVAL/SAME/NEW ILLNESS	92.00	101.00	92.00
99195	PHLEBOTOMY, THERAPEUTIC, (INDEPENDENT PROCEDURE)	40.00	40.00	40.00

(b) The following is the Medical Fee Schedule for durable medical equipment:

DURABLE MEDICAL EQUIPMENT				
A4214	STERILE SALINE OR WATER, 30 CC VIAL	24.11	24.11	24.11
A4252	IRRIGATION KITS, NONSTERILE	2.39	2.39	2.39
A4341	INDWELLING CATHETER, FOLEY TYPE, TWO-WAY, TEFLON	7.89	7.89	7.89
A4342	INDWELLING CATHETER, FOLEY TYPE, TWO-WAY, LATEX	1.36	1.36	1.36
A4343	INDWELLING CATHETER, FOLEY TYPE, TWO-WAY, LATEX WITH TEFLON COATING	4.75	4.75	4.75
A4344	INDWELLING CATHETER, FOLEY TYPE, TWO-WAY, ALL SILICONE	8.87	8.87	8.87

PROPOSALS		Interested Persons see Inside Front Cover			INSURANCE		
PROCEDURE CODE	DESCRIPTION OF SERVICES	1	2	3	1	2	3
A4345	INDWELLING CATHETER, FOLEY TYPE, TWO-WAY, SILICONE WITH ELASTER COATING	6.15	6.15	6.15			
A4346	INDWELLING CATHETER, FOLEY TYPE, THREE-WAY, LATEX OR TEFLON FOR CONTINUOUS IRRIGATION	11.61	11.61	11.61			
A4347	EXTERNAL CATHETER, CONDOM TYPE	1.31	1.31	1.31			
A4348	URINARY COLLECTION AND RETENTION SYSTEM, DRAINAGE BAG WITH TUBE	4.29	4.29	4.29			
A4349	URINARY COLLECTION, AND RETENTION SYSTEM, LEG BAG WITH TUBE	6.26	6.26	6.26			
A4350	CATHETER CARE KIT	2.65	2.65	2.65			
A4353	CATHETER INSERT TRAY WITH CATHETER, INCLUDING TUBING AND DRAINAGE BAG	7.60	7.60	7.60			
A4354	CATHETER INSERT TRAY WITHOUT CATHETER, INCLUDING TUBING AND DRAINAGE BAG	4.24	4.24	4.24			
A4355	THREE-WAY IRRIGATION SET FOR CATHETER	2.41	2.41	2.41			
A4356	INCONTINENCE CLAMP	20.82	20.82	20.82			
A4357	URINARY DRAINAGE BAG	3.93	3.93	3.93			
A4358	URINARY LEG BAG	3.09	3.09	3.09			
A4359	URINARY SUSPENSORY	15.26	15.26	15.26			
A4360	COLOSTOMY SET	34.07	34.07	34.07			
A4361	OSTOMY FACE PLATE	2.85	2.85	2.85			
A4362	OSTOMY SKIN BARRIER	2.52	2.52	2.52			
A4363	OSTOMY LIQUID BARRIER	6.66	6.66	6.66			
A4364	OSTOMY SKIN BOND OR CEMENT	6.89	6.89	6.89			
A4365	OSTOMY BAG, DISPOSABLE/CLOSED	1.61	1.61	1.61			
A4366	OSTOMY BAG, REUSEABLE OR DRAINABLE	1.69	1.69	1.69			
A4367	OSTOMY BELT	5.60	5.60	5.60			
A4368	STOMA WICKS	42.56	42.56	42.56			
A4369	TAIL CLOSURES	1.28	1.28	1.28			
A4370	OSTOMY SKIN BOND OR CEMENT, REMOVER	1.74	1.74	1.74			
A4400	IRRIGATION SET FOR IRRIGATION OF OSTOMY	25.60	25.60	25.60			
A4402	OSTOMY LUBRICANT	2.05	2.05	2.05			
A4404	OSTOMY RINGS	1.43	1.43	1.43			
A4421	NOT OTHERWISE CLASSIFIED OSTOMY SUPPLIES	2.56	2.56	2.56			
A4430	URETEROSTOMY SET	40.43	40.43	40.43			
A4440	NOT OTHERWISE CLASSIFIED URETEROSTOMY SUPPLIES	3.36	3.36	3.36			
E0100	CANE, INCLUDES CANES OF ALL MATERIALS, ADJUSTABLE OR FIXED WITH TIP	14.45	14.45	14.45			
E0105	CANE, QUAD OR THREE PRONG, INCLUDES CANES OF ALL MATERIALS, ADJUSTABLE OR FIXED WITH TIPS	38.00	38.00	38.00			
E0110	CRUTCH, FOREARM, INCLUDES CRUTCHES OR VARIOUS MATERIALS, ADJUSTABLE OR FIXED, PAIR COMPLETE WITH TIPS AND HANDGRIPS	56.07	56.07	56.07			
E0111	CRUTCH FOREARM, INCLUDES CRUTCHES OF VARIOUS MATERIALS, ADJUSTABLE OR FIXED, EACH, WITH TIP AND HANDGRIP	46.25	46.25	46.25			
E0112	CRUTCHES UNDERARM, HOOD, ADJUSTABLE OR FIXED, PAIR, WITH PADS, TIPS AND HANDGRIPS	27.62	27.62	27.62			
E0114	CRUTCHES UNDERARM, ALUMINUM, ADJUSTABLE OR FIXED, PAIR, WITH PADS, TIPS AND HANDGRIPS	37.18	37.18	37.18			
E0116	CRUTCH UNDERARM, ALUMINUM, ADJUSTABLE OR FIXED, EACH, WITH PAD, TIP AND HANDGRIP	19.32	19.32	19.32			
E0130	WALKER, RIGID (PICKUP), ADJUSTABLE OR FIXED HEIGHT	53.60	53.60	53.60			
E0135	WALKER, FOLDING (PICKUP), ADJUSTABLE OR FIXED HEIGHT	55.62	55.62	55.62			
E0141	WALKER, WHEELED, WITHOUT SEAT	94.58	94.58	94.58			
E0143	FOLDING WALKER, WHEELED, WITHOUT SEAT	96.80	96.80	96.80			
E0145	WALKER, WHEELED, WITH SEAT AND CRUTCH ATTACHMENTS	170.30	170.30	170.30			
E0146	WALKER, WHEELED, WITH SEAT	306.88	306.88	306.88			
E0147	HEAVY DUTY, MULTIPLE BREAKING SYSTEM, VARIABLE WHEEL RESISTANCE WALKER	178.14	178.14	178.14			
E0150	UNDERARM PAD, CRUTCH, REPLACEMENT, EACH	3.63	3.63	3.63			
E0151	HANDGRIP, CANE, CRUTCH, OR WALKER REPLACEMENT, EACH	1.78	1.78	1.78			
E0152	TIP, CANE OR CRUTCH, WALKER REPLACEMENT, EACH	48.28	48.28	48.28			
E0153	PLATFORM ATTACHMENT, FOREARM CRUTCH, EACH	48.28	48.28	48.28			
E0154	PLATFORM ATTACHMENT, WALKER, EACH	49.09	49.09	49.09			
E0155	WHEEL ATTACHMENT, RIGID PICK-UP WALKER ATTACHMENTS	23.76	23.76	23.76			
E0158	LEG EXTENSIONS FOR A WALKER	25.63	25.63	25.63			
E0160	SITZ TYPE BATH, PORTABLE, FITS OVER COMMUNE SEAT	9.16	9.16	9.16			

INSURANCE		PROPOSALS		
PROCEDURE CODE	DESCRIPTION OF SERVICES	1	2	3
E0161	SITZ TYPE BATH, PORTABLE, FITS OVER COMMODOE SEAT, WITH FAUCET ATTACHMENT	9.10	9.10	9.10
E0163	COMMODOE CHAIR, STATIONARY, WITH FIXED ARMS	85.36	85.36	85.36
E0164	COMMODOE CHAIR, MOBILE, WITH FIXED ARMS	90.77	90.77	90.77
E0165	COMMODOE CHAIR, STATIONARY WITH DETACHABLE ARMS	177.41	177.41	177.41
E0166	COMMODOE CHAIR, MOBILE WITH DETACHABLE ARMS	255.88	255.88	255.88
E0167	PAIL OR PAN FOR USE WITH COMMODOE CHAIR	9.82	9.82	9.82
E0180	PRESSURE PAD, ALTERNATING WITH PUMP, LIGHT DUTY	231.92	231.92	231.92
E0181	PRESSURE PAD, ALTERNATING WITH PUMP, HEAVY DUTY	246.02	246.02	246.02
E0182	PUMP FOR ALTERNATING PRESSURE PAD	280.69	280.69	280.69
E0184	FLOTATION MATTRESS, DRY	59.13	59.13	59.13
E0185	DECUBITUS CARE PAD, FLOTATION OR GEL WITH FOAM LEVELING PAD (MATTRESS SIZE)	81.50	81.50	81.50
E0188	SYNTHETIC SHEEPSKIN PAD	28.71	28.71	28.71
E0189	LAMBSWOOL SHEEPSKIN PAD, ANY SIZE	26.52	26.52	26.52
E0190	DECUBITUS CARE MATTRESS, INCLUDES FLOTATION OR GEL MATTRESS	279.68	366.54	366.54
E0195	REPLACEMENT PAD FOR USE WITH MEDICALLY NECESSARY ALTERNATING PRESSURE PAD OWNED BY THE PATIENT	44.91	44.91	44.91
E0210	ELECTRIC HEAT PAD, STANDARD	25.05	25.05	25.05
E0215	ELECTRIC HEAT PAD, MOIST	32.97	32.97	32.97
E0235	PARAFFIN BATH UNIT, PORTABLE	185.86	185.86	185.86
E0238	NON-ELECTRIC HEAT PAD, MOIST	26.44	26.44	26.44
E0250	HOSPITAL BED, WITH SIDE RAILS, FIXED HEIGHT, WITH MATTRESS	987.00	987.00	987.00
E0251	HOSPITAL BED, WITH SIDE RAILS, FIXED HEIGHT, WITHOUT MATTRESS	671.22	671.22	671.22
E0255	HOSPITAL BED, WITH SIDE RAILS, VARIABLE HEIGHT, HI-LO, WITH MATTRESS	1045.98	1045.98	1045.98
E0260	HOSPITAL BED, SEMI-ELECTRIC, (HEAD AND FOOT ADJUSTMENT), WITH MATTRESS WITH SIDE RAILS	1806.70	1806.70	1806.70
E0265	HOSPITAL BED, TOTAL ELECTRIC (HEAD, FOOT AND HEIGHT ADJUSTMENT), WITH MATTRESS WITH SIDE RAILS	2325.37	2325.37	2325.37
E0276	BED PAN, FRACTURE, METAL OR PLASTIC	12.16	12.16	12.16
E0325	URINAL, MALE, ANY MATERIAL	6.33	6.33	6.33
E0326	URINAL, FEMALE, ANY MATERIAL	9.24	9.24	9.24
E0330	URINAL, MALE, DAY/NIGHT	13.22	13.22	13.22
E0450	VOLUME VENTILATOR	905.66	905.66	905.66
E0451	VOLUME VENTILATOR, PORTABLE	483.24	483.24	483.24
E0505	IPPB MACHINES WITH MANUAL VALVES ELECTRICALLY DRIVEN WITH INTERNAL POWER, SOURCE, BUILT-IN NEBULIZATION	87.46	87.46	87.46
E0510	IPPB MACHINES WITH AUTOMATIC VALVES, EXTERNAL POWER SOURCE INCLUDES CYLINDER REGULATOR, BUILT-IN NEBULIZATION	88.16	88.16	88.16
E0515	IPPB MACHINES WITH AUTOMATIC VALVES, ELECTRICALLY DRIVEN WITH INTERNAL COMPRESSOR BUILT-IN NEBULIZATION	93.49	93.49	93.49
E0560	HUMIDIFIER, DURABLE FOR SUPPLEMENTAL HUMIDIFICATION DURING IPPB TREATMENT OR OXYGEN DELIVERY, E.G., CASCADE JR.	62.33	62.33	62.33
E0570	NEBULIZER, WITH COMPRESSOR E.G., DEVILDISS PULMO-AID	62.16	62.16	62.16
E0575	NEBULIZER, SELF-CONTAINED, ULTRASONIC	89.68	89.68	89.68
E0600	SUCTION PUMP, HOME MODEL, PORTABLE	68.43	68.43	68.43
E0601	NASAL CONTINUOUS AIRWAY PRESSURE (CPAP) DEVICE	101.70	101.70	101.70
E0605	VAPORIZER, ROOM TYPE	23.16	23.16	23.16
E0607	HOME BLOOD GLUCOSE MONITOR	150.74	150.74	150.74
E0609	BLOOD GLUCOSE MONITOR WITH SPECIAL FEATURES (E.G. VOICE SYNTHESIZERS, AUTOMATIC TIMER, ETC.)	955.98	955.98	955.98
E0610	PACEMAKER MONITOR SELF-CONTAINED CHECKS BATTERY DEPLETION; INCLUDES AUDIBLE AND VISIBLE CHECK SYSTEMS	24.41	24.41	24.41
E0620	SEAT LIFT CHAIR, MOTORIZED TO ASSIST PATIENT IN STANDING AND SITTING	943.36	943.36	943.36
E0621	SLING OR SEAT, PATIENT LIFT, CANVAS OR NYLON	61.80	61.80	61.80
E0630	PATIENT LIFT, HYDRAULIC, WITH SEAT OR SLING	917.03	917.03	917.03
E0635	PATIENT LIFT, ELECTRIC WITH SEAT OR SLING	742.67	742.67	742.67
E0650	PNEUMATIC COMPRESSOR, NON-SEGMENTAL HOME MODEL, (LYMPHODEMA PUMP)	400.23	400.23	400.23
E0655	PNEUMATIC APPLIANCE FOR USE WITH PNEUMATIC COMPRESSOR, HALF ARM	86.06	86.06	86.06

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
E0660	PNEUMATIC APPLIANCE FOR USE WITH PNEUMATIC COMPRESSOR, FULL LEG	114.29	114.29	114.29
E0665	PNEUMATIC APPLIANCE FOR USE WITH PNEUMATIC COMPRESSOR, FULL ARM	81.60	81.60	81.60
E0666	PNEUMATIC APPLIANCE FOR USE WITH PNEUMATIC COMPRESSOR, HALF LEG	84.72	84.72	84.72
E0740	REPLACEMENT BATTERIES FOR MEDICALLY NECESSARY TENS OWNED BY THE PATIENT	3.80	3.80	3.80
E0747	OSTEOGENESIS STIMULATOR (NON-INVASIVE)	1372.95	1372.95	1372.95
E0776	IV POLE	72.40	72.40	72.40
E0781	EXTERNAL AMBULATORY INFUSION PUMP WITH ADMINISTRATIVE EQUIPMENT	608.46	608.46	608.46
E0840	TRACTION FRAME, ATTACHED TO HEADBOARD, SIMPLE CERVICAL TRACTION	29.08	29.08	29.08
E0850	TRACTION STAND, FREE STANDING, SIMPLE CERVICAL TRACTION	35.28	35.28	35.28
E0870	TRACTION FRAME, ATTACHED TO FOOTBOARD, SIMPLE EXTREMITY TRACTION E.G., BUCK'S	37.63	37.63	37.63
E0880	TRACTION STAND, FREE STANDING SIMPLE EXTREMITY TRACTION E.G., BUCK'S	55.80	55.80	55.80
E0890	TRACTION FRAME, ATTACHED TO FOOTBOARD, SIMPLE PELVIC TRACTION	59.95	59.95	59.95
E0900	TRACTION STAND, FREE STANDING SIMPLE PELVIC TRACTION E.G., BUCK'S	60.06	60.06	60.06
E0910	TRAPEZE BARS, A/K/A PATIENT HELPER, ATTACHED TO BED, COMPLETE WITH GRAB BAR	252.42	252.42	252.42
E0935	PASSIVE MOTION, EXERCISE DEVICE	301.45	301.45	301.45
E0940	TRAPEZE BAR, FREE STANDING, COMPLETE WITH GRAB BAR	325.63	325.63	325.63
E0942	CERVICAL HEAD HARNESS/HALTER	11.26	11.26	11.26
E0944	PELVIC BELT/HARNESS/BOOT	31.65	31.65	31.65
E0945	EXTREMITY BELT/HARNESS	31.02	31.02	31.02
E0953	PNEUMATIC TIRE, EACH	35.63	35.63	35.63
E0954	SEMI-PNEUMATIC CASTER, EACH	26.46	26.46	26.46
E0958	WHEELCHAIR ATTACHMENT TO CONVERT ANY WHEELCHAIR TO ONE ARM DRIVE	406.29	406.29	406.29
E0959	AMPUTEE ADAPTER (DEVICE USED TO COMPENSATE FOR TRANSFER OF HEIGHT DUE TO LOST LIMBS TO MAINTAIN PROPER BALANCE)	63.68	63.68	63.68
E0961	BRAKE EXTENSION, FOR WHEELCHAIR	19.55	19.55	19.55
E0969	NARROWING DEVICE, WHEELCHAIR	109.68	109.68	109.68
E0970	NO. 2 FOOTPLATES, EXCEPT FOR ELEVATING LEG REST	26.31	26.31	26.31
E0971	ANTI-TIPPING DEVICE WHEELCHAIRS	57.87	57.87	57.87
E0973	ADJUSTABLE HEIGHT DETACHABLE ARMS, DESK OR FULL LENGTH, WHEELCHAIR	53.32	53.32	53.32
E0975	REINFORCED SEAT UPHOLSTERY, WHEELCHAIR	45.56	45.56	45.56
E0976	REINFORCED BACK UPHOLSTERY, WHEELCHAIR	25.76	25.76	25.76
E0990	ELEVATING LEG REST, EACH	71.34	71.34	71.34
E0991	UPHOLSTERY SEAT	26.76	26.76	26.76
E0992	SOLID SEAT INSERT	49.85	49.85	49.85
E0993	BACK, UPHOLSTERY	26.38	26.38	26.38
E0994	ARM REST, EACH	12.49	12.49	12.49
E0995	CALF REST, EACH	25.08	25.08	25.08
E0996	TIRE, SOLID, EACH	22.17	22.17	22.17
E0997	CASTER WITH A FORK	42.59	42.59	42.59
E0999	PNEUMATIC TIRE WITH WHEEL	65.61	65.61	65.61
E1000	TIRE, PNEUMATIC CASTER	25.35	25.35	25.35
E1001	WHEEL, SINGLE	57.79	57.79	57.79
E1005	REPLACEMENT, BATTERIES FOR MEDICALLY ELECTRIC WHEELCHAIR OWNED BY THE PATIENT	74.11	74.11	74.11
E1035	GERIATRIC CHAIR	586.96	586.96	586.96
E1036	POSITIONING CHAIR (SUBMIT BRAND NAME, MODEL NUMBER AND SPECIFICATIONS)	701.73	701.73	701.73
E1040	ROLLABOUT CHAIR, WITH FIXED OR REMOVABLE ARMS	555.54	555.54	555.54
E1050	FULLY-RECLINING WHEELCHAIR, FIXED FULL LENGTH ARMS ELEVATING LEG REST SWING AWAY DETACHABLE	1161.37	1161.37	1161.37
E1060	FULLY-RECLINING WHEELCHAIR, DETACHABLE ARMS (DESK OR FULL LENGTH) ELEVATING LEG REST, SWING AWAY DETACHABLE	1187.10	1187.10	1187.10
E1065	POWER ATTACHMENT (TO CONVERT ANY WHEELCHAIR TO MOTORIZED WHEELCHAIR; E.G. SOLO)	1675.51	1675.51	1675.51

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
E1069	DEEP CYCLE BATTERY	89.20	89.20	89.20
E1070	FULLY-RECLINING WHEELCHAIR, DETACHABLE ARMS (DESK OR FULL LENGTH) SWING AWAY DETACHABLE FOOTREST	877.16	877.16	877.16
E1083	HEMI-WHEELCHAIR, FIXED FULL LENGH ARMS, SWING AWAY DETACHABLE ELEVATING LEG REST	766.00	766.00	766.00
E1084	HEMI-WHEELCHAIRS, DETACHABLE ARMS DESK OR FULL LENGTH ARMS, SWING AWAY DETACHABLE ELEVATING LEG RESTS	988.29	988.29	988.29
E1085	HEMI-WHEELCHAIR, FIXED FULL LENGTH ARMS, SWING AWAY DETACHABLE FOOT RESTS	799.62	799.62	799.62
E1086	HEMI-WHEELCHAIR, DETACHABLE ARMS DESK OR FULL LENGTH, SWING AWAY DETACHABLE FOOT RESTS	1004.45	1004.45	1004.45
E1087	HIGH STRENGTH LIGHTWEIGHT WHEELCHAIR, FIXED FULL LENGTH ARMS	1111.58	1111.58	1111.58
E1088	HIGH STRENGTH LIGHTWEIGHT WHEELCHAIR, DETACHABLE ARMS DESK OR FULL LENGTH, SWING AWAY DETACHABLE ELEVATING LEG RESTS	1481.97	1481.97	1481.97
E1089	HIGH STRENGTH LIGHTWEIGHT WHEELCHAIR, FIXED LENGTH ARMS, SWING AWAY DETACHABLE ELEVATING FOOT REST	1093.53	1093.53	1093.53
E1090	HIGH STRENGTH LIGHTWEIGHT WHEELCHAIR, DETACHABLE ARMS DESK OR FULL LENGTH, SWING AWAY DETACHABLE FOOT RESTS	1445.56	1445.56	1445.56
E1092	WIDE HEAVY DUTY WHEELCHAIR, DETACHABLE ARMS, DESK OR FULL LENGTH, SWING AWAY DETACHABLE ELEVATING LEG RESTS	1341.91	1341.91	1341.91
E1093	WIDE HEAVY DUTY WHEELCHAIR, DETACHABLE ARMS, DESK OR FULL LENGTH, SWING AWAY DETACHABLE FOOT RESTS	1210.23	1210.23	1210.23
E1100	SEMI-RECLINING WHEELCHAIR, FIXED FULL LENGTH ARMS, ELEVATING LEG REST SWING AWAY DETACHABLE	1001.75	1001.75	1001.75
E1110	SEMI-RECLINING WHEELCHAIR, DETACHABLE ARMS (DESK OR FULL LENGTH) ELEVATING LEG REST	1099.06	1099.06	1099.06
E1130	STANDARD WHEELCHAIR, FIXED FULL LENGTH ARMS, SWING AWAY DETACHABLE FOOT REST OF FIXED	480.61	480.61	480.61
E1140	STANDARD WHEELCHAIR, DETACHABLE ARMS (DESK OR FULL LENGTH) SWING AWAY DETACHABLE FOOT REST	729.91	729.91	729.91
E1150	WHEELCHAIR, DETACHABLE ARM, DESK OR FULL LENGTH, SWING AWAY DETACHABLE ELEVATING LEG RESTS	823.25	823.25	823.25
E1160	WHEELCHAIR, FIXED FULL LENGTH ARMS, SWING AWAY DETACHABLE ELEVATING LEG RESTS	623.97	623.97	623.97
E1170	AMPUTEE WHEELCHAIR, FIXED FULL LENGTH ARMS, ELEVATING LEG RESTS SWING AWAY DETACHABLE	1137.61	1137.61	1137.61
E1180	AMPUTEE WHEELCHAIR, DETACHABLE ARMS (DESK OR FULL LENGTH) SWING AWAY DETACHABLE FOOT RESTS	877.93	877.93	877.93
E1190	AMPUTEE WHEELCHAIR, DETACHABLE ARMS (DESK OR FULL LENGTH) ELEVATING LEG RESTS SWING AWAY DETACHABLE	1031.44	1031.44	1031.44
E1195	HEAVY DUTY WHEELCHAIR, FIXED FULL LENGTH ARMS, SWING AWAY DETACHABLE ELEVATING LEG RESTS	992.39	992.39	992.39
E1200	AMPUTEE WHEELCHAIR, FIXED FULL LENGTH ARMS, SWING AWAY DETACHABLE FOOT REST	861.96	861.96	861.96
E1210	MOTORIZED WHEELCHAIR, WITH MICRO-SWITCH CONTROL, DETACHABLE LENGTH ARMS, SWING AWAY DETACHABLE ELEVATING LEG RESTS	4094.90	4094.90	4094.90
E1211	MOTORIZED WHEELCHAIR, W/MICRO-SWITCH CONTROL, DETACHABLE ARMS DESK OR FULL LENGTH SWING AWAY, DETACHABLE ELEVATING LEG REST	3625.61	3625.61	3625.61
E1212	MOTORIZED WHEELCHAIR, WITH MICRO-SWITCH CONTROL, FIXED FULL LENGTH SWING AWAY DETACHABLE FOOT RESTS	3231.47	3231.47	3231.47
E1213	MOTORIZED WHEELCHAIR, WITH MICRO-SWITCH CONTROL, DETACHABLE ARMS DESK OR FULL LENGTH, SWING AWAY DETACHABLE FOOT RESTS	3286.94	3286.94	3286.94
E1221	WHEELCHAIR WITH FIXED ARM, FOOT RESTS	731.32	731.32	731.32
E1222	WHEELCHAIR WITH FIXED ARM, ELEVATING LEG REST	854.08	854.08	854.08
E1224	WHEELCHAIR WITH DETACHABLE ARMS, ELEVATING LEG RESTS	1132.13	1132.13	1132.13
E1230	POWER OPERATED VEHICLE (3 WHEEL NON-HIGHWAY) INDICATE BRAND NAME AND MODEL #	1478.37	1478.37	1478.37
E1240	LIGHTWEIGHT WHEELCHAIR, DETACHABLE ARMS, (DESK OR FULL LENGTH) SWING AWAY DETACHABLE, ELEVATING LEG REST	675.88	675.88	675.88
E1260	LIGHTWEIGHT WHEELCHAIR, DETACHABLE ARMS (DESK OR FULL LENGTH) SWING AWAY DETACHABLE FOOT REST	1123.79	1123.79	1123.79

PROPOSALS

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
E1270	LIGHTWEIGHT WHEELCHAIR, FIXED FULL LENGTH ARMS, SWING AWAY DETACHABLE ELEVATING LEG RESTS	1096.80	1096.80	1096.80
E1280	HEAVY DUTY WHEELCHAIR, DETACHABLE ARMS (DESK OR FULL LENGTH) ELEVATING LEG RESTS	1237.44	1237.44	1237.44
E1285	HEAVY DUTY WHEELCHAIR, FIXED FULL LENGTH ARMS, SWING AWAY DETACHABLE FOOT REST	940.52	940.52	940.52
E1290	HEAVY DUTY WHEELCHAIR, DETACHABLE ARMS (DESK OR FULL LENGTH) SWING AWAY DETACHABLE FOOT REST	1336.79	1336.79	1336.79
E1295	HEAVY DUTY WHEELCHAIR, FIXED FULL LENGTH ARMS, ELEVATING LEG REST	909.40	909.40	909.40
E1296	SPECIAL WHEELCHAIR SEAT HEIGHT FROM FLOOR	1427.87	1427.87	1427.87
E1372	IMMERSION EXTERNAL HEATER FOR NEBULIZER	20.87	20.87	20.87
E1375	NEBULIZER PORTABLE WITH SMALL COMPRESSOR, WITH LIMITED FLOW	30.34	30.34	30.34
E1400	OXYGEN CONCENTRATOR, MANUFACTURER SPECIFIED MAXIMUM FLOW RATE DOES NOT EXCEED 1 LITER PER MINUTE, AT 85% CONCENTRATION	276.36	276.36	276.36
E0183	FLOTATION PAD FOR WHEELCHAIR	152.04	152.04	152.04
E0271	MATTRESS, INNERSPRING	138.23	138.23	138.23
E0305	BED SIDE RAILS, HALF LENGTH	168.57	168.57	168.57
E0310	BED SIDE RAILS, FULL LENGTH	137.00	137.00	137.00
E0585	NEBULIZER, WITH COMPRESSOR AND HEATER	76.60	76.60	76.60
E0860	TRACTION EQUIPMENT, OVERDOOR, CERVICAL	26.19	26.19	26.19
E0967	WHEELCHAIR HAND RIMS WITH 8 VERTICAL RUBBER TIPPED PROJECTIONS, PAIR	79.38	79.38	79.38
E0998	CASTER WITHOUT FORK	34.22	34.22	34.22
L0120	CERVICAL, FLEXIBLE, NON-ADJUSTABLE (FOAM COLLAR)	13.00	13.00	13.00
L0130	CERVICAL, FLEXIBLE THERMOPLASTIC MOLDED TO PATIENT	45.63	45.63	45.63
L0140	CERVICAL, SEMI-RIGID, ADJUSTABLE (PLASTIC COLLAR)	21.86	21.86	21.86
L0150	CERVICAL, SEMI-RIGID, ADJUSTABLE MOLDED CHIN CUP (PLASTIC COLLAR WITH MANDIBULAR/OCCIPITAL PIECE)	90.72	90.72	90.72
L0160	CERVICAL, SEMI-RIGID, WIRE FRAME OCCIPITAL/MANDIBULAR SUPPORT	127.13	127.13	127.13
L0210	THORACIC, RIB BELT, CUSTOM FITTED	13.96	13.96	13.96
L0220	THORACIC, RIB BELT, CUSTOM FABRICATED	31.02	31.02	31.02
L0300	THORACIC-LUMBAR-SACRAL-ORTHOSES (TLSO), FLEXIBLE (DORSO-LUMBAR SURGICAL SUPPORT), CUSTOM FITTED	101.07	101.07	101.07
L0310	TLISO, FLEXIBLE, (DORSO-LUMBAR SURGICAL SUPPORT), CUSTOM FABRICATED	170.01	170.01	170.01
L0320	TLISO, ANTERIOR-POSTERIOR CONTROL (TAYLOR TYPE), WITH APRON FRONT	276.35	276.35	276.35
L0330	TLISO, ANTERIOR-POSTERIOR-LATERAL CONTROL (KNIGHT-TAYLOR TYPE), WITH APRON FRONT	330.79	330.79	330.79
L0340	TLISO, ANTERIOR-POSTERIOR LATERAL-ROTARY CONTROL (ARNOLD, MAGNUSON, STEINDLER TYPES), WITH APRON FRONT	444.94	444.94	444.94
L0350	TLISO, ANTERIOR-POSTERIOR LATERAL-ROTARY CONTROL, FLEXION COMPRESSION JACKET, CUSTOM FITTED	728.84	728.84	728.84
L0360	TLISO, ANTERIOR-POSTERIOR LATERAL-ROTARY CONTROL FLEXION COMPRESSION JACKET, CUSTOM FITTED	1017.00	1017.00	1017.00
L0370	TLISO, ANTERIOR-POSTERIOR LATERAL-ROTARY CONTROL, HYPER-EXTENSION (JEWETT, LENNOX, BAKER TYPES)	268.79	268.79	268.79
L0380	TLISO, ANTERIOR-POSTERIOR CONTROL-LATERAL-ROTARY CONTROL, WITH ANTERIOR EXTENSIONS	416.97	416.97	416.97
L0390	TLISO, ANTERIOR-POSTERIOR LATERAL CONTROL (BODY JACKET) MOLDED TO PATIENT MODEL	884.79	884.79	884.79
L0400	TLISO, ANTERIOR-POSTERIOR LATERAL CONTROL (BODY JACKET) MOLDED TO PATIENT MODEL, WITH INTERFACE MATERIAL	1210.85	1210.85	1210.85
L0500	LUMBAR-SACRAL-ORTHOSES (LSO), FLEXIBLE, (LUMBO-SACRAL SURGICAL SUPPORTS), CUSTOM FITTED	74.70	74.70	74.70
L0510	LSO, FLEXIBLE (LUMBO-SACRAL SURGICAL SUPPORT), CUSTOM FABRICATED	118.82	118.82	118.82
L0520	LSO, ANTERIOR-POSTERIOR LATERAL CONTROL (KNIGHT, WILCOX TYPES), WITH APRON FRONT	260.65	260.65	260.65
L0530	LSO, ANTERIOR-POSTERIOR CONTROL (MACAUSLAND TYPE), WITH APRON FRONT	244.08	244.08	244.08
L0540	LSO, LUMBAR FLEXION (WILLIAMS FLEXION TYPE), WITH APRON FRONT	272.89	272.89	272.89

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
L0550	LSO, ANTERIOR-POSTERIOR LATERAL CONTROL (BODY JACKET), MOLDED TO PATIENT MODEL	483.08	483.08	483.08
L0560	LSO, ANTERIOR-POSTERIOR LATERAL CONTROL (BODY JACKET), MOLDED TO PATIENT MODEL, WITH INTERFACE MATERIAL	1118.70	1118.70	1118.70
L0600	SACROILIAC, FLEXIBLE (SACROILIAC SURGICAL SUPPORT), CUSTOM FITTED	47.88	47.88	47.88
L0700	CERVICAL-THORACIC-LUMBAR-SACRAL-ORTHOSES ANTERIOR- POSTERIOR-LATERALCONTROL, MOLDED TO PATIENT MODEL, (MINERVA TYPE)	1423.80	1423.80	1423.80
L0810	HALO PROCEDURE, CERVICAL HALO INCORPORATED INTO JACKET VEST	2542.50	2542.50	2542.50
L0900	TORSO SUPPORT, PTOSIS SUPPORT, CUSTOM FITTED	113.14	113.14	113.14
L0910	TORSO SUPPORT, PTOSIS SUPPORT, CUSTOM FABRICATED	317.81	317.81	317.81
L0920	TORSO SUPPORT, PENDULOUS ABDOMEN SUPPORT, CUSTOM FITTED	139.84	139.84	139.84
L0930	TORSO SUPPORT, PENDULOUS ABDOMEN SUPPORT, CUSTOM FABRICATED	223.74	223.74	223.74
L0940	TORSO SUPPORT, POST SURGICAL SUPPORT, CUSTOM FITTED	152.55	152.55	152.55
L0960	TORSO SUPPORT, POST SURGICAL SUPPORT, PADS FOR POST SURGICAL	76.28	76.28	76.28
L0970	TLSO, CORSET FRONT	40.09	40.09	40.09
L0972	LSO, CORSET FRONT	79.07	79.07	79.07
L0974	TLSO, FULL CORSET	109.61	109.61	109.61
L0976	LSO, FULL CORSET	92.95	92.95	92.95
L0978	AXILLARY CRUTCH EXTENSION	25.43	25.43	25.43
L0980	PERONEAL STRAPS, PAIR	10.93	10.93	10.93
L0982	STOCKING SUPPORTER GRIPS, SET OF FOUR (4)	12.20	12.20	12.20
L1000	CERVICAL-THORACTIC-LUMBAR-SACRAL (CTLSO) (MILWAUKEE), INCLUSIVE OF FURNISHING INITIAL ORTHOSES INCLUDING MODEL	406.80	406.80	406.80
L1010	ADDITIONS TO CERVICAL-THORACIC LUMBAR-SACRAL ORTHOSES (CTLSO) OR SCOLIOSIS ORTHOSES, AXILLA SLING	68.65	68.65	68.65
L1040	ADDITION TO CTLSO OR SCOLIOSIS ORTHOSIS, LUMBAR OR LUMBAR RIB PAD	55.94	55.94	55.94
L1200	THORACIC-LUMBAR-SACRAL-ORTHOSES (TLSO), INCLUSIVE OF FURNISHING INITIAL ORTHOSIS ONLY	1457.70	1457.70	1457.70
L1210	ADDITIONS TO TLSO, (LOW PROFILE LATERAL THORACIC EXTENSION	186.11	186.11	186.11
L1300	OTHER SCOLIOSIS PROCEDURES, BODY JACKET MOLDED TO PATIENT MODEL	1236.42	1236.42	1236.42
L1499	UNLISTED PROCEDURE FOR SPINAL ORTHOSIS	37.60	37.60	37.60
L1640	HO, ABDUCTION CONTROL OF HIP JOINTS, STATIC, PELVIC BAND OR SPREADER BAR, THIGH CUFFS	93.56	93.56	93.56
L1680	HO, ABDUCTION CONTROL OF HIP JOINTS, DYNAMIC, PELVIC CONTROL, ADJ. HIP MOTION CONTROL, THIGH CUFFS (RANCO HIP ACTION TYPE)	1207.69	1207.69	1207.69
L1700	LEG PERTHES ORTHOSIS, TORONTO TYPE	406.29	406.29	406.29
L1800	KNEE ORTHOSES (KO), ELASTIC WITH STAYS	33.12	33.12	33.12
L1810	KO, ELASTIC WITH JOINTS	52.33	52.33	52.33
L1820	KO, ELASTIC WITH DONDYLE PADS AND JOINTS	80.19	80.19	80.19
L1825	KO, ELASTIC KNEE CAP	36.05	36.05	36.05
L1830	KO, IMMOBILIZER, CANVAS LONGITUDINAL	41.70	41.70	41.70
L1840	KO, DEROTATION, FABRICATED TO PATIENT MODEL (LENNOX HILL SCOTT SPIRAL TYPES)	598.43	598.43	598.43
L1850	KO, SWEDISH TYPE	144.69	144.69	144.69
L1860	KO, MODIFICATION OF SUPRACONDYLAR PROSTHETIC SOCKET, MOLDED TO PATIENT MODEL (SK)	677.83	677.83	677.83
L1870	KO, DOUBLE UPRIGHT, THIGH AND CALF LACERS, MOLDED TO PATIENT MOLDED WITH KNEE JOINTS	578.28	578.28	578.28
L1880	KO, DOUBLE UPRIGHT, NON-MOLDED THIGH AND CALF CUFFS/LACERS WITH KNEE JOINTS	388.64	388.64	388.64
L1900	ANKLE-FOOT ORTHOSES (AFO), SPRING WIRE, DORSIFLEXION ASSIST CALF BAND	123.30	123.30	123.30
L1910	AFO, POSTERIOR, SINGLE BAR, CLASP ATTACHMENT TO SHOE COUNTER	186.83	186.83	186.83
L1930	AFO, CUSTOM FITTED, PLASTIC	171.61	171.61	171.61
L1940	AFO, MOLDED TO PATIENT MODEL, PLASTIC	566.35	566.35	566.35
L1960	AFO, POSTERIOR SOLID ANKLE, MODLED TO PATIENT MODEL, PLASTIC	490.91	490.91	490.91

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
L1970	AFO, PLASTIC MOLDED TO PATIENT MODEL, WITH ANKLE JOINT	648.34	648.34	648.34
L1980	AFO, SINGLE UPRIGHT FREE PLANTAR DORSIFLEXION, SOLID STIRRUP, CALF BAND/CUFF (SINGLE BAR "BK" ORTHOSIS)	283.13	283.13	283.13
L1990	AFO, DOUBLE UPRIGHT FREE PLANTAR DORSIFLEXION, SOLID STIRRUP, CALF BAND/CUFF (DOUBLE BAR "BK" ORTHOSIS)	325.20	325.20	325.20
L2000	KNEE-ANKLE-FOOT-ORTHOSES SINGLE UPRIGHT, FREE KNEE, SOLID STIRRUP, THIGH AND CALF BAND/CUFFS (SINGLE BAR "AK" ORTHOSIS)	518.07	518.07	518.07
L2010	KAFO, SINGLE UPRIGHT, FREE ANKLE, SOLID STIRRUP, THIGH AND CALF BANDS/CUFFS (SINGLE BAR "AK" ORTHOSIS), W/O KNEE JOINT	725.53	725.53	725.53
L2020	KAFO, DOUBLE UPRIGHT, FREE KNEE, FREE ANKLE, SOLID STIRRUP, THIGH AND CALF BANDS/CUFFS (DOUBLE BAR "AK" ORTHOSIS)	625.01	625.01	625.01
L2030	KAFO, DOUBLE UPRIGHT, FREE KNEE, FREE ANKLE, SOLID STIRRUP, THIGH & CALF BANDS/CUFFS, (DOUBLE BAR "AK" ORTHOSIS), W/O KJ	983.22	983.22	983.22
L2036	KNEE-ANKLE-FOOT-ORTHOSES, FULL PLASTIC, MOLDED TO PATIENT MODEL	1125.60	1125.60	1125.60
L2040	HIP-KNEE-ANKLE-FOOT ORTHOSIS, TORSION CONTROL, BILATERAL ROTATION STRAPS, PELVIC BAND/BELT	66.11	66.11	66.11
L2060	HKAFO, TORSION CONTROL, BILATERAL TORSION CABLES, BALL BEARING LHIP JOINT, PELVIC BAND/BELT	369.48	369.48	369.48
L2080	HKAFO, TORSION CONTROL, UNILATERAL, TORSION CABLE, HIP JOINT, PELVIC BAND/BELT	284.05	284.05	284.05
L2106	AFO, FRACTURE ORTHOSIS, TIBIAL FRACTURE CAST ORTHOSIS, THERMOPLASTIC TYPE CASTING MATERIAL, MOLDED TO PATIENT	548.53	548.53	548.53
L2134	KAFO, FRACTURE ORTHOSIS, FEMORAL FRACTURE CAST ORTHOSIS, SEMI-RIGID CUSTOM FITTED	901.51	901.51	901.51
L2200	ADDITIONS TO LOWER EXTREMITY, LIMITED ANKLE MOTION, EACH JOINT	42.67	42.67	42.67
L2210	ADDITIONS TO LOWER EXTREMITY, DORSIFLEXION ASSIST (PLANTAR FLEXION RESIST) EACH JOINT	52.11	52.11	52.11
L2220	ADDITION TO LOWER EXTREMITY, DORSIFLEXION AND PLANTAR FLEXION ASSIST/RESIST, EACH JOINT	113.70	113.70	113.70
L2230	ADDITION TO LOWER EXTREMITY, SPLIT FLAT CALIPER STIRRUPS AND PLAT ATTACHMENT	76.52	76.52	76.52
L2240	ADDITION TO LOWER EXTREMITY, ROUND CALIPER AND PLATE ATTACHMENT	56.98	56.98	56.98
L2250	ADDITION TO LOWER EXTREMITY, FOOT PLATE, MOLDED TO PATIENT MODEL, STIRRUP ATTACHMENT	267.14	267.14	267.14
L2270	ADDITION TO LOWER EXTREMITY, VARUS/VALGUS CORRECTION ("T") STRAP, PADDED/LINE OR MALLEOLUS PAD	64.10	64.10	64.10
L2280	ADDITION TO LOWER EXTREMITY, MOLDED INNER BOOT	127.13	127.13	127.13
L2310	ADDITION TO LOWER EXTREMITY, ABDUCTION BAR-STRAIGHT	45.77	45.77	45.77
L2320	ADDITION TO LOWER EXTREMITY, NON-MOLDED LACER	105.35	105.35	105.35
L2330	ADDITION TO LOWER EXTREMITY, LACER MOLDED TO PATIENT MODEL	193.23	193.23	193.23
L2340	ADDITION TO LOWER EXTREMITY, PRE-TIBIAL SHELL, MOLDED TO PATIENT MODEL	264.71	264.71	264.71
L2350	ADDITION TO LOWER EXTREMITY, PROSTHETIC TYPE, (BK) SOCKET, MOLDED TO PATIENT MODEL (USED FOR "PIB" "AF" ORTHOSIS)	516.60	516.60	516.60
L2360	ADDITION TO LOWER EXTREMITY, EXTENDED STEEL SHANK	44.71	44.71	44.71
L2385	ADDITION TO LOWER EXTREMITY, STRAIGHT KNEE JOINT, HEAVY DUTY, EACH JOINT	59.24	59.24	59.24
L2390	ADDITION TO LOWER EXTREMITY, OFFSET KNEE JOINT, EACH JOINT	83.73	83.73	83.73
L2395	ADDITION TO LOWER EXTREMITY, OFFSET KNEE JOINT, HEAVY DUTY, EACH JOINT	101.70	101.70	101.70
L2500	ADDITION TO LOWER EXTREMITY, THIGH/WEIGHT BEARING, GULTEAL/ISCHIAL WEIGHT BEARING, RING	126.68	126.68	126.68
L2510	ADDITION TO LOWER EXTREMITY, THIGH/WEIGHT BEARING, QUADRILATERAL BRIM, MOLDED TO PATIENT MODEL	738.12	738.12	738.12
L2520	ADDITION TO LOWER EXTREMITY, THIGH/WEIGHT BEARING, QUADRILATERAL BRIM CUSTOM FITTED	420.05	420.05	420.05
L2530	ADDITION TO LOWER EXTREMITY, THIGH/WEIGHT BEARING, LACER, NON-MOLDED	159.42	159.42	159.42

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
L2540	ADDITION TO LOWER EXTREMITY, THIGH/WEIGHT BEARING, LACER, MOLDED TO PATIENT MODEL	231.16	231.16	231.16
L2550	ADDITION TO LOWER EXTREMITY, THIGH/WEIGHT BEARING, HIGH ROLL CUFF	61.78	61.78	61.78
L2560	ADDITION TO LOWER EXTREMITY, GLUTEAL/ISCHIAL WEIGHT BEARING	264.42	264.42	264.42
L2570	ADDITION TO LOWER EXTREMITY, GLUTEAL/ISCHIAL WEIGHT BEARING, TWO POSITION HIP JOINT	216.11	216.11	216.11
L2600	ADDITION TO LOWER EXTREMITY, PELVIC CONTROL, HIP JOINT, CLEVIS TYPE, OR THRUST BEARING, FREE, EACH	139.99	139.99	139.99
L2610	ADDITION TO LOWER EXTREMITY, PELVIC CONTROL, HIP JOINT, CLIVIS OR THRUST BEARING, LOCK, EACH	132.21	132.21	132.21
L2620	ADDITION TO LOWER EXTREMITY, PELVIC CONTROL, HIP JOINT, HEAVY DUTY, EACH	161.87	161.87	161.87
L2630	ADDITION TO LOWER EXTREMITY, PELVIC CONTROL, BAND AND BELT, UNILATERAL	183.60	183.60	183.60
L2640	ADDITION TO LOWER EXTREMITY, PELVIC CONTROL, BAND AND BELT, BILATERAL	134.24	134.24	134.24
L2750	ADDITION TO LOWER EXTREMITY, ORTHOSIS, PLATING CHROME OR NICKEL, PER BAR	50.85	50.85	50.85
L2760	ADDITION TO LOWER EXTREMITY, ORTHOSIS, EXTENSION, PER EXTENSION, PER BAR (FOR LINEAL ADJUSTMENT FOR GROWTH)	40.56	40.56	40.56
L2770	ADDITION TO LOWER EXTREMITY ORTHOSIS, STAINLESS STEEL—PER BAR OR JOINT	58.79	58.79	58.79
L2780	ADDITION TO LOWER EXTREMITY ORTHOSIS, NON-CORROSIVE FINISH, PER BAR	48.31	48.31	48.31
L2795	ADDITION TO LOWER EXTREMITY, ORTHOSIS, KNEE CONTROL, FULL WHEELCAP	66.57	66.57	66.57
L2999	UNLISTED PROCEDURES FOR LOWER EXTREMITY ORTHOSES	204.14	204.14	204.14
L3650	SHOULDER ORTHOSIS, (SO), FIGURE OF "8" DESIGN ABDUCTION RESTRAINER	30.31	30.31	30.31
L3660	SO, FIGURE OF "8" DESIGN ABDUCTION RESTRAINER, CANVAS AND WEBBING	76.28	76.28	76.28
L3720	EO, DOUBLE UPRIGHT WITH FOREARM/ARM CUFFS, FREE MOTION G8553	396.63	396.63	396.63
L3740	EO, DOUBLE UPRIGHT WITH FOREARM/ARM CUFFS, ADJUSTABLE POSITION LOCK WITH ACTIVE CONTROL	1306.85	1306.85	1306.85
L3800	WRIST-HAND-FINGER-ORTHOSES (WHFO), SHORT OPPONENS, NO ATTACHMENTS	63.60	63.60	63.60
L3805	WHFO, LONG OPPONENS, NO ATTACHMENT	267.81	267.81	267.81
L3810	WHFO, ADDITION TO SHORT AND LONG OPPONENS, THUMB ABDUCTION	35.60	35.60	35.60
L3835	WHFO, ADDITION TO SHORT AND LONG OPPONENS, M.P. SPRING EXTENSION ASSIST	76.28	76.28	76.28
L3840	WHFO, ADDITION TO SHORT AND LONG OPPONENS, SPRING SWIVEL THUMB	40.68	40.68	40.68
L3845	WHFO, ADDITION TO SHORT AND LONG OPPONENS, THUMB I.P. EXTENSION ASSIST, WITH M.P. STOP	45.77	45.77	45.77
L3850	WHFO, ADDITION TO SHORT AND LONG OPPONENS, ACTION WRIST, WITH DORSIFLEXION ASSIST	81.36	81.36	81.36
L3906	WHFO, WRIST (GAUNTLET), MOLDED TO PATIENT MODEL	344.31	344.31	344.31
L3908	WHFO, WRIST EXTENSION CONTROL (COCK-UP), CANVAS OR LEATHER DESIGN, NON-MOLDED	43.27	43.27	43.27
L3910	WHFO, SWANSON DESIGN	274.59	274.59	274.59
L3912	WHFO, FLEXION GLOVE WITH ELASTIC FINGER CONTROL	91.53	91.53	91.53
L3914	WHFO, WRIST EXTENSION (COCK-UP)	52.89	52.89	52.89
L3918	WHFO, KNUCKLE BENDER	33.05	33.05	33.05
L3930	WHFO, FINGER EXTENSION, WITH WRIST SUPPORT	61.02	61.02	61.02
L3936	WHFO, PALMER	78.45	78.45	78.45
L3950	WHFO, COMBINATION OPPENHEIMER, WITH KNUCKLE BENDER AND TWO ATTACHMENTS	122.04	122.04	122.04
L3954	WHFO, SPREADING HAND	50.85	50.85	50.85
L3960	ABDUCTION POSITIONING-CUSTOM FITTED SHOULDER-ELBOW-WRIST-HAND ORTHOSIS (SEWHO) ABDUCTION POSITIONING, AIRPLANE DESIGN	230.73	230.73	230.73
L3980	UPPER EXTREMITY FRACTURE ORTHOSIS, HUMERAL	219.55	219.55	219.55
L3984	UPPER EXTREMITY FRACTURE ORTHOSIS, WRIST	381.38	381.38	381.38

PROPOSALS

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
.3986	UPPER EXTREMITY FRACTURE ORTHOSIS, COMBINATION OF, HUMERAL, RADIUS/ULNAR, WRIST, (EXAMPLE—COLLES FRACTURE)	616.01	616.01	616.01
.3999	UNLISTED PROCEDURES FOR UPPER LIMB ORTHOSIS	95.86	95.86	95.86
.4020	REPLACE QUADRILATERAL SOCKET BRIM, MOLDED TO PATIENT MODEL	569.52	569.52	569.52
.4040	REPLACE MOLDED THIGH LACER	203.40	203.40	203.40
.4050	REPLACE MOLDED CALF LACER	152.55	152.55	152.55
.4060	REPLACE HIGH ROLL CUFF	124.68	124.68	124.68
.4070	REPLACE PROXIMAL AND DISTAL UPRIGHT FOR KAFO	157.64	157.64	157.64
.4080	REPLACE METAL BANDS KAFO, PROXIMAL THIGH	71.19	71.19	71.19
.4090	REPLACE METAL BANDS KAFO-AFO, CALF OR DISTAL THIGH	60.31	60.31	60.31
.4100	REPLACE LEATHER CUFF KAFO, PROXIMAL THIGH	78.89	78.89	78.89
.4110	REPLACE LEATHER CUFF KAFO-AFO, CALF OR DISTAL THIGH	60.92	60.92	60.92
.4200	REPAIR OF ORTHOTIC DEVICE, HOURLY RATE	45.74	45.74	45.74
.4210	REPAIR OF ORTHOTIC DEVICE, REPAIR OR REPLACE MINOR PARTS	35.60	35.60	35.60
.5000	PARTIAL FOOT, SHOE INSERT WITH LONGITUDINAL ARCH, TOE FILLER	461.13	461.13	461.13
.5010	PARTIAL FOOT, MOLDED SOCKET, ANKLE HEIGHT, WITH TOE FILLER	784.99	784.99	784.99
.5020	PARTIAL FOOT, MOLDED SOCKET, TIBIAL TUBERCLE HEIGHT, WITH TOE FILLER	1197.82	1197.82	1197.82
.5050	ANKLE (SYME), MOLDED SOCKET, SACH FOOT	1637.83	1637.83	1637.83
.5100	BELOW KNEE, MOLDED SOCKET, SHIN, SACH FOOT	1226.80	1226.80	1226.80
.5110	BELOW KNEE, WOOD SOCKET, JOINTS AND THIGH LACER, SACH FOOT	1481.84	1481.84	1481.84
.5150	KNEE DISARTICULATION (OR THROUGH KNEE), MOLDED, EXTERNAL KNEE JOINTS, SHIN, SACH FOOT	2576.40	2576.40	2576.40
.5200	ABOVE KNEE, MOLDED SOCKET, SINGLE AXIS CONSTANT FRICTION KNEE, SHIN, SACH FOOT	1520.17	1520.17	1520.17
.5210	ABOVE KNEE, SHORT PROSTHESIS, NO KNEE JOINT ("STUBBIES"), WITH FOOT BLOCKS, NO ANKLE JOINTS, EACH	1728.90	1728.90	1728.90
.5220	ABOVE KNEE, SHORT PROSTHESIS, NO KNEE JOINT ("STUBBIES"), WITH ARTICULATED ANKLE/FOOT, DYNAMICALLY ALIGNED, EACH	2135.70	2135.70	2135.70
.5250	HIP DISARTICULATION, CANADIAN TYPE, MOLDED SOCKET, HIP JOINT, SINGLE AXIS CONSTANT FRICTION KNEE, SHIN, SACH FOOT	2958.45	2958.45	2958.45
.5300	BELOW KNEE, MOLDED SOCKET, SACH FOOT, ENDOSKELETAL SYSTEM INCLUDING SOFT COVER AND FINISHING	1488.95	1488.95	1488.95
.5310	KNEE DISARTICULATION (OR THROUGH KNEE), MOLDED SOCKET, SACH FOOT, ENDOSKELETAL SYSTEM, INCLUDING SOFT COVER AND FINISHING	3559.50	3559.50	3559.50
.5320	ABOVE KNEE, MOLDED SOCKET, OPEN END, SACH FOOT, ENDOSKELETAL SYSTEM, SINGLE AXIS KNEE, INCLUDING SOFT COVER AND FINISHING	1984.14	1984.14	1984.14
.5330	HIP DSRTCLTN, CAN. TYPE MOLDED SCKT, ENSKLTTL SYS. SNGL. AXIS KNEE, HIP, JOINT, SACH FOOT, INCL. SOFT COVER AND FINISHING	2728.95	2728.95	2728.95
.5340	HEMIPELVECTOMY, CAN. TYPE MOLDED SOCKET, ENDSKLTTL SYS., SNGL. AXIS KNEE, HIP JOINT, SACH FOOT, INCL. SOFT COVER & FINISHING	5085.00	5085.00	5085.00
.5400	IMMDITE POST SRGCL OR EARLY FITTING, APPLICATION OF INITIAL RIGID DRESSING, INCL. FITTING, ALGNMNT, SUSPNSN, & ONE CAST	762.75	762.75	762.75
.5500	PREPARATORY, BELOW KNEE ("PTB") (TYPE) SOCKET, SUPRACONDYLAR STRAP SUSPENSION, "USMC" OR EQUAL PYLON, NO COVER, SACH FOOT	884.37	884.37	884.37
.5510	PREPARATORY, BELOW KNEE ("PTB") (TYPE) SOCKET, SUPRACONDYLAR STRAP SUSPENSION, "USMC" OR EQUAL PYLON, NO COVER, SACH	884.19	884.19	884.19
.5520	PREPARATORY, BELOW KNEE, "PTB" TYPE SOCKET, "USMC" OR EQUAL PYLON, NO COVER, SACH FOOT, THERMOPLASTIC OR EQUAL, DIRECT	1090.22	1090.22	1090.22
.5530	PREPARATORY, BELOW KNEE, "PTB" TYPE SOCKET, "USMC" OR EQUAL PYLON, NO COVER, SACH FOOT, THERMOPLASTIC OR EQUAL, MOLDED TO	1159.86	1159.86	1159.86

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
L5540	PREPARATORY, BELOW KNEE, "PTB" TYPE SOCKET, "USMC" OR EQUAL PYLON, NO COVER, SACH FOOT, LAMINATED SOCKET, MOLDED TO MODEL	1257.56	1257.56	1257.56
L5560	PREPARATORY, ABOVE KNEE—KNEE DISARTICULATION, ISCHIAL LEVEL SOCKET, "USMC" OR EQUAL PYLON, NO COVER, SACH FOOT, PLASTER	1261.08	1261.08	1261.08
L5570	PREPARATORY, ABOVE KNEE—KNEE DISARTICULATION, ISCHIAL LEVEL SOCKET, "USMC" OR EQUAL PYLON, NO COVER, SACH FOOT, THERMOPLASTIC OR EQUAL	1518.72	1518.72	1518.72
L5580	PREPARATORY, ABOVE KNEE—KNEE DISARTICULATION, ISCHIAL LEVEL SOCKET, "USMC" OR EQUAL PYLON, NO COVER, SACH FT, THERMOPLASTIC OR EQUAL	1512.95	1512.95	1512.95
L5590	PREPARATORY, ABOVE KNEE—KNEE DISARTICULATION, ISCHIAL LEVEL SOCKET, "USMC" OR EQUAL PYLON, NO COVER, SACH FOOT, LAMINATE	1368.96	1368.96	1368.96
L5618	ADDITION TO LOWER EXTREMITY, TEST SOCKET, SYMES	203.40	203.40	203.40
L5620	ADDITION TO LOWER EXTREMITY, TEST SOCKET, BELOW KNEE	231.60	231.60	231.60
L5622	ADDITION TO LOWER EXTREMITY, TEST SOCKET KNEE DISARTICULATION	246.98	246.98	246.98
L5624	ADDITION TO LOWER EXTREMITY, TEST SOCKET, ABOVE KNEE	300.85	300.85	300.85
L5626	ADDITION TO LOWER EXTREMITY, TEST SOCKET, HIP DISARTICULATION	381.38	381.38	381.38
L5630	ADDITION TO LOWER EXTREMITY, SYMES TYPE, EXPANDABLE WALL SOCKET	341.85	341.85	341.85
L5632	ADDITION TO LOWER EXTREMITY, SYMES TYPE, "PTB" BRIM DESIGN SOCKET	197.18	197.18	197.18
L5636	ADDITION TO LOWER EXTREMITY, SYMES TYPE, MEDIAL OPENING SOCKET	396.63	396.63	396.63
L5642	ADDITION TO LOWER EXTREMITY, ABOVE KNEE, LEATHER SOCKET	508.50	508.50	508.50
L5650	ADDITION TO LOWER EXTREMITY, TOTAL CONTACT, ABOVE KNEE OR KNEE DISARTICULATION SOCKET	467.68	467.68	467.68
L5652	ADDITION TO LOWER EXTREMITY, SUCTION SUSPENSION, ABOVE KNEE OR KNEE DISARTICULATION, SOCKET	497.87	497.87	497.87
L5654	ADDITION TO LOWER EXTREMITY, SOCKET INSERT, SYMES, (KEMBLO, PELITE, ALIPLAST, PLASTAZOTE OR EQUAL)	240.12	240.12	240.12
L5655	ADDITION TO LOWER EXTREMITY, SOCKET INSERT, BELOW KNEE (KEMBLO, PELITE, ALIPLAST, PLASTAZOTE OR EQUAL)	217.80	217.80	217.80
L5656	ADDITION TO LOWER EXTREMITY, SOCKET INSERT, KNEE DISARTICULATION, (KEMBLO, ALIPLAST, PLASTAZOTE OR EQUAL)	275.22	275.22	275.22
L5658	ADDITION TO LOWER EXTREMITY, SOCKET INSERT, ABOVE KNEE (KEMBLO, PELITE, ALIPLAST, PLASTAZOTE OR EQUAL)	250.94	250.94	250.94
L5660	ADDITION TO LOWER EXTREMITY, SOCKET INSERT, SYMES, SILICONE GEL OR EQUAL	406.80	406.80	406.80
L5662	ADDITION TO LOWER EXTREMITY, SOCKET INSERT, BELOW KNEE, SILICONE GEL OR EQUAL	296.20	296.20	296.20
L5666	ADDITION TO LOWER EXTREMITY, BELOW KNEE, CUFF SUSPENSION	48.67	48.67	48.67
L5668	ADDITION TO LOWER EXTREMITY, BELOW KNEE, MOLDED DISTAL CUSHION	75.89	75.89	75.89
L5670	ADDITION TO LOWER EXTREMITY, BELOW KNEE, MOLDED SUPRACONDYLAR SUSPENSION ("RTS" OR SIMILAR)	257.19	257.19	257.19
L5672	ADDITION TO LOWER EXTREMITY, BELOW KNEE, REMOVABLE MEDIAL BRIM SUSPENSION	233.44	233.44	233.44
L5674	ADDITION TO LOWER EXTREMITY, BELOW KNEE, LATEX SLEEVE SUSPENSION OR EQUAL, EACH	30.88	30.88	30.88
L5676	ADDITION TO LOWER EXTREMITY, BELOW KNEE, KNEE JOINTS, SINGLE AXIS, PAIR	199.62	199.62	199.62
L5678	ADDITION TO LOWER EXTREMITY, BELOW KNEE JOINT COVERS, PAIR	22.97	22.97	22.97
L5680	ADDITION TO LOWER EXTREMITY, BELOW KNEE, THIGH LACER, NON-MOLDED	179.87	179.87	179.87
L5682	ADDITION TO LOWER EXTREMITY, BELOW KNEE, THIGH LACER, GLUTEAL/ISCHIAL, MOLDED	475.35	475.35	475.35
L5684	ADDITION TO LOWER EXTREMITY, BELOW KNEE, FORK STRAP	39.46	39.46	39.46
L5686	ADDITION TO LOWER EXTREMITY, BELOW KNEE, BACK CHECK (EXTENSION CONTROL)	40.94	40.94	40.94
L5688	ADDITION TO LOWER EXTREMITY, BELOW KNEE, WAIST BELT, WEBBING	50.73	50.73	50.73

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

PROCEDURE CODE	DESCRIPTION OF SERVICES	1	REGION 2	3
L5690	ADDITION TO LOWER EXTREMITY, BELOW KNEE, WAIST BELT, PADDED AND LINED	79.47	79.47	79.47
L5692	ADDITION TO LOWER EXTREMITY, ABOVE KNEE, PELVIC CONTROL BELT LIGHT	77.78	77.78	77.78
L5694	ADDITION TO LOWER EXTREMITY, ABOVE KNEE, PELVIC CONTROL BELT, PADDED AND LINED	141.15	141.15	141.15
L5696	ADDITION TO LOWER EXTREMITY, ABOVE KNEE OR KNEE DISARTICULATION, PELVIC JOINT	136.78	136.78	136.78
L5697	ADDITION TO LOWER EXTREMITY, ABOVE KNEE OR KNEE DISARTICULATION, PELVIC BAND	40.50	40.50	40.50
L5698	ADDITION TO LOWER EXTREMITY, ABOVE KNEE OR KNEE DISARTICULATION, SILESIA BANDAGE	83.75	83.75	83.75
L5699	ALL LOWER EXTREMITY PROSTHESES, SHOULDER HARNESS	144.16	144.16	144.16
L5700	ALL LOWER EXTREMITY PROSTHESES, FOOT, EXTERNAL KEEL, SACH FOOT	97.11	97.11	97.11
L5702	ALL LOWER EXTREMITY PROSTHESES, FOOT, SINGLE AXIS ANKLE/FOOT	136.88	136.88	136.88
L5704	ALL LOWER EXTREMITY PROSTHESES, FOOT, MULTIAXIAL ANKLE/FOOT (GREISSINGER OR EQUAL)	169.68	169.68	169.68
L5706	ALL EXOSKELETAL LOWER EXTREMITY PROSTHESES, AXIAL ROTATION UNIT	279.68	279.68	279.68
L5710	ADDITION, EXOSKELETAL KNEE-SHIN SYSTEM, SINGLE AXIS, MANUAL LOCK	211.23	211.23	211.23
L5712	ADDITION, EXOSKELETAL KNEE-SHIN SYSTEM, SINGLE AXIS, FRICTION SWING AND STANCE PHASE CONTROL (SAFETY KNEE)	266.93	266.93	266.93
L5714	ADDITION, EXOSKELETAL KNEE-SHIN SYSTEM, SINGLE AXIS, VARIABLE FRICTION SWING PHASE CONTROL (SAFETY KNEE)	355.95	355.95	355.95
L5716	ADDITION, EXOSKELETAL KNEE-SHIN SYSTEM, POLYCENTRIC, MECHANICAL STANCE PHASE LOCK	383.28	383.28	383.28
L5718	ADDITION, EXOSKELETAL KNEE-SHIN SYSTEM, POLYCENTRIC, FRICTION SWING AND STANCE PHASE CONTROL	533.93	533.93	533.93
L5724	ADDITION, EXOSKELETAL KNEE-SHIN SYSTEM, SINGLE AXIS, FLUID SWING AND STANCE PHASE CONTROL	983.09	983.09	983.09
L5728	ADDITION, EXOSKELETAL KNEE-SHIN SYSTEM, SINGLE AXIS, FLUID SWING AND STANCE PHASE CONTROL	1782.92	1782.92	1782.92
L5999	UNLISTED PROCEDURES FOR LOWER EXTREMITY PROSTHESIS	298.52	298.52	298.52
L6050	WRIST DISARTICULATION, MOLDED SOCKET, FLEXIBLE ELBOW HINGES, TRICEPS PAD	1296.68	1296.68	1296.68
L6130	BELOW ELBOW, MOLDED DOUBLE HALL SPLIT SOCKET, STUMP ACTIVATED LOCKING HINGE, HALF CUFF	2234.86	2234.86	2234.86
L6250	ABOVE ELBOW, MOLDED DOUBLE WALL SOCKET, INTERNAL LOCKING ELBOW, FOREARM	1843.31	1843.31	1843.31
L6500	ABOVE ELBOW, MOLDED SOCKET, ENDOSKELETAL SYSTEM, INCLUDING SOFT PROSTHETIC TISSUE SHAPING	1922.13	1922.13	1922.13
L6600	UPPER EXTREMITY ADDITIONS, POLYCENTRIC HINGE, PAIR	127.13	127.13	127.13
L6620	UPPER EXTREMITY ADDITION, FLEXION-FRICTION WRIST UNIT	264.42	264.42	264.42
L6630	UPPER EXTREMITY ADDITION, STAINLESS STEEL, ANY WRIST	86.45	86.45	86.45
L6635	UPPER EXTREMITY ADDITION, LIFT ASSIST FOR ELBOW	152.55	152.55	152.55
L6655	UPPER EXTREMITY ADDITION, STANDARD CONTROL CABLE, EXTRA	71.19	71.19	71.19
L6665	UPPER EXTREMITY ADDITION, TEFLON, OR EQUAL, CABLE LINING	25.43	25.43	25.43
L6670	UPPER EXTREMITY ADDITION, HOOK TO HAND, CABLE ADAPTER	48.31	48.31	48.31
L6672	UPPER EXTREMITY ADDITION, HARNESS, CHEST OR SHOULDER, SADDLE TYPE	111.87	111.87	111.87
L6675	UPPER EXTREMITY ADDITION, HARNESS, FIGURE OF ("8") EIGHT TYPE, FOR SINGLE CONTROL	107.63	107.63	107.63
L6676	UPPER EXTREMITY ADDITION, HARNESS, FIGURE OF ("8") EIGHT TYPE, DUAL CONTROL	142.38	142.38	142.38
L6680	UPPER EXTREMITY ADDITION, TEST SOCKET, WRIST DISARTICULATION OR BELOW ELBOW	203.40	203.40	203.40
L6682	UPPER EXTREMITY ADDITION, TEST SOCKET, ELBOW DISARTICULATION OR ABOVE ELBOW	203.40	203.40	203.40
L6705	TERMINAL DEVICE, HOOK, DORRANCE, OR EQUAL, MODEL #5	188.15	188.15	188.15
L6710	TERMINAL DEVICE, HOOK, DORRANCE, OR EQUAL, MODEL #5X	232.64	232.64	232.64
L6715	TERMINAL DEVICE, HOOK, DORRANCE, OR EQUAL, MODEL #5XA	239.00	239.00	239.00
L6835	TERMINAL DEVICE, HAND, SIERRA, VO	737.33	737.33	737.33
L6860	TERMINAL DEVICE, HAND, ROBIN-AIDS, VO SOFT	508.50	508.50	508.50

INSURANCE

PROPOSALS

PROCEDURE CODE	DESCRIPTION OF SERVICES	REGION		
		1	2	3
L6890	TERMINAL DEVICE, GLOVE FOR ABOVE HANDS, PRODUCTION GLOVE	104.75	104.75	104.75
L6895	TERMINAL DEVICE, GLOVE FOR ABOVE HANDS, CUSTOM GLOVE	376.29	376.29	376.29
L7499	UNLISTED PROCEDURES FOR LOWER EXTREMITY PROSTHESIS	6.00	6.00	6.00
L7510	REPAIR PROSTHETIC DEVICE, REPAIR OR REPLACE WITH MINOR PARTS	422.06	422.06	422.06
L8000	BREAST PROSTHESIS, MASTECTOMY BRA	21.49	21.49	21.49
L8300	TRUSS, SINGLE WITH STANDARD PAD	49.14	49.14	49.14
L8310	TRUSS, DOUBLE WITH STANDARD PADS	102.65	102.65	102.65
L8320	TRUSS, ADDITION TO STANDARD PADS, WATER PAD	25.23	25.23	25.23
L8330	TRUSS, ADDITION TO STANDARD PADS, SCROTAL PAD	21.29	21.29	21.29
L8400	PROSTHETIC SHEATH, BELOW KNEE, EACH	12.05	12.05	12.05
L8410	PROSTHETIC SHEATH, ABOVE KNEE, EACH	14.27	14.27	14.27
L8420	PROSTHETIC SOCK, WOOL, BELOW KNEE, EACH	16.72	16.72	16.72
L8430	PROSTHETIC SOCK, WOOL, ABOVE KNEE, EACH	17.82	17.82	17.82
L8440	PROSTHETIC SHRINKER, BELOW KNEE, EACH	34.46	34.46	34.46
L8460	PROSTHETIC SHRINKER, ABOVE KNEE, EACH	44.72	44.72	44.72
L8470	STUMP SOCK, SINGLE PLY, FITTING, BELOW KNEE, EACH	3.24	3.24	3.24
L8480	STUMP SOCK, SINGLE PLY, FITTING, ABOVE KNEE, EACH	3.18	3.18	3.18
L8499	UNLISTED PROCEDURE FOR MISCELLANEOUS PROSTHETIC SERVICES	6.36	6.36	6.36
Q0036	OXYGEN CONCENTRATOR, HIGH HUMIDITY	276.36	276.36	276.36
Q0037	OXYGEN AND WATER VAPOR ENRICHING SYSTEM	276.36	276.36	276.36

(c) The following is the Federal Fee Schedule for dental services:

**DENTAL SERVICES
DIAGNOSTIC**

PROCEDURE CODE	TERMINOLOGY	REGION		
		1	2	3
PROFESSIONAL VISITS AND CONSULTATIONS				
00110	FIRST VISIT, OFFICE OR HOSPITAL, INCLUDING EXAMINATION AND REPORTS.	30	30	30
00111	OFFICE OR HOSPITAL CALL, SUBSEQUENT, OTHER THAN NIGHT EMERGENCY.	26	26	26
00112	OFFICE CALL OR HOSPITAL CALL, NIGHT EMERGENCY (12 MIDNIGHT TO 8:00 A.M.).	40	40	40
00150	CONSULTATION AND/OR FIRST COMPLETE EXAMINATION, IN OFFICE OR HOSPITAL.	79	79	79
RADIOGRAPHS				
00210	INTRAORAL—COMPLETE SERIES.	60	60	60
00220	INTRAORAL—SINGLE, FIRST FILM.	7	7	7
00230	INTRAORAL—EACH ADDITIONAL FILM.	5	5	5
00270	BITEWING—SINGLE, FIRST FILM (EACH).	7	7	7
00280	BITEWING—EACH ADDITIONAL FILM.	5	5	5
00290	POSTERIORANTERO AND LATERAL SKULL AND FACIAL BONE, SURVEY FILM.	72	72	72
00310	SIALOGRAPHY (SERIES OF FILMS).	120	120	120
00330	PANORAMIC—MAXILLARY AND MANDIBULAR, SINGLE FILM.	60	60	60
00340	CEPHALOMETRIC FILM (SERIES).	120	120	120
TESTS AND LABORATORY EXAMINATIONS				
00470	DIAGNOSTIC CASTS.	36	36	36
00471	DIAGNOSTIC PHOTOGRAPHS.	24	24	24

PREVENTIVE

PROCEDURE CODE	TERMINOLOGY	REGION		
		1	2	3
SPACE MAINTAINERS				
01510	FIXED, UNILATERAL BAND TYPE.	108	108	108
01511	FIXED, LINGUAL OR PALATAL ARCH BAND TYPE.	168	168	168
01512	FIXED, DISTAL SHOE TYPE.	144	144	144
01515	FIXED, STAINLESS STEEL CROWN TYPE.	120	120	120
01520	FIXED, CAST TYPE.	144	144	144
01530	REMOVABLE, ACRYLIC.	120	120	120

PROPOSALS

Interested Persons see Inside Front Cover

INSURANCE

RESTORATIVE

PROCEDURE CODE	TERMINOLOGY	REGION		
		1	2	3
GOLD FOIL RESTORATIONS				
02410	GOLD FOIL—ONE SURFACE.	120	120	120
02420	GOLD FOIL—TWO SURFACES.	180	180	180
02430	GOLD FOIL—THREE SURFACES.	216	216	216
GOLD INLAY RESTORATIONS				
02510	INLAY, GOLD—ONE SURFACE.	204	204	204
02520	INLAY, GOLD—TWO SURFACES.	264	264	264
02530	INLAY, GOLD—THREE SURFACES.	300	300	300
02540	ONLAY, PER TOOTH (IN ADDITION TO ABOVE).	36	36	36
PORCELAIN RESTORATIONS				
02610	INLAY, PORCELAIN	180	180	180
CROWNS/SINGLE RESTORATIONS ONLY				
02710	PLASTIC (ACRYLIC).	324	324	324
02711	PLASTIC—PREFABRICATED.	180	180	180
02720	PLASTIC WITH GOLD.	480	480	480
02721	PLASTIC WITH NON-PRECIOUS METAL.	384	384	384
02722	PLASTIC WITH SEMI-PRECIOUS METAL.	432	432	432
02740	PORCELAIN.	360	360	360
02750	PORCELAIN WITH GOLD.	564	564	564
02751	PORCELAIN WITH NON-PRECIOUS METAL.	468	468	468
02752	PORCELAIN WITH SEMI-PRECIOUS METAL.	516	516	516
02790	GOLD (FULL CAST).	408	408	408
02791	NON-PRECIOUS METAL (FULL CAST).	288	288	288
02792	SEMI-PRECIOUS METAL (FULL CAST).	336	336	336
02810	GOLD (3/4/CAST).	360	360	360
02820	GOLD THIMBLE.	120	120	120
02830	STAINLESS STEEL.	84	84	84
02840	TEMPORARY (EMERGENCY PROCEDURE ONLY).	108	108	108
02891	CAST POST AND CORE (IN ADDITION TO CROWN).	144	144	144
02892	STEEL POST AND COMPOSITE OR AMALGAM (IN ADDITION TO CROWN).	120	120	120

PROSTHODONTICS—REMOVABLE

PROCEDURE CODE	TERMINOLOGY	REGION		
		1	2	3
COMPLETE DENTURES INCLUDING ADJUSTMENTS				
05110	COMPLETE UPPER	600	600	600
05120	COMPLETE LOWER	600	600	600
05130	IMMEDIATE UPPER	648	648	648
05140	IMMEDIATE LOWER	648	648	648
PARTIAL DENTURES (INCLUDING 6 MO's POST DELIVERY CARE)				
05210	UPPER OR LOWER, WITHOUT CLASPS, ACRYLIC BASE.	312	312	312
05220	UPPER OR LOWER, WITH TWO GOLD OR CHROME CLASPS WITH RESTS, ACRYLIC BASE.	480	480	480
05239	LOWER WITH GOLD OR CHROME LINGUAL BAR AND TWO CLASPS, ACRYLIC BASE.	600	600	600
05240	LOWER WITH GOLD OR CHROME LINGUAL BAR AND TWO CLASPS, CAST BASE.	600	600	600
05250	UPPER WITH GOLD OR CHROME PALATAL BAR AND TWO CLASPS, ACRYLIC BASE.	600	600	600
05260	UPPER WITH GOLD OR CHROME PALATAL BAR AND TWO CLASPS, CAST BASE.	600	600	600
05280	REMOVABLE UNILATERAL PARTIAL DENTURE, ONE—PIECE CASTING, GOLD OR CHROME COBALT CLASP ATTACHMENTS, PER UNIT INCLUDING PONTICS.	240	240	240
05290	FULL CAST PARTIAL.	600	600	600
ADDITIONAL UNITS FOR PARTIAL DENTURES				
05315	EACH ADDITIONAL TOOTH OR CLASP BEYOND 10.	72	72	72

INSURANCE

PROPOSALS

ADJUSTMENTS TO DENTURE (BY OTHER THAN DENTIST PROVIDING APPLIANCES)

05410	COMPLETE DENTURE.	22	22	22
05420	PARTIAL DENTURE.	22	22	22

REPAIRS TO DENTURES

05610	REPAIR BROKEN COMPLETE OR PARTIAL DENTURES, NO TEETH DAMAGED.	48	48	48
05620	REPAIR BROKEN COMPLETE OR PARTIAL DENTURE AND REPLACE ONE BROKEN TOOTH.	72	72	72
05630	REPLACE ADDITIONAL TEETH, EACH TOOTH.	24	24	24
05640	REPLACE BROKEN TOOTH ON DENTURE, NO OTHER REPAIRS.	19	19	19
05650	ADDING TOOTH TO PARTIAL DENTURE TO REPLACE EXTRACTED TOOTH, EACH TOOTH (NOT INVOLVING CLASP OR ABUTMENT TOOTH).	96	96	96
05660	ADDING TOOTH TO PARTIAL DENTURE TO REPLACE EXTRACTED TOOTH, EACH TOOTH (INVOLVING CLASP OR ABUTMENT TOOTH).	96	96	96
05670	REATTACHING DAMAGED CLASP ON DENTURE.	48	48	48
05680	REPLACING BROKEN CLASP WITH NEW CLASP ON DENTURE.	84	84	84
05690	EACH ADDITIONAL CLASP WITH REST.	72	72	72

DENTURE DUPLICATION AND RELINING

05730	RELINING, UPPER OR LOWER COMPLETE DENTURE (OFFICE RELINE).	108	108	108
05740	RELINING, UPPER OR LOWER PARTIAL DENTURE (OFFICE RELINE).	84	84	84
05750	RELINING, UPPER OR LOWER COMPLETE DENTURE (LABORATORY).	168	168	168
05760	RELINING, UPPER OR LOWER PARTIAL DENTURE (LABORATORY).	132	132	132

OTHER PROSTHETIC SERVICES

05830	OBTURATOR FOR SURGICALLY EXCISED PALATAL TISSUE.	600	600	600
05840	OBTURATOR FOR DEFICIENT VELOPHARYNGEAL FUNCTION (CLEFT PALATE).	600	600	600
05850	TISSUE CONDITIONING.	84	84	84

PROSTHODONTICS—FIXED

PROCEDURE		REGION		
CODE	TERMINOLOGY	1	2	3
BRIDGE PONTICS				
06210	CAST GOLD.	360	360	360
06220	SLOTTED FACING.	336	336	336
06230	SLOTTED PONTIC.	336	336	336
06235	PIN FACING.	264	264	264
06240	PORCELAIN FUSED TO GOLD.	564	564	564
06241	PORCELAIN FUSED TO NON-PRECIOUS METAL.	468	468	468
06242	PORCELAIN FUSED TO SEMI-PRECIOUS METAL.	516	516	516
06250	PLASTIC PROCESSED TO GOLD.	480	480	480
06251	PLASTIC PROCESSED TO NON-PRECIOUS METAL.	384	384	384
06252	PLASTIC PROCESSED TO SEMI-PRECIOUS METAL.	432	432	432
RETAINERS				
06520	TWO-SURFACE GOLD INLAY.	264	264	264
06530	THREE OR MORE SURFACE GOLD INLAY.	300	300	300
06540	GOLD INLAY.	336	336	336
REPAIRS				
06610	REPLACE BROKEN PIN FACING WITH SLOTTED OR OTHER FACING.	72	72	72
06620	REPLACE BROKEN FACING WHERE POST IS INTACT.	48	48	48
06630	REPLACE BROKEN FACING WHERE POST BACKING IS BROKEN.	72	72	72
06640	REPLACE BROKEN FACING WITH ACRYLIC.	48	48	48
06650	REPLACE BROKEN TRU-PONTIC.	48	48	48

PROPOSALS

Interested Persons see Inside Front Cover

LAW AND PUBLIC SAFETY

CROWNS

06710	PLASTIC (ACRYLIC.)	324	324	324
06720	PLASTIC PROCESSED TO GOLD.	480	480	480
06721	PLASTIC PROCESSED TO NON-PRECIOUS METAL.	384	384	384
06722	PLASTIC PROCESSED TO SEMI-PRECIOUS METAL.	432	432	432
06740	PORCELAIN.	360	360	360
06750	PORCELAIN FUSED TO GOLD.	564	564	564
06751	PORCELAIN FUSED TO NON-PRECIOUS METAL.	468	468	468
06752	PORCELAIN FUSED TO SEMI-PRECIOUS METAL.	516	516	516
06780	GOLD (3/4 CAST).	360	360	360
06790	GOLD (FULL CAST).	360	360	360
06791	NON-PRECIOUS METAL (FULL CAST).	240	240	240
06792	SEMI-PRECIOUS METAL (FULL CAST).	288	288	288

(d) The following is the Medical Fee Schedule for nursing and allied health professional services:

NURSING AND ALLIED HEALTH PROFESSIONAL SERVICES

PROCEDURE CODE	TERMINOLOGY	REGION		
		1	2	3
PRIVATE NURSING CARE (PER HOUR)				
PNC01	REGISTERED NURSE	32	32	32
PNC02	LICENSED PRACTICAL NURSE	26	26	26
PNC03	HOME HEALTH AIDE	12	12	12
PNC04	LIVE IN ATTENDANT (PER 24 HOUR SHIFT)	115	115	115
HOME HEALTH VISITS (PER VISIT)				
HHV01	SKILLED NURSING	67	67	69
HHV02	PHYSICAL THERAPY	65	65	67
HHV03	SPEECH THERAPY	70	70	73
HHV04	OCCUPATIONAL THERAPY	67	67	69
HHV05	HOME HEALTH AIDE	39	39	41

(e) The following is the Medical Fee Schedule for transportation services:

TRANSPORTATION SERVICES

PROCEDURE CODE	TERMINOLOGY	REGION		
		1	2	3
A0010	BLS BASE RATE (W/IN SERVICE AREA)	110	110	110
A0020	BLS PER MILE (OUTSIDE SERVICE AREA)	4	4	4
A0070	AMBULANCE SERVICE, OXYGEN AND SUPPLIES	30	30	30
A0050	MOBILE INTENSIVE CARE UNIT	400	400	400

LAW AND PUBLIC SAFETY

(b)

STATE BOARD OF OPTOMETRISTS

**Notice of Withdrawal of Proposal
Delegation of Duties to Ancillary Personnel
Proposed New Rule: N.J.A.C. 13:38-2.11**

Take notice that, in consideration of the concerns raised at the public hearing on January 11, 1989 by all parties involved, the Board of Optometrists withdraws the proposed rule N.J.A.C. 13:38-2.11, Delegation of duties to ancillary personnel (see 20 N.J.R. 2363(a)) at this time, for reconsideration and invites representatives of the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians to a joint Committee meeting to discuss this issue further.

VIOLENT CRIMES COMPENSATION BOARD

**Rules Relating to Practice and Procedure
Proposed Readoption: N.J.A.C. 13:75**

Authorized By: Violent Crimes Compensation Board, Kenneth W. Welch, Chairman.
Authority: N.J.S.A. 52:4B-9.
Proposal Number: PRN-161.

Submit comments by May 3, 1989 to:
Cindy R. Merker, Board Counsel
Violent Crimes Compensation Board
60 Park Place
Newark, N.J. 07102

The agency proposal follows:

Summary

N.J.A.C. 13:75 will expire on August 20, 1989. The Violent Crimes Compensation Board has reviewed these rules and has determined them to be necessary, reasonable and proper for the purpose for which they were originally promulgated. The Board proposes to readopt these rules without change.

N.J.A.C. 13:75 pertains to rules relating to practice and procedure before the Violent Crimes Compensation Board. These rules became effective August 20, 1984. The rules have functioned well in allowing the public to become more aware of the Board's criteria in determining a victim's eligibility for compensation.

A summary of each section follows.

N.J.A.C. 13:75-1.1 delineates the scope of the rules. N.J.A.C. 13:75-1.2 provides that the rules shall be liberally construed by the Violent Crimes Compensation Board. N.J.A.C. 13:75-1.3 provides that the Board may rescind, amend or expand the rules. N.J.A.C. 13:75-1.4 incorporates by reference the definitions in N.J.S.A. 52:4B-2. N.J.A.C. 13:75-1.5 provides criteria for filing claims before the Board.

N.J.A.C. 13:75-1.6 contains claims eligibility provisions. N.J.A.C. 13:75-1.7 lists the types of damages which are compensable. N.J.A.C. 13:75-1.8 requires claimants to cooperate with Board investigators. N.J.A.C. 13:75-1.9 contains provisions for formal hearings, if requested by claimants. N.J.A.C. 13:75-1.10 contains procedures to be followed at formal hearings.

N.J.A.C. 13:75-1.11 provides that claimants may be represented by an attorney. N.J.A.C. 13:75-1.12 contains provisions regarding attorney's fees. N.J.A.C. 13:75-1.13 allows the Board to issue subpoenas. N.J.A.C. 13:75-1.14 provides a method by which the Board makes payments to claimants. N.J.A.C. 13:75-1.15 provides a time period for final decisions made by the Board.

N.J.A.C. 13:75-1.16 provides for appeals of Board decisions to be taken to the Appellate Division. N.J.A.C. 13:75-1.17 allows the Board to publish facts about certain claims. N.J.A.C. 13:75-1.18 provides that the Board shall furnish certain documents without cost. N.J.A.C. 13:75-1.19 requires the Board to take into account moneys received from other sources. N.J.A.C. 13:75-1.20 provides for the validity of the rules, should any portion of the rules be declared invalid.

N.J.A.C. 13:75-1.21 contains restrictions on the amounts awarded. N.J.A.C. 13:75-1.22 provides for the reimbursement of expenses arising out of the hiring of domestic help. N.J.A.C. 13:75-1.23 contains restrictions on the amounts awarded by the Board for lost or permanent loss of the use of members. N.J.A.C. 13:75-1.24 provides for the reimbursement of transportation costs. N.J.A.C. 13:75-1.25 provides that the Board may grant an emergency award under certain conditions. N.J.A.C. 13:75-1.26 provides that the Board be subrogated to causes of action filed by the victim in relation to the criminal incident. This section also contains requirements to be followed by claimants when bringing a collateral action.

Social Impact

Once readopted, the rules will continue to provide awareness to the public of the criteria established by the Board in determining eligibility of claimants before the Board.

Failure to readopt these rules would cause the public to be at a loss in knowing how to present and be successful with their claims before the Board. The Board serves a great public service to victims of violent crimes. It is important for the public to be aware of their rights as crime victims and to know what is expected of them in their pursuit of compensation.

Economic Impact

These rules are necessary so that the Board can maintain its obligations in order to receive funding from the State and Federal governments. Without this funding, the agency would no longer be able to carry out its legislative mandate. In the past fiscal year, the Board received funding in the amount of \$2.9 million from the Legislature, \$1.4 million from the Federal government, and \$3,127,765 from penalty revenue collections.

For the years 1986 to 1988, respectively, the Board has dispersed awards totaling as follows: \$5,203,853; \$5,432,785; and \$4,893,552. Individual awards to victims averaged \$3,654 in 1986, \$3,931 in 1987 and \$4,211 in 1988.

Regulatory Flexibility Analysis

The rules in this chapter govern the process by which victims of violent crimes, and their attorneys, may make claims for compensation from the Violent Crimes Compensation Board. The individual victims of violent crime would not be considered small businesses. The attorneys may be considered small businesses, within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., but are not required to keep any records or to engage in any other activities other than that which would ordinarily be done by a person in that occupation.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:75.

COMMERCE, ENERGY AND ECONOMIC DEVELOPMENT

(a)

DIVISION OF ENERGY PLANNING AND CONSERVATION

Certificate of Need for Electric Facilities Definition of Electric Facility

Proposed Amendment: N.J.A.C. 14A:14-2.1

Authorized By: Borden R. Putnam, Commissioner, Department of Commerce, Energy and Economic Development.

Authority: N.J.S.A. 48:7-16 and 52:27F-11q.

Proposal Number: PRN 1989-179.

Submit comments by May 3, 1989 to:

Edward J. Linky, Esq.
Chief Regulatory Officer
Division of Energy Planning and Conservation
101 Commerce Street
Newark, New Jersey 07102

The agency proposal follows:

Summary

The Division of Energy Planning and Conservation proposes a change in the definition of electric facility for the regulatory program governing the implementation of the Certificate of Need program for electric facilities. The current definition of electric facility, adopted in the February 21, 1989 New Jersey Register at 21 N.J.R. 573(a), does not reflect the intent of the agency and is not in conformance with the definition contained in N.J.S.A. 28:7-18d. The Division's intention in promulgating the amended definition upon readoption of the chapter was to use the definition of electric facility contained in the statute.

Social Impact

The purpose of the proposed amendment is to make the statutory and regulatory definitions of electric facility consistent. In so doing, the Certificate of Need rules will better further the intent of the Electric Facility Need Assessment Act, N.J.S.A. 48:7-16 et seq., to provide an avenue of scrutiny for utility investment in new generating capacity to determine whether any expansion is, in fact, needed.

Economic Impact

As the proposed definitional amendment will bring the regulatory electric facility definition into conformity with the statutory definition, the positive economic impact of the Certificate of Need rules in promoting the provision of the most efficient network of electric generating facilities at the least possible cost will be enhanced.

Environmental Impact

The Division foresees no environmental impact from the proposed definitional change, as it will reflect the legislative intent behind the Certificate of Need program.

Regulatory Flexibility Statement

The proposed definitional amendment imposes no reporting, recordkeeping or compliance requirements on small businesses, as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not necessary.

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

14A:14-2.1 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Electric facility" means:

- [1. Any electric power generating unit or combination of units at a single site which is owned by one or more public utilities as defined by the public utility laws of New Jersey, N.J.S.A. 48:2-13, and
 - i. Has a combined electric power generating capacity (as defined in paragraph 2 below) of 100 megawatts or more; or
 - ii. Any facility which will increase the capacity of an individual generating unit greater than 100 megawatts or by 25 percent, whichever is smaller.]

PROPOSALS

Interested Persons see **Inside Front Cover**

TRANSPORTATION

1. Any electric power generating unit or combination of units at a single site with a combined production of 100 megawatts or more and any facilities appurtenant thereto; or

2. Any electric generating units added to an existing electric generating facility which will increase its installed capacity 25 percent or by more than 100 megawatts, whichever is smaller;

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

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route N.J. 7 in Essex County**

Proposed Amendment: N.J.A.C. 16:28A-1.6

Authorized By: John F. Dunn, Jr., Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-197.5 and 39:4-199.

Proposal Number: PRN 1989-150.

Submit comments by May 3, 1989 to:
Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment will establish a restricted parking space along Route N.J. 7 (Washington Avenue) in the Town of Belleville, Essex County, for the exclusive use of handicapped persons who have been issued special vehicle identification cards and for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace.

Based upon a request from local government officials in the interest of safety, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of the parking restriction along Route N.J. 7 in the Town of Belleville, Essex County, was warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.6 based upon the request from local government officials and the traffic investigation.

Social Impact

The proposed amendment will establish a restricted parking space along Route N.J. 7 (Washington Avenue) in the Town of Belleville, Essex County, for the exclusive use of handicapped persons who have been issued special vehicle identification cards. Additionally, this amendment will provide for the safe and efficient flow of traffic, the enhancement of safety, the well-being of the populace and benefit handicapped persons in that their best interests are being cared for. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local government will incur direct and indirect costs for mileage, personnel and equipment requirements. The local government will bear the costs for "handicapped parking only" signs. Motorists who violate the rule will be assessed the appropriate fine.

Regulatory Flexibility Statement

The proposed amendment does not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The amendment primarily affects the motoring public.

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

16:28A-1.6 Route 7

(a) (No change.)

(b) The certain parts of State highway Route 7 described in this subsection shall be designated and established as restricted parking space for the use of persons who have been issued special vehicle identification cards by the Division of Motor Vehicles in accordance with N.J.S.A. 39:4-197.5. Under the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established handicapped parking space.

1. Restricted parking in the Town of Belleville, Essex County:

i. Washington Avenue:

(1) (No change.)

(2) Along the east side:

(A) (No change.)

(B) **280 Washington Avenue**—Beginning at a point 87 feet south of the southerly curb line of Holmes Street to a point 22 feet southerly therefrom.

(c) (No change.)

(b)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Routes U.S. 22 in Warren County; N.J. 35 in
Monmouth County; U.S. 130 in Gloucester County;
and N.J. 91 in Middlesex County.**

**Proposed Amendment: N.J.A.C. 16:28A-1.13, 1.25
and 1.46**

Proposed New Rule: N.J.A.C. 16:28A-1.110

Authorized By: John F. Dunn, Jr., Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

Proposal Number: PRN 1989-163.

Submit comments by May 3, 1989 to:
Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendments and new rule will establish "no stopping or standing" zones along Routes U.S. 22 in Lopatcong Township, Warren County, U.S. 130 in Westville Borough, Gloucester County, and N.J. 91 in North Brunswick Township, Middlesex County, and "no parking bus stop" zones along Route N.J. 35 in Eatontown Borough, Monmouth County, for the safe and efficient flow of traffic, the enhancement of safety, the well-being of the populace and the safe on/off loading of passengers at established bus stops.

Based upon requests from local government officials in the interest of safety, Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of "no stopping or standing" zones along Route U.S. 22 in Lopatcong Township, Warren County, U.S. 130 in Westville Borough, Gloucester County, and N.J. 91 in North Brunswick Township, Middlesex County, and "no parking bus stop" zones along Route N.J. 35 in Eatontown Borough, Monmouth County, were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.13, 1.25 and 1.46, and add new rule N.J.A.C. 16:28A-1.110, based upon the requests from local government officials and the traffic investigations.

Social Impact

The proposed amendments and new rule will establish "no stopping or standing" zones along routes U.S. 22 in Lopatcong Township, Warren County, U.S. 130 in Westville Borough, Gloucester County, and N.J. 91 in North Brunswick Township, Middlesex County, and "no parking bus stop" zones along Route N.J. 35 in Eatontown Borough, Monmouth County, for the safe and efficient flow of traffic, the enhancement of

TRANSPORTATION

PROPOSALS

safety, the well-being of the populace and the safe on/off loading of passengers at established bus stops. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "no stopping or standing" zones signs and the local governments will bear the costs for "no parking bus stop" zones signs. Motorists who violate the rules will be assessed the appropriate fine.

Regulatory Flexibility Statement

The proposed amendments and new rule do not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The amendments and new rule primarily affect the motoring public.

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

16:28A-1.13 Route U.S. 22

(a) The certain parts of State highway Route U.S. 22 described in [(a) of] this subsection shall be designated and established as "no [parking] **stopping or standing**" zones where stopping or standing is prohibited at all times [except as provided in N.J.S.A. 39:4-139].

1. through 9. (No change.)

10. No stopping of standing in Lopatcong Township, Warren County:

i. Along both sides:

(1) **For the entire length within the corporate limits including all ramps and connections under the jurisdiction of the Commissioner of Transportation except in approved designated bus stops and time limit parking areas. Signs to be posted only in areas where an official township resolution has been submitted.**

(b) (No change.)

16:28A-1.25 Route 35

(a) (No change.)

(b) The certain parts of State [Highway] **highway** Route 35 described in this subsection are 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 granted to erect appropriate signs at the following established bus stops:

1. through 12. (No change.)

13. Along the northbound (easterly) side in Eatontown Borough, Monmouth County:

i. Mid-block bus stop:

(1) **Clinton Avenue—Beginning 585 feet south of the southerly curb line of Clinton Avenue and extending 135 feet southerly therefrom.**

14. Along the southbound (westerly) side in Eatontown Borough, Monmouth County:

1. Mid-block bus stop:

(1) **Clinton Avenue—Beginning 585 feet south of the southerly curb line of Clinton Avenue and extending 135 feet southerly therefrom.**

ii. Far side bus stop:

(2) **Industrial Way—Beginning at the southerly curb line of Industrial Way and extending 105 feet southerly therefrom.**

(c) through (e) (No change.)

16:28A-1.46 Route U.S. 130

(a) The certain parts of State highway Route U.S. 130 described in this subsection are designated and established as "no stopping or standing" zones where stopping or standing is prohibited.

1. through 2. (No change.)

3. No stopping or standing in Westville Borough[;], Gloucester County:

i. Along the westerly side of Route U.S. 130 (Southbound Road):

(1) From the southerly curb line of River Drive to the northerly curb line of Summit Avenue;

(2) From the southerly curb line of Highland Avenue to the northerly curb line of Woodbine Avenue.

ii. Along the easterly side of Route U.S. 130 (Southbound Road):

(1) From a point 125 feet south of the prolongation of the southerly curb line of River Drive to the prolongation of the southerly curb line of Summit Avenue;

(2) From the southerly curb line of Highland Avenue to the function of Route 45 (Island Nose).]

i. Along both sides:

(1) **For the entire length within the corporate limits, including all ramps and connections under the jurisdiction of the Commissioner of Transportation except in approved designated bus stops and time limit parking areas. Signs to be posted only in areas where an official township resolution has been submitted.**

4. through 9. (No change.)

(b) through (c) (No change.)

16:28A-1.110 Route 91

(a) **The certain parts of Route 91 described in this subsection are designated and established as "no stopping or standing" zones where stopping or standing is prohibited.**

1. No stopping or standing in North Brunswick Township, Middlesex County:

i. Along both sides:

(1) **For the entire length within the corporate limits including all ramps and connections under the jurisdiction of the Commissioner of Transportation except in approved designated bus stops and time limit parking areas. Signs to be posted only in areas where an official township resolution has been submitted.**

(a)

TRANSPORTATION OPERATIONS

Turns

Routes N.J. 17 in Bergen County

Proposed New Rule: N.J.A.C. 16:31-1.27

Authorized By: John F. Dunn, Jr., Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-123 and 39:4-183.6.

Proposal Number: PRN 1989-151.

Submit comments by May 3, 1989 to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed new rule will establish "no right turn" movements along Route 17 in Rutherford Borough, Bergen County, for the safe and efficient flow of traffic, the enhancement of safety, the well-being of the populace.

Based upon a request from local government officials in the interest of safety, the Department's Bureau of Traffic Engineering and Safety Programs conducted a traffic investigation. The investigation proved that the establishment of no right turn along Route 17 in the areas depicted in Rutherford Borough, Bergen County, was warranted.

The Department therefore proposes new rule N.J.A.C. 16:31-1.27 based upon the request from local government officials and traffic investigation.

Social Impact

The proposed new rule will establish "no right turn" movements along Route 17 in Rutherford Borough, Bergen County, for the safe and efficient flow of traffic, the enhancement of safety and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local government will incur direct and indirect costs of mileage, personnel and equipment requirements. The Department will bear the costs for the installation of no right turn signs. Motorists who violate the rule will be assessed the appropriate fine.

Regulatory Flexibility Statement

The proposed new rule does not place any bookkeeping, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rule primarily affects the motoring public.

Full text of the new rule follows:

16:31-1.27 Route 17

(a) Turning movements of traffic on the parts of State highway Route 17 described in this subsection are regulated as follows:

1. In Rutherford Borough, Bergen County:

i. Between the hours of 4:00 P.M. and 6:00 P.M., except on Saturdays, Sundays and State holidays, no person shall make a right turn at any of the following locations:

(1) South on Route 17 (Ramp "T");

(A) West on Crane Avenue.

(B) West on Nevins Street.

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS

**State Health Benefits Program
Coverage; Dependents**

Proposed New Rule: N.J.A.C. 17:9-2.18

Proposed Amendment: N.J.A.C. 17:9-3.1

Authorized By: State Health Benefits Commission, Douglas R. Forrester, Secretary.

Authority: N.J.S.A. 52:14-17.27.

Proposal Number: PRN 1989-160.

Submit comments by May 3, 1989 to:

Peter J. Gorman
Administrative Practice Officer
Division of Pensions
20 West Front Street
CN 295
Trenton, N.J. 08625

The agency proposal follows:

Summary

The purpose of this proposed new rule is to provide new requirements for continuation of coverage for disabled children beyond the age limit for coverage of children. Coverage for children normally ends on December 31 of the year in which they attain age 23. The law authorizes the Commission to establish rules to provide for extension of coverage for an employee or dependent who is totally disabled at termination of coverage. The contracts with the carriers under the program, which have been adopted by reference as part of the rules of the Commission, have provided for continuation of coverage when a child is incapable of self-sustaining employment because of mental retardation or physical handicap. In a recent decision, *G.B. v. State Health Benefits Commission*, 222 N.J. Super. 83 (App. Div. 1988), the Appellate Division held that the Commission could not limit continuation of coverage for disabled children to only children disabled because of mental retardation or physical, and exclude children who are disabled because of mental illness.

The proposed new rule would make continuation of coverage available to any child covered as dependent under the program who is unable to engage in any substantial gainful activity because of any medically determinable mental or physical impairment if the disability occurs before age 23 and is reasonably expected to be permanent. The child could be required to submit to examinations by physicians or other licensed medical practitioners designated by the program to establish eligibility for continuation of coverage. Submission of Social Security Administration determinations relative to the disability of a child and any other information the program deems necessary may be required. If continuation of coverage is denied by the Commission, a child could continue in the program if the employee contests the denial and pays the premium for individual coverage for the child until a final decision is rendered. The premiums would be refunded if the final decision is that the child is eligible for continuation of coverage.

The proposed amendment to N.J.A.C. 17:9-3.1 deletes a provision concerning when a determination of disability should be made because it is no longer applicable under the law and contracts.

Social Impact

The proposed new rule will be beneficial to all participants in the State Health Benefits Program because it will expand the category of disabled children who will be eligible for continuation of coverage beyond age 23. Fortunately, the incidence of total disability of children of members which requires continued support and maintenance of children by members after age 23 is relatively small. However, the proposed rule will provide the assurance for the members that if their children do become totally disabled because of physical or mental impairment, health care coverage will be available to them through the program.

Economic Impact

The proposed new rule will not have any significant economic impact on the program. It provides only a small addition to the category of disabled children eligible for continuation of coverage. The addition would be children totally and permanently disabled because of mental illness. There are limits on the mental health services provided by the program.

Regulatory Flexibility Statement

The rules of the State Health Benefits Commission affect only public employers and employees. Thus, the proposed new rule and amendment will not have any effect upon small businesses or private industry in general. Therefore, a regulatory flexibility analysis is not required.

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

17:9-2.18 Continuation of coverage; disabled children

(a) Coverage for a child covered as a dependent will continue after the age limit for coverage for children, if:

1. The child is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment and the disability is reasonably expected to be permanent;

2. The disability occurs before age 23; and

3. The child is otherwise eligible for dependent coverage.

(b) The coverage will not continue under (a) above unless the employee submits proof satisfactory to the program of the child's disability before the coverage terminates.

(c) The program may require a child to be examined by a physician or other licensed medical practitioner designated by the program to establish eligibility for continuation of coverage. The program may require additional examinations after an initial determination of eligibility at reasonable intervals, but not more than once a year during the first five years after the date of the initial determination, and not more than once every two years thereafter.

(d) The program may accept but is not bound by any determination of the Social Security Administration relative to the disability of a child. The program may require submission of any determination by the Social Security Administration relative to the disability of a child or any other information it deems necessary to determine the eligibility of a child for continuation of coverage.

(e) If a child fails to submit to an examination required by the program, or any information required by the program is not submitted, coverage for the child will be discontinued until the child submits to the examination or the information is submitted.

(f) Coverage for a child denied continuation of coverage will continue if the employee contests the determination and pays the premium for individual coverage for the child. The coverage will continue until a final decision on the matter is rendered by the Commission or a court and the last day for an appeal has expired. If the decision is that the child is entitled to continuation of coverage, the premiums paid for individual coverage will be refunded by the program.

17:9-3.1 Dependents and children defined

(a) (No change.)

[(b) The determination as to the continuation of certain mentally retarded or physically handicapped children will be made before they attain age 23 rather than before they attain age 19, as given in the general statute.]

(a)

DIVISION OF PENSIONS**State Health Benefits Program****Ten-Month Employees; Enrolling Dependents****Proposed Amendment: N.J.A.C. 17:9-2.4 and 5.11**

Authorized By: State Health Benefits Commission, Patricia A. Mastrocola, Acting Secretary.

Authority: N.J.S.A. 52:14-17.27.

Proposal Number: PRN 1989-159.

Submit comments by May 3, 1989 to:

Peter J. Gorman, Esq.
Administrative Practice Officer
Division of Pensions
20 West Front Street
CN 295
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 17:9-5.11 will permit 10-month eligible employees whose employment resumes in September to enroll eligible dependents within 60 days of the qualifying event (for example, birth or adoption). If any part of that 60-day waiting period should occur during July and August, the period will be extended on a day for day basis up to a maximum of 60 days after the employee resumes work in September.

The proposed amendment to N.J.A.C. 17:9-2.4 is merely to include an informational reference to proposed N.J.A.C. 17:9-5.11(c), and to make technical changes.

Social Impact

These amendments will benefit eligible employees who work a 10-month year in their positions who wish to enroll eligible dependents in the State Health Benefits Program, since the enrollment opportunity based on qualifying events in July and August is clarified.

Economic Impact

These amendments will not have any significant adverse effect upon the persons affected by the amendments or the State Health Benefits Program, as it clarifies the Division's position in the circumstances addressed. The allowance of enrollment proposed will have only an insignificant economic impact on the Program itself.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because these amendments do not impose reporting, recordkeeping or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Pensions only impact upon public employers and/or employees, these amendments will not have any effect upon small business or private industry in general.

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

17:9-2.4 Coverage changes; exceptions

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

(c) An employee who wishes to change his or her enrollment and the enrollment of his or her eligible dependents for any of the reasons included in [subsection] (a) [of this section] **above** but who has failed to complete and forward the required enrollment form within the time limits which have been prescribed, may effect such change of enrollment only during the annual enrollment period. **For provisions governing coverages and charges for 10-month employees, see N.J.A.C. 17:9-5.11(c).**

7:9-5.11 Charges and coverage; 10-month employees

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

(c) **A 10-month employee whose employment resumes in September may enroll eligible dependents within 60 days of the qualifying event. Should any part of the 60-day period occur during July and August, that period will be extended day for day up to 60 days after the employee resumes work in September.**

(b)

DIVISION OF PENSIONS**State Health Benefits Program****Termination Conversion Rights; Effective Dates****Proposed Amendment: N.J.A.C. 17:9-7.2**

Authorized By: State Health Benefits Commission, Patricia A. Mastrocola, Acting Secretary.

Authority: N.J.S.A. 52:14-17.27.

Proposal Number: PRN 1989-158.

Submit comments by May 3, 1989 to:

Peter J. Gorman, Esq.
Administrative Practice Officer
Division of Pensions
20 West Front Street
CN 295
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 17:9-7.2 will permit a retired employee or surviving spouse who voluntarily discontinues health benefits coverage due to a return to covered public employment to reenroll in the State Health Benefits Program upon termination of the covered public employment.

Social Impact

This amendment will benefit retired public employees or surviving spouses of public employees who return to public employment, as it clarifies Division policy regarding reenrollment in the State Health Benefits Program after termination of covered public employment, commenced subsequent to retirement and coverage under the Program.

Economic Impact

The proposed amendment will economically benefit those previously covered under the State Health Benefits Program who voluntarily discontinued such coverage due to a return to covered public employment. After termination of the "second" employment, reenrollment in the Program will be permitted. This amendment is a clarification and codification of current Division policy.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because this proposed amendment does not impose reporting, recordkeeping or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Since the rules of the Division of Pensions only impact upon public employers and/or employees, this amendment will not have any effect upon small business or private industry in general.

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

17:9-7.2 Termination conversion rights; effective dates

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

(c) The reasons for termination of eligibility are as follows:

1.-5. (No change.)

6. A retired employee or surviving spouse who voluntarily discontinues coverage because of a return to covered public employment, may reenroll in the State Health Benefits Program upon termination of the covered public employment.

(a)

**OFFICE OF THE STATE TREASURER
COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES,
LOCAL FINANCE BOARD**

Collection of Debts

**Debts Owed to New Jersey Higher Education
Assistance Authority by State, County, and
Municipal Employees**

Proposed Readoption: N.J.A.C. 17:25

Authorized By: Feather O'Connor, State Treasurer, and Barry Skokowski, Chairman, Local Finance Board.

Authority: N.J.S.A. 18A:72-23, 24, 25 and 25.2; N.J.S.A. 52:18A-30; 52:27BB-10.

Proposal Number: PRN 1989-165.

Submit comments by May 3, 1989 to:
Stephen M. Sylvester, Manager
Administration/Debt Collection
Office of Financial Management
One West State Street, 3rd Floor
CN 214
Trenton, N.J. 08625

The agency proposal follows:

Summary

Pursuant to Executive Order 66(1978), N.J.A.C. 17:25 is scheduled to expire on June 18, 1989. The Office of the State Treasurer and Department of Community Affairs, Local Government Services has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The Office of the State Treasurer and Department of Community Affairs, Division of Local Government Services, Local Finance Board jointly propose to readopt the current rules without change and to extend the expiration date for the rules to June 18, 1994. The rules within N.J.A.C. 17:25 provide a system whereby the New Jersey Higher Education Assistance Authority (N.J.H.E.A.A.), and the Department of the Treasury cooperate in identifying State of New Jersey employees who are delinquent in payments to the N.J.H.E.A.A. on any note held pursuant to N.J.S.A. 18A:72-16. The rules also establish procedures for deducting from the wages of such State employees the sum of any such debt owed to the New Jersey Higher Education Assistance Authority. The procedures stated in the rules allow the State employee the opportunity to assert any legal rights he or she may have, prior to the deduction from the wages.

On October 17, 1988 at 20 N.J.R. 2537(b), amendments to N.J.A.C. 17:25 were proposed in accordance with P.L. 1986, c.12. The amendments extended the deduction from the wages of State employees to include the deduction from the wages of county and municipal employees the sum of any such debt owed to the New Jersey Higher Education Assistance Authority. The Office of the State Treasurer and the Department of Community Affairs, Division of Local Government Services, Local Finance Board established guidelines concerning the procedures and methods to be employed by the local governmental units. The procedures require, prior to collections, a notice be given to the affected employee and an opportunity for a hearing. There were no comments received from county and municipal employees during the review period and the amendment was adopted without change on November 30, 1988 at 21 N.J.R. 30(a).

Social Impact

The readopted rules will provide for the deduction by the Department or the Chief Financial Officer of 10 percent of the gross wages of those State, county and municipal employees who are delinquent in payments to the New Jersey Higher Education Assistance Authority. These deductions will be forwarded to N.J.H.E.A.A. and applied to the loan accounts of the affected State, county or municipal employee.

Economic Impact

Any State, county or municipal employee who is delinquent in his or her payments to the New Jersey Higher Education Assistance Authority on educational loans will have his or her payroll checks decreased, possibly by the amount of the outstanding debt. This will assist and accelerate the collection of debts owed to the New Jersey Higher Education Assistance Authority.

Regulatory Flexibility Statement

Because the readopted rules would not affect small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., a regulatory flexibility analysis is not required. These rules affect government entities and their employees.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 17:25.

OTHER AGENCIES

(b)

**NEW JERSEY SPORTS AND EXPOSITION
AUTHORITY
GENERAL REGULATIONS**

Proposed New Rules: N.J.A.C. 19:20-2

Authorized By: The New Jersey Sports and Exposition Authority,
Robert E. Mulcahy, III, President.

Authority: N.J.S.A. 5:10-5(1).

Proposal Number: PRN 1989-153.

Submit comments by May 3, 1989 to:
Robert E. Mulcahy, III, President
New Jersey Sports and Exposition Authority
P.O. Box C200
East Rutherford, New Jersey

The agency proposal follows:

Summary

The purpose of the proposed new rules is to provide guidelines and criteria, as well as a mechanism for the enforcement of such guidelines and criteria, to enable the New Jersey Sports and Exposition Authority to ensure and protect to the maximum extent possible against (1) the disruption of the operations of the Authority in its presentation of sporting and other entertainment events to the general public; (2) the infringement of the rights of patrons, and the increased risk of danger to the safety and security of patrons attending such sporting and entertainment events at the facilities operated by the Authority as a result of the possession or use by other patrons of illegal or inherently dangerous substances or objects; and (3) to provide for the exclusion or removal from the facilities operated by the Authority of persons violating these rules and guidelines.

The proposed rules specify the substances and other objects which are either prohibited upon the property of, or within any of the facilities operated by, the Authority, or which are otherwise subject to limitations and control by the Authority upon its property and within its facilities. The proposed rules provide a procedure and mechanism for ensuring compliance with, and the enforcement of, the rules prohibiting the possession of certain substances and objects, including a procedure for the requesting of consent to the visual inspection of any patron (and of packages or containers in their possession) who has either gained entrance to or is seeking admission to any facility operated by the Authority. The proposed rules also specify the basis upon which patrons may be excluded or removed from the property and facilities of the Authority for violation of the proposed rules, and also provide a procedure for the affording of notice of the proposed rules to all patrons. The procedures, guidelines and criteria contained in the proposed rules are intended to reflect and incorporate existing case law governing the obligation of the Authority to provide for the policing and the security of its facilities so as to ensure the safe and lawful enjoyment of such facilities by its patrons.

Social Impact

The proposed new rules will have a beneficial social impact upon patrons who have purchased tickets and who attend athletic contests, horse racing and other spectator sporting and entertainment events conducted at the facilities operated by the New Jersey Sports and Exposition Authority. The proposed rules will enhance the ability of the Authority, consistent with present practice, to ensure to the maximum extent possible the safe enjoyment of its facilities by its patrons by limiting the ability of patrons to enter the facilities of the Authority with substances or objects which are either illegal, inherently dangerous or inappropriately possessed or used at sporting or entertainment events. The proposed rules will also provide a mechanism, consistent with present practice, and in conformity with case law, to ensure compliance by patrons with the proposed rules by means of consensual visual inspections by Authority

OTHER AGENCIES

PROPOSALS

employees and, where appropriate, the removal or exclusion of persons violating such rules. The proposed rules will benefit and protect patrons and other individuals in attendance at sporting and entertainment events conducted at the facilities operated by the Authority by generally ensuring the creation and maintenance of a safe and appropriate environment for the conducting of, and the attendance at, sporting and other entertainment events.

Economic Impact

The proposed rules will have no direct economic impact or effect upon the public at large or upon patrons attending sporting or entertainment events at any of the facilities operated by the Authority. The proposed rules will have no economic impact upon the Authority.

Regulatory Flexibility Statement

The proposed rules do not require a regulatory flexibility analysis since the proposed rules do not impose any requirements upon small businesses, as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Full text of the proposal follows:

SUBCHAPTER 2. GENERAL REGULATIONS

19:20-2.1 Definitions

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

"Alcoholic beverage" means any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcohol content of more than one-half of one per centum (1/2 of 1%) by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes or any mixture of the same, and fruit juices.

"Firearm" means any hand gun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectible ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any device which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

"Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.

"Illegal substances" means any drug or substance identified or listed in N.J.S.A. 24:21-1 et seq., the New Jersey Controlled Dangerous Substances Act, the possession or use of which is prohibited by or is violative of any applicable law, including, but not limited to, the provisions of N.J.S.A. 2C:1-1 et seq., the New Jersey Code of Criminal Justice, and, specifically, the provisions of N.J.S.A. 2C:35-1 et seq., the Comprehensive Drug Reform Act of 1987.

19:20-2.2 Firearms prohibited

The possession, use, display or discharge of any firearms, other weapons or fireworks of any type, except by persons authorized by the New Jersey Sports and Exposition Authority or required by law, is prohibited on any property owned or maintained by the Authority (including, but not limited to, parking areas and all facilities of the Authority open to the public).

19:20-2.3 Possession of alcoholic beverages and illegal substances prohibited

(a) No person shall be admitted to any property maintained by the Authority (including, but not limited to, parking areas and all facilities of the Authority open to the public) with any of the following in his or her possession:

1. Alcoholic beverages of any kind, unless expressly authorized by the Authority;

2. Food or beverages of any kind, whether or not contained in any package, can, bottle, cooler, box, flask, thermos bottle, bag or container of any description, unless expressly authorized by the Authority;

3. Any substance, the possession or use of which is illegal or prohibited by applicable law, including, but not limited to, applicable statutes and regulations of the State of New Jersey and of the United States;

4. Unless expressly authorized by the Authority, all cameras, audio and visual equipment and recording devices; or

5. Any object which is inherently dangerous to either person or property or which may be used as a projectile or in any other manner dangerous to either person or property.

19:20-2.4 Visual inspections by Authority personnel

(a) To effectuate compliance with N.J.A.C. 19:20-2.2 and 2.3 above, the Authority, through its employees and agents, shall have the right, with the consent of any person who is seeking admission to any property owned or maintained by the Authority (including, but not limited to, parking areas and all facilities of the Authority open to the public), to request permission to conduct a visual inspection of any person, as well as all packages, cans, bottles, coolers, boxes, flasks, thermos bottles, bags or containers of any description in the possession of any person. Any person shall have the right to refuse any such requested inspection, provided, however, that such refusal shall be grounds to prohibit the admission of the person to any property owned or maintained by the Authority (including, but not limited to, parking areas and all facilities of the Authority open to the public).

(b) To effectuate compliance with N.J.A.C. 19:20-2.2 and 2.3 above, the Authority, through its employees and agents, shall have the right, with the consent of any person who has gained admission to any property owned or maintained by the Authority (including, but not limited to, parking areas and all facilities of the Authority open to the public), to request permission to conduct a visual inspection of any person, as well as all packages, cans, bottles, coolers, boxes, flasks, thermos bottles, bags or containers of any description in the possession of any person. Any person shall have the right to refuse any such requested inspection, provided, however, that such refusal, and the existence of a clear and articulable basis upon which to believe that the person possesses anything prohibited by N.J.A.C. 19:20-2.2 and 2.3, shall be grounds to remove and exclude the person from any property owned or maintained by the Authority (including, but not limited to, parking areas and all facilities of the Authority open to the public).

(c) All persons who are seeking admission to any property owned or maintained by the Authority (including, but not limited to, parking areas and all facilities of the Authority open to the public) or who have gained admission to any such property shall be subject to all of the provisions of (a) and (b) above.

19:20-2.5 Trespassing, solicitation or distribution

No person shall be admitted to any property maintained by the Authority including, but not limited to, parking areas and all facilities of the Authority open to the public except for patrons of scheduled events, Authority employees and any other individual authorized by the Authority. Loitering, soliciting, selling of goods or merchandise and the distribution of pamphlets, literature or other items is prohibited unless expressly authorized by the Authority.

19:20-2.6 Notice

To effectuate compliance with N.J.A.C. 19:20-2.2 through 2.5 above, the Authority shall give appropriate notice of the terms and conditions of N.J.A.C. 19:20-2.2 through 2.5. Said notice shall include, but not be limited to, the prominent display of signs appropriately placed at all entrances to, as well as throughout, the property owned or maintained by the Authority, which notices shall contain an appropriate summary of the terms and conditions of N.J.A.C. 19:20-2.2 through 2.5. In addition to the foregoing form of notice, the Authority shall give notice of the terms and conditions of N.J.A.C. 19:20-2.2 through 2.5 on all admission tickets as well as by appropriate public address system announcements.

RULE ADOPTIONS**ADMINISTRATIVE LAW****(a)****OFFICE OF ADMINISTRATIVE LAW****Uniform Administrative Procedure Rules
Discovery; Requests for Admissions****Adopted Amendment: N.J.A.C. 1:1-10.4**

Proposed: November 21, 1988 at 20 N.J.R. 2845(b).

Adopted: March 9, 1989 by Jaynee LaVecchia, Director, Office of Administrative Law.

Filed: March 10, 1989 as R.1989 d.190, **without change**.

Authority: N.J.S.A. 52:14F-5(e), (f) and (g).

Effective Date: April 3, 1989.

Expiration Date: May 4, 1992.

Summary of Public Comments and Agency Responses:

The Office of Administrative Law (OAL) received two comments, from Donald Bunda, Esq. of Kirsten, Simon, Friedman, Allen, Cherin & Linken of Newark, and Anthony Tozzi, administrative practice officer for the New Jersey Housing and Mortgage Finance Agency. Both commenters were concerned that the 15-day deadline for responding to requests for admissions would be too short and suggested expanding the time frame to 30 days. The OAL believes that 15 days is sufficient for most administrative proceedings. Public policy favors short time frames in administrative hearings in order to expedite the process. Other discovery deadlines in the OAL rules are based on 15 days. Therefore, the OAL did not want to create a longer time frame for responding to requests for admissions. The OAL continues to believe that attorneys litigating contested cases must be prepared to proceed expeditiously.

The commenters were especially concerned about the effect of the rule in complex matters with a large number of discovery requests and in matters involving agencies headed by boards which meet only once a month. While a 15-day time frame may be too short in some of these situations, the OAL rules permit the judge to relax deadlines when relaxation would be in the interest of fairness and justice (see N.J.A.C. 1:1-1.3(b)). Parties who cannot comply with the 15-day deadline may ask the judge to extend the time.

Mr. Bunda also suggested that the receiving party be permitted to respond to a request for admissions with a schedule for reasonable compliance. The OAL decided not to add this because, again, the rules already permit the judge to extend time frames when necessary. If necessary, the judge could extend the deadline for responding to a request for admissions so that a party could acquire the information needed to admit or deny the request.

The amended rule was adopted as proposed.

Full text of the adoption follows.

1:1-10.4 Time for discovery; relief from discovery; motions to compel.

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

(c) No later than 15 days from receipt of a notice requesting discovery, the receiving party shall provide the requested information, material or access or offer a schedule for reasonable compliance with the notice; or, in the case of a notice requesting admissions, each matter therein shall be admitted unless within the 15 days the receiving party answers, admits or denies the request or objects to it pursuant to N.J.A.C. 1:1-10.4(d).

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

(b)**OFFICE OF ADMINISTRATIVE LAW****Special Hearing Rules****Division of Consumer Affairs Lemon Law Hearings****Adopted New Rules: N.J.A.C. 1:13A**

Proposed: January 17, 1989 at 21 N.J.R. 91(a).

Adopted: March 9, 1989 by Jaynee LaVecchia, Director, Office of Administrative Law.

Filed: March 10, 1989 as R.1989 d.189, **without change**.

Authority: N.J.S.A. 52:14F-5(e), (f) and (g).

Effective Date: April 3, 1989.

Expiration Date: April 3, 1994.

Summary of Public Comments and Agency Responses:

COMMENTS: The Office of Administrative Law (OAL) received three comments on the proposed new rules, from the Motor Vehicle Manufacturers Association of the United States, Inc., General Motors Corp., and the Automobile Importers of America, Inc. All three suggested that the proposed rules be amended to permit auto manufacturers involved in Lemon Law hearings to be represented by persons other than attorneys. The commenters stated that mandatory representation by attorneys is inconsistent with the intended informality of the Lemon Law process and that it might impede expeditious settlements.

RESPONSE: The proposed Lemon Law rules do not specifically require representation by attorneys, but the Uniform Administrative Procedure Rules also apply. Under N.J.A.C. 1:1-5.1, corporations must be represented by attorneys. There is an exception for close corporations under N.J.A.C. 1:1-5.4, the rule that permits non-lawyer representation in certain situations listed by the New Jersey Supreme Court in R. 1:21-1(e). Therefore, the commenters correctly conclude that corporate parties in Lemon Law hearings must be represented by attorneys.

The OAL does not believe it can add a provision to the Lemon Law rules permitting non-lawyers to represent auto manufacturers because that would violate R. 1:21-1(e). The Court Rule in effect excepts only certain non-lawyer representatives from unauthorized practice charges. Allowing manufacturers to be represented by non-lawyers would constitute the unauthorized practice of law. Therefore, the OAL has decided to adopt the new rules as proposed.

However, there is a partial solution for the auto manufacturers in the OAL rules. N.J.A.C. 1:1-5.6(b) permits corporations which choose not to be represented at a hearing by an attorney to proceed at the hearing through witnesses or documents. In cases where the manufacturer believes its position can be fully articulated by documents, it may seek permission to present its case solely by submitting documents. Any witnesses appearing under N.J.A.C. 1:1-5.6(b) may testify, ask questions through the judge, make statements in response to other testimony and present documents. The witness may also examine or cross-examine other witnesses with the judge's permission. Corporations must obtain approval for this process before the hearing begins. The OAL has responded to the commenters that they should consider utilizing this process or applying to the Supreme Court for an amendment to R. 1:21-1(e). N.J.A.C. 1:1-5.6 will not solve all of the manufacturers' concerns, but it should relieve the manufacturers of the necessity of being represented by an attorney at every hearing.

Full text of the adoption follows.

CHAPTER 13A
DIVISION OF CONSUMER AFFAIRS
LEMON LAW HEARINGS

SUBCHAPTER 1. APPLICABILITY**1:13A-1.1 Applicability**

The special rules in this chapter shall apply to matters transmitted to the Office of Administrative Law (OAL) by the Division of Consumer Affairs (Division) wherein a consumer of a motor vehicle seeks a refund or replacement of the vehicle from a manufacturer under the provisions of the New Jersey Lemon Law, P.L. 1988, c.123, §21.

ADMINISTRATIVE LAW**ADOPTIONS**

These special rules must be read in conjunction with the Division of Consumer Affairs' rules on dispute resolution at N.J.A.C. 13:45A-26.1 through 26.17. Any aspect of the OAL hearing not covered by these special hearing rules shall be governed by the Uniform Administrative Procedure Rules (U.A.P.R.) contained in N.J.A.C. 1:1. To the extent that these special rules are inconsistent with the U.A.P.R., these rules shall apply.

SUBCHAPTERS 2-7. (RESERVED)**SUBCHAPTER 8. FILING AND TRANSMISSION OF CONTESTED CASES IN THE OFFICE OF ADMINISTRATIVE LAW****1:13A-8.1 Agency filing with the Office of Administrative Law**

Immediately after accepting a consumer's application for dispute resolution under N.J.A.C. 13:45A-26.10(c), the matter shall be transmitted to the Office of Administrative Law. The division shall not attempt to settle the case before transmitting the matter to the OAL.

SUBCHAPTER 9. SCHEDULING; CLERK'S NOTICES; ADJOURNMENTS; INACTIVE LIST**1:13A-9.1 Scheduling of summary proceedings**

(a) Upon acceptance of a consumer's application for dispute resolution, the Division and the Office of Administrative Law shall immediately arrange a summary hearing date which, to the greatest extent possible, shall be convenient to all parties. Unless the consumer agrees to a later date, the summary hearing shall be no later than 20 days from the date of acceptance of the consumer's application.

(b) Cases shall be scheduled for an in-person summary hearing unless the consumer requests a proceeding on the papers in the application for dispute resolution (N.J.A.C. 13:45A-26.7) and the manufacturer consents to proceeding on the papers in its response, required by N.J.A.C. 13:45A-26.10(f).

(c) The proceeding on the papers shall be based upon the application, the manufacturer's response and whatever additional documents may be required by the judge.

1:13A-9.2 Clerk's notices

The Clerk shall send a written notice of filing and summary hearing to each party.

SUBCHAPTER 10. DISCOVERY**1:13A-10.1 Discovery**

(a) The consumer's application for dispute resolution, the required attachments and the manufacturer's response shall be provided as specified by N.J.A.C. 13:45A-26.10(b) and (f).

(b) No other discovery shall be permitted.

SUBCHAPTER 11. SUBPOENAS**1:13A-11.1 Subpoenas**

(a) Subpoenas may be issued by the Clerk of the OAL or a judge or pro se parties, attorneys-at-law or non-lawyer representatives, if any, in the name of the Clerk to compel the attendance of a person to testify or to produce books, papers, documents or other objects at a hearing or a deposition.

(b) In all other respects, the procedures for issuance, service, challenge and enforcement of subpoenas set forth in N.J.A.C. 1:1-11.1 through 11.5 shall apply.

SUBCHAPTER 12. MOTIONS**1:13A-12.1 Limitations on prehearing motions**

Except for a motion for adjournment to which the consumer has consented, a party may not file any motion before the scheduled date of hearing.

SUBCHAPTER 13. PREHEARING CONFERENCES AND PROCEDURES**1:13A-13.1 Prehearing conferences**

Prehearing conferences will not be scheduled in any proceeding conducted under this chapter.

SUBCHAPTER 14. CONDUCT OF CASES**1:13A-14.1 Failure to appear**

(a) If a party fails to appear at any proceeding scheduled by the Clerk or judge, the judge shall hold the matter for 10 days before taking action. If the judge does not receive an explanation for the non-appearance within 10 days, the judge may take any of the following actions depending on the circumstances:

1. If the consumer failed to appear, the judge shall issue an initial decision dismissing the matter and denying the requested relief.

2. If both parties failed to appear, the judge shall issue an initial decision dismissing the matter and denying the requested relief.

3. If the manufacturer failed to appear, the judge shall issue an initial decision granting appropriate relief after reviewing the documents and, if necessary, requiring further proof to determine the amount due.

(b) If the judge receives an explanation for either party's non-appearance, the provisions of N.J.A.C. 1:1-14.4(a) shall apply.

1:13A-14.2 Conduct of hearing

(a) Except as modified by N.J.A.C. 1:13A-14.3, the hearing shall be conducted pursuant to the provisions of N.J.A.C. 1:1-14.7(a) through (e).

(b) There shall be no proposed findings of fact, conclusions of law, briefs, forms of order or other posthearing submissions permitted after the final argument except if permitted by the judge for good cause. In no event shall the submission of posthearing documents extend the 15 days permitted for issuing an initial decision.

1:13A-14.3 Burden of producing evidence

The consumer shall first present his or her evidence. The manufacturer may then present any contradictory evidence or argument and affirmative defenses as set forth in the statute.

1:13A-14.4 Proof of fees and costs

(a) At the hearing, the consumer shall present proof of any costs incurred in preparing for the hearing. If the consumer is represented, the consumer's attorney shall also present a certified statement of fees to date and a statement of the hourly rate or other fee for appearing at the hearing.

(b) A prevailing consumer may be awarded the following fees and costs: reasonable attorney fee, filing fee, fees for reports prepared by expert witnesses or for the appearance and testimony of expert witnesses.

SUBCHAPTERS 15-17. (RESERVED)**SUBCHAPTER 18. INITIAL DECISION; EXCEPTIONS; FINAL DECISION; REMAND; EXTENSIONS OF TIME LIMITS****1:13A-18.1 Initial decisions**

(a) An initial decision shall be issued in writing no later than 15 days from the conclusion of the hearing.

(b) The initial decision shall include a caption; date record closed; appearances by the parties and representatives, if any; statement of the case; brief summary of findings of fact and conclusions of law and reasons therefore; appropriate remedies, and specific dates for completion of all awarded remedies; and, if the decision concludes that the consumer is the prevailing party, an award of reasonable attorney's fees and other costs.

(c) Within four days after the initial decision is filed with the agency head, the Clerk shall certify the entire record with original exhibits to the agency head.

1:13A-18.2 Exceptions; replies

No exceptions or replies to the initial decision shall be permitted.

1:13A-18.3 Final decision

The Director of the Division of Consumer Affairs shall issue a final decision which shall adopt, reject or modify the initial decision no later than 10 days from receipt of the initial decision. Unless a final decision is issued within the 10 day period, the initial decision shall be deemed adopted as the final decision and the requirements and penalties of N.J.A.C. 13:45A-26.12(c) and (d) and N.J.A.C. 13:45A-26.13 shall apply.

1:13A-18.4 Extensions of time limits

Time limits for filing an initial decision and for issuing a final decision shall not be extended.

SUBCHAPTER 19. SETTLEMENTS AND WITHDRAWALS

1:13A-19.1 Settlements

If a case is settled, the settlement shall indicate whether attorney's fees and other costs will be paid by the manufacturer to the consumer or whether such fees and costs have been waived by the consumer.

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Relocation Assistance and Eviction

Readoption with Amendments: N.J.A.C. 5:11

Proposed: February 6, 1989 at 21 N.J.R. 231(b).

Adopted: March 9, 1989, by Anthony M. Villane, Jr., D.D.S.,
Commissioner, Department of Community Affairs.

Filed: March 10, 1989 as R.1989 d.188, **without change**.

Authority: N.J.S.A. 2A:18-61.1, 20:4-10 and 52:31B-10.

Effective Date of Readoption: March 10, 1989.

Effective Date of Amendments: April 3, 1989.

Expiration Date: March 10, 1994.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:11.

Full text of the amendments follows:

5:11-2.1 Building, housing and health code enforcement

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

(d) No person displaced by code enforcement shall be eligible for benefits if the code violation which resulted in displacement was primarily caused by that person's own conduct and not by factors for which the owner is liable under N.J.S.A. 20:4-4.1.

1. (No change.)

5:11-2.2 Programs of acquisition

(a) Whenever any State Agency (except the New Jersey Department of Transportation), unit of local government or publicly funded entity acquires real property that causes the displacement of people, businesses, or farm operations, the said State Agency, unit of local government or publicly funded entity shall provide relocation payments and assistance as provided in N.J.A.C. 5:11-3 and 4; provided, however, that if any acquisition of real property is made using funds provided by any Federal agency, all relocation payments shall be made in accordance with any applicable Federal regulations that provide for a higher level of benefits.

(b)-(c) (No change.)

5:11-3.1 Relocation payments generally

(a) (No change.)

(b) Claims for relocation assistance must be filed within 12 months of the date of permanent resettlement.

5:11-3.3 Emergency relocation

In the event a displacing agency causes a displacement that requires emergency relocation, the displacing agency shall provide a lump sum payment of such amount as may be needed so that the displacee may obtain living quarters until permanently relocated. This payment shall be available immediately upon the displacement and shall be charged against the total amount payable in accordance with the statute.

5:11-3.5 Rental assistance payments

(a) A family or an individual lawfully occupying a rental dwelling unit for a period of not less than 90 days prior to the eligibility date as specified who vacates the rental dwelling unit after receiving governmental notice to vacate and who rents and occupies comparable decent, safe and sanitary replacement housing shall be eligible for a rental assistance payment in an amount not to exceed \$4,000 or such higher amount as may be established by statute.

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

5:11-3.9 Moving expenses of businesses

(a) A relocation payment for moving expenses of a business shall be limited to the following items, as applicable:

1.-2. (No change.)

3. The actual reasonable and necessary cost of reconnecting utility service to machinery and equipment, including, without limitation, the cost incurred in adapting or converting relocated machinery or equipment to use a different type of power supply, to the extent that these services were required in the former location. Expenses incurred in providing utility service from the right-of-way to the building or improvements are excluded.

4. The actual reasonable and necessary cost incurred for any physical changes in or to an existing building to which a building relocates in order to accommodate the machinery and equipment relocated. Physical changes beyond those necessary to accommodate the machinery and equipment and which enhance the property's value are excluded, as are changes necessary to meet code requirements except when necessary to install specific equipment moved from the former location. The amount incurred shall not exceed the fair market value of the machinery and equipment requiring the physical change. In the event the cost does exceed the fair market value of the machinery and equipment, the displacing agency shall then be responsible to pay only the fair market value.

5:11-3.12 Payment in lieu of moving and related expenses

(a) The owner of a displaced business may receive an in lieu of moving and related expenses payment equal to the average net income for the last two years, but not less than \$2,500 nor more than \$10,000.

1. A person whose sole business at the displacement location is the rental of the property to others, or the owner of an outdoor advertising display at the displacement location, shall not qualify for a payment under this section.

(b) In order for an applicant to be eligible for an in lieu payment, the displacing agency shall determine that:

1.-3. (No change.)

(c) (No change.)

5:11-4.4 Providing housing

(a) Whenever an individual is eligible for relocation payments and assistance, a displacing agency may, at its discretion, directly provide decent, safe and sanitary units, whether subsidized or not, that are not less desirable than the unit from which the displacee is displaced. In the event the displacee unreasonably rejects the housing so offered, the duty of the displacing agency to provide assistance is ended.

(b) Any displacing agency that terminates assistance pursuant to (a) above shall notify the displacee in writing of its intention to terminate assistance and the reasons therefor and shall advise the displacee of his or her right of appeal in accordance with N.J.A.C. 5:11-9.2

5:11-8.2 Funding criteria

(a) A municipality meeting the following criteria may receive the total cost of relocation assistance and payments:

1. (No change.)

2. A budget of less than \$2.5 million;
 3.-4. (No change.)
 (b)-(c) (No change.)

5:11-9.1 Administrative agency

These rules shall be administered by the Bureau of Housing and Community Development of the Division of Housing and Development, Department of Community Affairs, CN-806, Trenton, New Jersey 08625.

5:11-9.2 Right of hearing and time of filing

(a) Any person aggrieved by a final determination by a displacing agency other than a State agency may appeal such determination to the Bureau of Housing and Community Development, which shall thoroughly review the matter and issue its findings as to the merits of the claim for relocation payments or benefits. Such appeal shall be made within 15 days of receipt of written notice of the determination.

(b) The Division of Housing and Development shall provide an administrative hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., to any person aggrieved either by a final determination of a displacing agency which is a State agency or by findings issued by the Bureau of Housing and Community Development pursuant to (a) above. Such hearing shall be conducted under the auspices of the Office of Administrative Law and the final decision shall be made by the Commissioner. Any request for a hearing shall be made within 15 days of receipt of written notice of the State agency determination or the findings of the Bureau of Housing and Community Development, as the case may be.

(c) The parties to any hearing before the Office of Administrative Law shall be the displacing agency and the person aggrieved by the final determination of such agency.

1. Representatives of the Bureau of Housing and Community Development may appear at any such hearing to testify as to the findings of the Bureau.

2. (No change.)

EDUCATION

(a)

STATE BOARD OF EDUCATION

Reporting of Allegations of Child Abuse

New Rules: N.J.A.C. 6:3-5

Proposed: January 3, 1989 at 21 N.J.R. 3(b).

Adopted: March 1, 1989 by Saul Cooperman, Commissioner,
 Department of Education; Secretary, State Board of
 Education.

Filed: March 10, 1989 as R.1989 d.193, with **technical and
 substantive changes** not requiring additional public notice and
 comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-10 et seq.,
 18A:25-1, 18A:25-6, 18A:36-19 and N.J.S.A. 9:6-3.1, 9:6-8.9,
 9:6-8.10, 9:6-8.13, 9:6-8.14, 9:6-8.21, 9:6-8.40, 9:6-8.72a and
 N.J.A.C. 10:129-2.1.

Effective Date: April 3, 1989.

Expiration Date: July 8, 1993.

Summary of Public Comments and Agency Responses:

One individual spoke at a monthly public testimony session provided by the State Board, and five letters with comments were received. Both the testimony and the comments are summarized below.

COMMENT: The definitions of child abuse and neglect are not clear. They should be stated directly from the statute and expanded to include the definition of sexual abuse.

RESPONSE: The rules reference the definition of child abuse in N.J.S.A. 9:6-8.9, and this statute citation includes the definition of sexual abuse.

COMMENT: The rules set forth the guidelines for school districts to develop policies and procedures in the investigation and reporting of allegations of child abuse; however, this flexibility may allow for inconsistencies in Statewide school district policies.

RESPONSE: These rules set forth the policies and procedures required by N.J.S.A. 9:6-8.72a. As written, the proposed rules do provide specific guidelines for policy development between local school districts and local DYFS offices, thus conforming to the intent of the Governor's veto message. Upon the adoption of N.J.A.C. 6:3-5, a copy of the rules along with the statutes governing child abuse reports and protective custody will be mailed to each local school district.

COMMENT: The role of the liaison should be more clearly defined in N.J.A.C. 6:3-5.2(a)5 and include the screening of referrals.

RESPONSE: The role of liaison is already clearly defined and efforts to further clarify the role are unnecessary.

COMMENT: Language should be included in the rules which indicates that it may be necessary in some situations to have all school staff excused during the interview conducted by the DYFS investigator.

RESPONSE: The Department feels there is no reason why a member of the school staff should not be present during the interview, since the school district is responsible for the care and custody of the children in its schools. However, N.J.A.C. 6:3-5.2(a)7i does allow for an alternative school staff member of the child's choosing to be present during the interview should the child feel uncomfortable with the designated staff person.

COMMENT: There should be language in the rules that lists the various documents that should be presented to the school principal by the DYFS staff person for removal of the pupil from school.

RESPONSE: This section of N.J.A.C. 6:3-5.2(a)7v has been revised to include the citations N.J.S.A. 9:6-8.27 through 8.30, which contain the authorization needed for removal of a pupil from school.

COMMENT: The child abuse investigation reports which conclude that the abuse was unsubstantiated still make a recommendation for action by the school. Why is a recommendation necessary?

RESPONSE: An investigation of child abuse and neglect may indicate that abuse has occurred but without sufficient evidence to support the accusation. While a conclusion of unsubstantiation is necessary, the circumstances of the case may warrant recommendations designed to prevent future occurrence of abuse.

COMMENT: Why are school employees who are cleared of the allegation of child abuse listed in the DYFS registry?

RESPONSE: If a school employee is alleged to have been involved in an incident of child abuse, his or her name would be placed on file with the DYFS. However, if the allegations were found to be unsubstantiated, all files or information on the individual would clearly indicate such findings and conclusions.

COMMENT: When should a school make a referral to DYFS?

RESPONSE: As soon as there is a reasonable cause to believe that a child has or is being abused, a referral should be immediately made to the DYFS as specified in N.J.S.A. 18A:28-5.

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

SUBCHAPTER 5. REPORTING OF ALLEGATIONS OF CHILD ABUSE

6:3-5.1 Purpose

The purpose of this subchapter is to establish uniform Statewide policies and procedures for public school personnel to report allegations of child abuse to the Division of Youth and Family Services (DYFS) and to cooperate with the investigation of such allegations.

6:3-5.2 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures for the reporting and the cooperation with the Division of Youth and Family Services (DYFS) in investigations of child abuse. District policies and procedures developed pursuant to this subchapter shall be reviewed and approved by the county superintendent. These policies and procedures shall not be limited to the following, but shall:

1. Include provisions requiring school personnel, compensated and uncompensated (volunteer), to immediately report to ***the* DYFS incidents of child abuse*.*** ***[and to]* *The person reporting the alleged child abuse shall*** inform the school principal or his

or her designee of the report ***after the DYFS referral has been made***. However, notice to the principal or his or her designee need not be given when the person believes that such notice would be likely to endanger the referrer or child(ren) involved or when the person believes that such disclosure would be likely to result in retaliation against the child or in discrimination against the referrer with respect to his or her employment.

i. School personnel having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse as defined under N.J.S.A. 9:6-8.9 shall immediately report to ***the* DYFS** (see N.J.S.A. 9:6-8.10). When referring cases to ***the* DYFS**, the school referrer shall provide, when possible, the following information:

- (1) The name of the child;
- (2) The age and grade of the child;
- (3) The name and address of the child's parent or guardian or other person having custody and control (for example, foster parent);
- (4) A description of the child's condition, including any available information concerning current or previous injuries, abuse, or maltreatment and including any evidence of previous injuries;
- (5) The nature and possible extent of the child's injuries, abuse, or maltreatment; and
- (6) Any other pertinent information that the referrer believes may be relevant with respect to the child abuse and/or to the identity of the alleged perpetrator;

2. Include a statement indicating the importance of early identification of child abuse;

3. Provide assurances that no school personnel will be discharged from employment or in any manner discriminated against as a result of making in good faith a report or causing to be reported an allegation of child abuse (see N.J.S.A. 9:6-8.13);

4. Require procedures for the following:

- i. District cooperation with ***the* DYFS** in investigations of child abuse that has occurred at any time outside or within the confines of the school or during a school-related function;
- ii. District action as defined in N.J.S.A. 9:6-3.1 in response to the findings at each stage of the investigation process as it affects the child(ren) and the school personnel;
- iii. Release of the child(ren) from the school; and
- iv. Transfer of the child(ren) between schools;

5. Provide for the establishment of a liaison to ***the* DYFS** from the district board of education.

i. The function of the liaison is to:

(1) Facilitate communication and cooperation between the district and ***the* DYFS**; and

(2) Act as the primary contact person between the schools and ***the* DYFS** with regard to general information sharing and the development of mutual training and other cooperative efforts;

6. Include provisions for the delivery of information and in-service training programs to school personnel concerning child abuse, instructional methods and techniques relative to issues of child abuse in the local curriculum, and personnel responsibilities pursuant to N.J.S.A. 9:6-8.10 et seq.;

7. Detail the responsibilities of the district board of education as follows:

i. Permit the DYFS investigator to interview the child(ren) in the presence of the school principal or his or her designee. If the child(ren) is intimidated by the presence of that school representative, the child(ren) shall name a staff member, whom he or she feels will be supportive, who will be allowed to accompany the child during the interview. The purpose of including a school representative is to provide comfort and support to the child, not to participate in the investigation;

ii. Cooperate with ***the* DYFS** in scheduling interviews with any school personnel who may have information relevant to the investigation;

iii. Release, in accordance with N.J.S.A. 18A:36-19 and N.J.A.C. 6:3-2, all pupil records of the child(ren) under investigation that are deemed to be relevant to the assessment or treatment of child abuse (see N.J.S.A. 9:6-8.40);

iv. Maintain and secure all confidential information about child abuse cases in accordance with N.J.S.A. 18A:36-19 and N.J.A.C. 6:3-2;

v. Permit ***the* DYFS** to physically remove pupils from school during the course of a school day when it is necessary to protect the child or take the child to a service provider. Such removal shall take place once the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate authorization ***[from the DYFS district office]* *as specified in N.J.S.A. 9:6-8.27 through 8.30***;

vi. Cooperate with ***the* DYFS** when it is necessary to remove the child(ren) from his or her home for proper care and protection and when such removal results in the transfer of the child to a school other than the one in which he or she is enrolled; and

vii. Provide due process rights to school personnel who have been reassigned or suspended in accordance with N.J.S.A. 18A:6-10 et seq., 18A:25-1, 18A:25-6, and N.J.S.A. 9:6-3.1. Temporary reassignment or suspension of school personnel alleged to have committed an act of child abuse shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child (see N.J.S.A. 18A:6-10 et seq. and N.J.S.A. 9:6-3.1).

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF HAZARDOUS WASTE MANAGEMENT Imported and Exported Hazardous Waste; Rejected Waste; Waste Minimization; Generator Annual Reports

Adopted Amendments: N.J.A.C. 7:26-7.3, 7.4, 7.5 and 7.6

Proposed: April 18, 1988 at 20 N.J.R. 867(a).

Adopted: February 27, 1989 by Christopher J. Daggett, Acting
Commissioner, Department of Environmental Protection.

Filed: February 28, 1989 as R.1989 d.173, with substantive and
technical changes not requiring additional public notice and
comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 13:1E-1 et seq., specifically 13:1E-6.

DEP Docket Number: 015-88-03.

Effective Date: April 3, 1989.

Expiration Date: November 4, 1990.

Summary of Public Comments and Agency Responses:

These amendments were proposed on April 18, 1988. Two parties responded with written comments before the close of the comment period on May 18, 1988.

COMMENT: The Department should revise N.J.A.C. 7:26-7.4(a)6 to provide a procedure for when a transporter is unable to complete delivery of a load of hazardous waste to a hazardous waste facility, for example, if the transporter arrives at a time when the facility is closed.

RESPONSE: The Department concurs and has made the suggested change at N.J.A.C. 7:26-7.4(a)6, 7:26-7.5(d)11, and 7:26-7.6(a)6i, which requires that the same procedures be followed for shipments of hazardous waste that a transporter cannot for any reason deliver to a hazardous waste facility as are used for shipments that are immediately rejected by a hazardous waste facility.

COMMENT: N.J.A.C. 7:26-7.4(g)13iii should be reworded to specifically exclude commercial and research and development hazardous waste facilities from the requirement to submit an annual waste minimization report.

RESPONSE: The amendment to N.J.A.C. 7:26-7.4(g) applies only to hazardous waste generators, so only those hazardous waste treatment, storage, or disposal facilities or research and development facilities that are also generators of hazardous waste will be required to submit the minimization report. This amendment establishes a reporting requirement only, and should not interfere with the operation of research laboratories. Because of the importance of obtaining information regarding hazardous waste production and potential reduction, the Department does not believe that any generator subject to the State hazardous waste management rules should be exempt from this reporting requirement. The amendment is equivalent to a Federal regulation already in place, at 40 C.F.R.

§262.41. State rules must be at least as stringent as Federal regulations in order to maintain Federal authorization of the State program and to avoid dual State and Federal regulation. Therefore, this provision is being adopted without change.

COMMENT: Is the hazardous waste exportation report required by N.J.A.C. 7:26-7.4(g)4 a completely separate report to be completed in addition to the Generator Annual Report required by N.J.A.C. 7:26-7.4(g)1xv?

RESPONSE: Only one hazardous waste exportation report is required annually, and N.J.A.C. 7:26-7.4(g)1xv merely clarifies that the report required by N.J.A.C. 7:26-7.4(g)4 should be included with the hazardous waste facility's annual report.

COMMENT: N.J.A.C. 7:26-7.6(a)6 should be revised to include a procedure for cases where an out-of-State hazardous waste facility rejects a shipment and does not return the facility's manifest copy to the generator.

RESPONSE: The Department agrees and has made the change at N.J.A.C. 7:26-7.6(a)6i(1)(D), which requires the generator to notify the facility state and the generator state and to provide those states with photocopies of the generator's manifest copy.

COMMENT: N.J.A.C. 7:26-7.6(a) should be modified to include a procedure for facilities to follow if they must reject a shipment of hazardous waste after they have signed and distributed the manifest.

RESPONSE: The Department agrees and has inserted such a procedure at N.J.A.C. 7:26-7.6(a)6ii.

Upon adoption, the Department has incorporated all requirements for rejected or undeliverable hazardous waste shipments under hazardous waste facility requirements at N.J.A.C. 7:26-7.6(a)6. These requirements are referenced under hazardous waste generator requirements, at N.J.A.C. 7:26-7.4(a)6, and under hazardous waste transporter requirements, at N.J.A.C. 7:26-7.5(d)11. Also upon adoption, the Department has replaced the term "hauler" with the term "transporter."

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

7:26-7.3 Hazardous waste manifest forms

(a) For the purpose of this chapter, only the Uniform Hazardous Waste Manifest forms as described in the Appendix of 40 CFR 262 are to be used for hazardous waste shipments originating in or destined for New Jersey. Manifests shall be obtained in accordance with the procedures set forth below at (a)1 through 5 and filled out and distributed in accordance with N.J.A.C. 7:26-7.4, 7.5 and 7.6.

1.-3. (No change.)

4. For shipments originating from a site in New Jersey and destined for export to a foreign country, manifest forms shall be those supplied by the Department. If the forms are unavailable from the Department, the manifest form may be obtained from any other source.

5. A person who imports hazardous waste from a foreign country into New Jersey shall use a manifest form supplied by the Department. If the form is unavailable from the Department, the manifest form may be obtained from any other source.

(b)-(d) (No change.)

7:26-7.4 Hazardous waste generator responsibilities

(a) General requirements for generators not exempted pursuant to N.J.A.C. 7:26-8 are as follows:

1.-5. (No change.)

6. If the designated facility rejects a shipment ***or if the transporter is unable to deliver the shipment of hazardous waste to the designated facility***, the *[hauler]* ***generator*** shall *[contact the generator who shall instruct the transporter to:

- i. Return the shipment to the generator; or
- ii. Deliver the shipment to an alternate facility.

7. Manifests accompanying rejected shipments shall be filled out and distributed in accordance with the requirements set forth at N.J.A.C. 7:26-7.6(a)6 and 7.]* ***comply with all applicable generator requirements at N.J.A.C. 7:26-7.6(a)6.***

Renumber existing 7. through 12. as 8. through 13. (No change in text.)

(b) (No change.)

(c) When shipping hazardous waste outside the United States, the generator shall:

1.-3. (No change.)

4. Obtain the manifest as directed under N.J.A.C. 7:26-7.3(a)4.

(d)-(f) (No change.)

(g) Annual reporting requirements are as follows:

1. The hazardous waste generator shall submit to the Department by March 1 of each year a report of manifest activities during the previous calendar year. The report shall be on forms approved by the Department and shall include the following information:

i.-xi. (No change.)

xii. Summary by the unit of measure of hazardous waste shipped during the previous calendar year;

xiii. Waste minimization information, which shall include the following:

(1) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

(2) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

xiv. The year covered by the report;

xv. A report on any exports of hazardous waste in accordance with (g)4 below;

xvi. The name(s) of the hauler(s) used; and

xvii. The New Jersey Department of Environmental Protection Hazardous Waste Generator Annual Report certification signed by the generator or authorized representative.

2.-3. (No change.)

4. Any person exporting hazardous waste shall file with the Department no later than March 1 of each calendar year, a report summarizing the types, quantities, frequency and ultimate destination of all such hazardous waste exported during the previous calendar year.

(h)-(j) (No change.)

7:26-7.5 Hazardous waste *[hauler]* ***transporter*** responsibilities

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

(d) General requirements are as follows:

1.-10. (No change.)

11. If the hazardous waste is rejected by the designated facility ***or if the transporter is unable to deliver the shipment of hazardous waste to the designated facility***, the *[hauler]* ***transporter*** shall *[contact the generator for further directions and shall revise the manifest, according to the generator's instructions and the manifest instructions set forth at N.J.A.C. 7:26-7.6(a)6 and 7.]* ***comply with all applicable transporter requirements at N.J.A.C. 7:26-7.6(a)6.***

12.-18. (No change.)

(e)-(i) (No change.)

7:26-7.6 Hazardous waste facility operator responsibilities

(a) General requirements are as follows:

1.-5. (No change.)

*[6. If the shipment of hazardous waste is immediately rejected by the facility and returned to the generator, the Uniform Hazardous Waste Manifest shall be completed as follows:

i. In the Discrepancy Indication space of the Uniform Hazardous Waste Manifest, the facility operator shall indicate the reason(s) for the rejection and that the waste is to be returned to the generator. The facility operator shall complete, sign and date the Certification of Receipt and date the Uniform Hazardous Waste Manifest;

ii. The transporter shall receive manifest copies 1, 2, 3 and 5 from the facility operator and return the shipment to the generator. The facility operator shall retain manifest copy 4;

iii. The generator, upon receiving the rejected shipment, shall certify the return receipt (signature and date) in the Special Handling Instructions and Additional Information section of the Uniform Hazardous Waste Manifest;

iv. The generator shall then distribute manifest copies 1, 2, 3, and 5 as indicated on the form; and

v. The generator shall arrange to dispose of the waste at an authorized facility using another manifest in accordance with N.J.A.C. 7:26-7.4.

ADOPTIONS

HEALTH

7. If the shipment of hazardous waste is immediately rejected by a facility and the generator indicates an alternate facility to receive the waste:

i. The facility operator shall indicate the reason(s) for the rejection in the Discrepancy Indication Space of the Uniform Hazardous Waste Manifest, and that the waste is to be shipped to an alternate facility. The facility operator shall complete, sign and date the Certification of Receipt (Section 20) on the Uniform Hazardous Waste Manifest;

ii. The transporter shall indicate the alternate facility's name, address, EPA Identification Number, and telephone number in the Special Handling Instructions and Additional Information section;

iii. The facility operator shall photocopy the manifest and retain the copy;

iv. After receipt of the original manifest copies 1, 2, 3, 4 and 5 from the facility operator, the transporter shall transport the hazardous waste to the indicated alternate authorized facility;

v. Upon receipt of the originally rejected shipment, the alternate facility operator shall certify receipt (signature and date) in Section 15 of the Uniform Hazardous Waste Manifest; and

vi. The alternate facility operator will then distribute manifest copies 1, 2, 3 and 5 and retain copy 4.]*

***6. If a shipment of hazardous waste is rejected by a hazardous waste facility or if a transporter is unable to deliver a shipment of hazardous waste to the designated hazardous waste facility, the hazardous waste facility owner or operator, the transporter, and the generator shall comply with the following requirements:**

i. If the shipment of hazardous waste is immediately rejected by the hazardous waste facility or if the transporter is unable to deliver the shipment of hazardous waste to the designated hazardous waste facility, the transporter shall contact the generator, who shall instruct the transporter to return the shipment to the generator or to deliver the shipment to an alternate hazardous waste facility.

(1) If the shipment of hazardous waste is returned to the generator, the Uniform Hazardous Waste Manifest shall be completed as follows:

(A) In the Discrepancy Indication space of the Uniform Hazardous Waste Manifest, the facility operator shall indicate the reason(s) for the rejection and that the waste is to be returned to the generator. The facility operator shall complete, sign and date the Certification of Receipt and date the Uniform Hazardous Waste Manifest;

(B) The transporter shall receive manifest copies 1, 2, 3, and 5 from the facility operator and shall return the shipment to the generator. The facility operator shall retain manifest copy 4;

(C) The generator, upon receiving the rejected shipment, shall certify the return receipt (signature and date) in the Special Handling Instructions and Additional Information section of the Uniform Hazardous Waste Manifest;

(D) The generator shall then distribute manifest copies 1, 2, 3, and 5 as indicated on the form, except that if the shipment was rejected by an out-of-state facility which did not return the manifest copies 1, 2, 3, and 5, the generator shall notify the facility state and the generator state of receipt of the waste and shall provide those states with a photocopy of the generator's manifest copy; and

(E) The generator shall arrange to dispose of the waste at an authorized facility using another manifest in accordance with N.J.A.C. 7:26-7.4.

(2) If the shipment of hazardous waste is delivered to an alternate hazardous waste facility, the Uniform Hazardous Waste Manifest shall be completed as follows:

(A) The designated facility operator shall indicate the reason(s) for the rejection and that the waste is to be shipped to an alternate facility in the Discrepancy Indication Space of the Uniform Hazardous Waste Manifest. The designated facility operator shall complete, sign, and date the Certification of Receipt (Section 20) on the Uniform Hazardous Waste Manifest;

(B) The transporter shall indicate the alternate facility's name, address, EPA Identification Number, and telephone number in the Special Handling Instructions and Additional Information section;

(C) The designated facility operator shall photocopy the manifest and retain the copy;

(D) After receipt of the original manifest copies 1, 2, 3, 4, and 5 from the designated facility operator, the transporter shall transport the hazardous waste to the indicated alternate authorized facility;

(E) Upon receipt of the originally rejected shipment, the alternate facility operator shall certify receipt (signature and date) in Section 15 of the Uniform Hazardous Waste Manifest; and

(F) The alternate facility operator shall then distribute manifest copies 1, 2, 3, and 5 and retain copy 4.

ii. If a hazardous waste facility rejects all or part of a shipment of hazardous waste after the Uniform Hazardous Waste Manifest has been distributed by the facility, the hazardous waste facility owner or operator, the transporter, and the generator shall comply with the following requirements:

(1) The owner or operator of the hazardous waste facility shall describe the nature of the rejection in Section 19 of the facility's manifest copy;

(2) The owner or operator of the hazardous waste facility shall ship the waste to the generator with three photocopies of the revised manifest, each copy to be signed by the owner or operator, the transporter returning the hazardous waste to the generator, and the generator;

(3) The generator shall retain one copy of the revised signed manifest, return one copy to the transporter returning the hazardous waste to the generator, and return one copy to the owner or operator of the hazardous waste facility;

(4) The owner or operator shall notify the generator state and the facility state of the rejection by sending to each state a photocopy of the revised signed manifest copy, returned to the owner or operator by the generator in accordance with (3) above, showing that the generator received the rejected waste; and

(5) The owner or operator, the generator, and the transporter returning the hazardous waste to the generator shall each retain a copy of the revised, signed hazardous waste manifest.*

(b) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his/her agent, shall:

1. (No change.)

2. Complete Item K of the Uniform Hazardous Waste Manifest indicating the handling code for each waste listed on the manifest, as listed in the instructions contained on the manifest form.

Renumber existing 2. through 6. as 3. through 7. (No change in text.)

(c)-(f) (No change.)

(g) A person who imports hazardous waste shall obtain a manifest as directed under N.J.A.C. 7:26-7.3(a)5.

HEALTH

(a)

HEALTH PLANNING AND RESOURCES
DEVELOPMENT

Health Maintenance Organizations

Vision Care Services by Licensed Optometrists

Adopted Amendments: N.J.A.C. 8:38-1.1 and 1.4

Proposed: January 3, 1989 at 21 N.J.R. 6(a).

Adopted: March 3, 1989 by Molly Joel Coye, M.D., M.P.H.,
Commissioner.

Filed: March 3, 1989 as R.1989 d.180, without change.

Authority: N.J.S.A. 26:2J-1 et seq., specifically 26:2J-21.

Effective Date: April 3, 1989.

Expiration Date: April 3, 1994.

Summary of Public Comments and Agency Responses:

The Department received six letters of comment from:

The New Jersey Optometric Association
Ivan H. Jacobs, M.D.

New Jersey Business and Industry Association
New Jersey Division of Medical Assistance and
Health Services

Marshall Klein, Director, New Jersey Academy of Ophthalmology and Otolaryngology
The New Jersey HMO Association.

COMMENT: Two commenters stated their belief that the proposed language was unclear and could be interpreted to mean that a primary care physician must refer subscribers to an optometrist unless the primary care physician determines that it is medically appropriate to refer subscribers to an ophthalmologist. One of the commenters indicated that such a required referral would be inconsistent with the managed care concept. The other commenter stated that such a requirement would result in duplicative referrals adversely affecting the health of the enrollee in the event the optometrist detects an abnormal pathology. Both commenters believed that the choice of vision care provider should remain within the purview of the enrollee in medical consultation with the primary care physician, rather than require any referral to an optometrist.

RESPONSE: The interpretation suggested by the commenters is an unsupportable misreading of the proposed text. The language is quite clear in proposed N.J.A.C. 8:38-1.4(a)4vii that: "... unless referral to an ophthalmologist is determined by the primary care physician to be medically required and outside the scope of practice of an optometrist, the enrollee can choose to have vision care services provided by a licensed optometrist." (emphasis supplied). Thus, the very language of the proposed amendment confirms that, as the two commenters urged, the choice of vision care provider remains that of the enrollee, unless referral to an ophthalmologist is medically required for a service which is outside the scope of the practice of optometry.

COMMENT: One commenter indicated that the proposed amendments are anti-competitive because HMOs should not be forced to provide optometrists, if the HMOs do not believe it necessary.

RESPONSE: The proposed amendments originated from a complaint of the New Jersey Optometric Association that the current practices of some HMOs were unlawfully discriminating against optometrists and establishing a monopoly of ophthalmologists to service HMO enrollees. It is these practices which are truly anti-competitive, for in those HMOs which presently have no arrangements for optometrists, the enrollee has no choice at all among types of vision care providers but must see an ophthalmologist for a service which the enrollee might find to be more conveniently provided by an optometrist. Thus, the purpose of the amendments may well be characterized as fostering competition to enable the HMO consumer to have a greater range of choice among vision care providers.

COMMENT: Two commenters are opposed to the State mandating health coverage benefits and/or specific providers. One commenter stated that government's judgment should not be substituted for the judgment of corporate decisionmakers as to the kind, form and shape of health insurance benefits which best suits an individual's needs. The other commenter found it inconsistent for the Department to state that the proposed amendments require no increase in services, whereas another service will be required to be added if an HMO does not currently offer optometrical services.

RESPONSE: The State is not mandating any new health care service, nor any new terms of coverage nor any specific providers. HMOs are authorized to provide vision care services to their enrollees. By pre-existing law, they are required to provide only one kind of vision care service, namely, children's eye examinations to determine the need for vision correction, N.J.A.C. 8:38-1.2(a)3v. The HMO has the option of offering other kinds of vision care services if it chooses, N.J.A.C. 8:38-1.3(a)1. The amendments operate with respect to whatever vision care services an HMO offers to its enrollees and provides simply that there should be an adequate number of optometrists and ophthalmologists available so that the enrollee can choose, where medically appropriate, which of these two types of providers will deliver the covered vision care services. The object is not to have the judgement of the government or of the HMO corporate decisionmakers control, but rather to permit the individual HMO enrollee a greater opportunity for choice among vision care providers.

COMMENT: One commenter reiterated its opposition to State-mandated health coverage on the grounds that State-mandated health insurance inflates health care costs. The commenter believes that the amendments could have a significant economic impact, as an HMO may be required to enter into contracts with at least two providers, one who could perform the full range of services and the other who could not.

RESPONSE: The amendments require no new health services. They merely call for a broadening of the types of practitioners available to deliver whatever vision care services are offered by HMOs. To meet this

requirement, some HMOs may have to enter into new or additional contracts to assure that optometrists are available to provide vision care services to the HMO enrollees. However, the number of provider contracts is not determinative of the cost of the service; rather, the cost is typically based on the number of procedures a provider performs for the HMO. No increase in vision care services or procedures is required by these amendments. Hence, while there may be several new or additional contracts with providers, there is no need to change the base cost for any procedure performed by any provider, nor to change the total number of procedures recognized for reimbursement by the HMO. Since the amendments require no change in the total number of vision care procedures delivered by HMOs, it implicates no overall increase in health care costs.

COMMENT: Another commenter stated that the amendments will have a negative economic impact upon HMOs which do not now engage optometrists, as mandating the use of optometrists could limit an HMO's ability to maximize an ophthalmologist's time and eventually raise the expenses of the overall plan. The commenter further stated that the Department is incorrect to assume that optometrists' services are always less expensive than the services provided by ophthalmologists.

RESPONSE: The Department has not assumed that the services of an optometrist are always less expensive than the services of an ophthalmologist. The Department does believe, however, that the cost per procedure for services by an optometrist should be no greater than the cost per procedure for comparable services by an ophthalmologist. Since HMO contracts with providers typically base reimbursement on the number of procedures, rather than on the amount of time spent by a provider for HMO enrollees, it is the number of procedures which is the key factor in influencing health care costs to the HMO. Neither the total number of vision care procedures, nor the rate per procedure, are affected by these amendments. Accordingly, even assuming that the costs of vision care procedures by an optometrist are equal to the costs of comparable procedures by ophthalmologists, these amendments should nevertheless result in no net increase in total vision care costs of the HMO.

COMMENT: One commenter noted that HMOs which do not now use optometrists will have to modify or cancel existing contracts with providers in order to accommodate the requirements in the amendments. According to this commenter, if an existing provider does not want to include an optometrist in the group, the HMO will be forced to seek a new and different relationship with another provider, even though the former provider delivered quality care. The commenter stated that HMOs are under competitive strains and should have the flexibility to utilize resources efficiently rather than be forced to incur unnecessary expenses that could hinder their ability to serve the needs of existing enrollees.

RESPONSE: The proposed rule amendments could be met without modification or cancellation of existing contracts, depending upon the terms of those contracts. For example, if a provider group does not wish to accept an optometrist, the HMO can maintain that contract and enter into a separate agreement directly with an optometrist. The administrative expenses associated with reviewing/renegotiating existing contracts and entering into new contracts are relatively minor, in comparison to the total costs of health care services and HMO operations. The occasion of adding optometrists to the panel of providers can serve, in some instances, as an opportunity for the HMO to negotiate a more competitive reimbursement rate per procedure among all of its vision care providers, thus enhancing, rather than impeding, its ability to deliver cost-efficient services.

COMMENT: According to one commenter, the Department underestimates the additional recordkeeping associated with the amendments. The commenter stated that compliance will require records detailing utilization and maintaining additional records.

RESPONSE: The Department has assumed that additional records will be necessary for some HMOs to show compliance with the proposed rule amendments. Such recordkeeping is required by pre-existing rule, N.J.A.C. 8:38-1.4(a)4. These amendments impose no new recordkeeping requirements beyond what existing law already requires. The additional records will be needed only for those HMOs which do not currently have arrangements with optometrists, and the costs of the additional recordkeeping should be a minimal part of the HMO's administrative expenses.

COMMENT: Two commenters expressed concern that these amendments would set a precedent of encouraging a host of other types of providers to petition to have their services recognized by HMOs.

ADOPTIONS

HIGHER EDUCATION

RESPONSE: The original petition, which was filed with the Department by the New Jersey Optometric Association, referred to a specific statute which prohibits institutions which receive public funds from discriminating between licensed practitioners of optometry and other ocular practitioners and from interfering with an individual's right to free choice of ocular practitioner, N.J.S.A. 45:12-27. This statutory declaration of public policy regarding the practice of optometry was one of the factors prompting these amendments, along with the prevailing practices of most HMOs in already having optometrists available for vision care services to their enrollees, and the lack of any apparent adverse consequences to HMOs from making the availability of optometrists a general requirement. Any petition from other types of providers which may be filed in the future will be evaluated in light of similar considerations and on the basis of the merits presented in any such petition.

COMMENT: One commenter stated that it is discriminatory to single out the HMO portion of the health care industry and require HMOs to offer optometric services, while traditional indemnity insurers are under no similar mandate.

RESPONSE: The Department of Health has clear regulatory authority over HMOs, pursuant to the Health Maintenance Organizations Act, N.J.S.A. 26:2J-1 et seq. However, it has no authority over the operations and policies of indemnity insurers, which are under the exclusive jurisdiction of the Department of Insurance. Indemnity insurers are subject to many financial and administrative requirements which have not been applied to HMOs. Any differing mandates for indemnity insurers are pertinent here only insofar as HMOs are not burdened with such excessive requirements as to be placed at an unfair competitive disadvantage with indemnity insurers. The Department does not find that the proposed rule amendments will weaken an HMO's ability to compete with indemnity insurers. On the contrary, the amendments can lead HMOs to offer enrollees and potential subscribers the advantages of added convenience and choice of ocular practitioners for the vision care services which the HMO provides. The Department believes that the amendment can, and should, be regarded by HMOs as an opportunity to enhance their services and their competitive marketing abilities.

Full text of the adoption follows.

8:38-1.1 Health care services

(a) (No change.)

(b) In addition to basic health services, a health maintenance organization (either "group practice HMO" or "individual practice association") may provide any supplemental health care services which are in conformity with applicable laws and regulations.

8:38-1.4 Establishment and operation of an HMO

(a) To establish and operate a health maintenance organization, the following conditions shall be met:

1.-3. (No change.)

4. Evidence of compliance with the following requirements must be furnished to the Commissioner of the Department of Health on request:

i. There must be sufficient licensed primary care physicians, medical specialists and licensed optometrists associated with or available to the HMO to provide basic health care services. The number of providers is contingent upon enrollment size and prevailing standards;

ii.-vi. (No change.)

vii. Basic eye care services and supplemental vision care services shall be provided by licensed optometrists as well as by ophthalmologists, as medically appropriate. There shall be sufficient licensed optometrists associated with or available to the HMO to assure that, unless referral to an ophthalmologist is determined by the primary care physician to be medically required and outside the scope of practice of an optometrist, the enrollee can choose to have vision care services provided by a licensed optometrist.

HIGHER EDUCATION

(a)

STUDENT ASSISTANCE BOARD

**Tuition Aid Grant Program
1989-90 Award Table**

Adopted Amendment: N.J.A.C. 9:7-3.2

Proposed: January 17, 1989 at 21 N.J.R. 109(a).

Adopted: March 10, 1989 by the Student Assistance Board, M. Wilma Harris, Chairperson.

Filed: March 9, 1989 as R.1989 d.185, **without change.**

Authority: N.J.S.A. 18A:71-47(b) and 18A:71-48.

Effective Date: April 3, 1989.

Expiration Date: February 28, 1993.

Summary of Public Comments and Agency Responses:

COMMENT: One comment was received by the Department from Ms. Jeanne S. Lewis, Director of Financial Aid at Richard Stockton State College, which supports the proposed amendment.

RESPONSE: Accepted.

Full text of the adoption follows.

9:7-3.2 Tuition Aid Grant award table

(a) The value of the grant is related to the tuition charges of the various institutional sectors in New Jersey and the student's ability to pay for educational costs.

**1. TUITION AID GRANT (TAG) AWARD TABLE FOR 1988-89
APPROXIMATE TUITION AID GRANT VALUES¹
NEW JERSEY COLLEGES AND UNIVERSITIES**

NJ Eligibility Index (NJEI)	County Colleges	State Colleges	Independent Institutions	Rutgers Univ. & UMDNJ ²		NJ Inst. of Tech.
				100% of tuition	100% of tuition	
Under 1500	100% of tuition	100% of tuition	40-50% ³	100% of tuition	100% of tuition	100% of tuition
1500-2499	80-99%	80-99%	80-99%	85-99%	85-99%	80-99%
2500-3499	50-79%	60-79%	70-79%	70-84%	70-79%	70-79%
3500-4499	Minimum	50-59%	60-69%	60-69%	60-69%	60-69%
4500-5499	0	30-49%	50-59%	50-59%	50-59%	50-59%
5500-6499	0	Minimum	35-49%	35-49%	35-49%	35-49%
6500-7499	0	0	25-34%	30-34%	30-34%	30-34%
7500-8499	0	0	20-24%	Minimum	Minimum	Minimum
8500-9499	0	0	Minimum	0	0	0
Over 9499	0	0	0	0	0	0

¹In accordance with State guidelines, the value of the student's grant may decrease dependent upon appropriated funds, the student's college budget and other financial aid. The student will be notified of any increase in his/her grant if additional funds become available. For purposes of N.J.A.C. 9:7-3.2, Tuition Aid Grant Award Table, the minimum grant for all institutional sectors shall not exceed \$400.00.

²Students enrolled in eligible programs at UMDNJ should contact the university's financial aid office for details.

³Pursuant to N.J.S.A. 18A:71-47, the maximum award for a student attending an independent institution of higher education is 50 percent of the average tuition normally charged students attending those institutions. The FY1989 Budget Request contains a recommended \$3,300.00 maximum award level in the independent sector for students with an NJEI under 1500. Percentages listed for NJEI categories 1500 and above represent percentages of the first cell award.

**2. TUITION AID GRANT (TAG) AWARD TABLE FOR 1989-90
APPROXIMATE TUITION AID GRANT VALUES¹
NEW JERSEY COLLEGES AND UNIVERSITIES**

NJ Eligibility Index (NJEI)	County Colleges	State Colleges	Independent Institutions	Rutgers Univ. & UMDNJ ²		NJ Inst. of Tech.
				100% of tuition	100% of tuition	
Under 1500	100% of tuition	100% of tuition	40-50% ³	100% of tuition	100% of tuition	100% of tuition
1500- 2499	85-99%	80-99%	85-99%	85-99%	85-99%	85-99%
2500- 3499	70-84%	70-79%	75-84%	75-84%	75-84%	75-84%
3500- 4499	50-69%	60-69%	65-74%	65-74%	65-74%	65-74%
4500- 5499	Minimum	50-59%	55-64%	50-64%	50-64%	50-64%
5500- 6499	0	30-49%	45-54%	40-49%	40-49%	40-49%

HIGHER EDUCATION

6500- 7499	0	Minimum	35-44%	30-39%	30-39%
7500- 8499	0	0	25-34%	20-29%	20-29%
8500- 9499	0	0	15-24%	Minimum	Minimum
9500-10499	0	0	Minimum	0	0
Over 10499	0	0	0	0	0

In accordance with State guidelines, the value of the student's grant may decrease dependent upon appropriated funds, the student's college budget and other financial aid. The student will be notified of any increase in his/her grant if additional funds become available. Percentages listed for NJEI categories 1500 and above represent percentages of the first cell award. For purposes of N.J.A.C. 9:7-3.2, Tuition Aid Grant Award Table, the minimum grant for all institutional sectors shall not exceed \$400.00.

Students enrolled in eligible programs at UMDNJ should contact the university's financial aid office for details.

Pursuant to N.J.S.A. 18A:71-47, the maximum award for a student attending an independent institution of higher education is 50 percent of the average tuition normally charged students attending those institutions. The FY1990 Budget Request contains a recommended \$3,700.00 maximum award level in the independent sector for students with an NJEI under 1500.

(a)

STUDENT ASSISTANCE BOARD

Garden State Scholarships Award Amounts

Adopted Amendment: N.J.A.C. 9:7-4.4

Proposed: January 17, 1989 at 21 N.J.R. 110(a).
 Adopted: March 10, 1989 by the Student Assistance Board, M. Wilma Harris, Chairperson.
 Filed: March 9, 1989 as R. 1989 d.186, **without change**.
 Authority: N.J.S.A. 18A:71-26.8 and 18A:71-26.10.
 Effective Date: April 3, 1989.
 Expiration Date: February 28, 1993.

Summary of Public Comments and Agency Responses:

COMMENTS: Two comments were received by the Department, one from Ms. Jeanne S. Lewis, Director of Financial Aid at Richard Stockton State College, and the other from Dr. Richard A. Lynde, Acting President of Montclair State College, which support the proposed amendment.
 RESPONSE: Accepted.

Full text of the adoption follows.

9:7-4.4 Award amounts

(a) Garden State Scholars shall receive annual awards of up to \$500.00 without regard to financial need based upon their academic performance as determined pursuant to N.J.A.C. 9:7-4.2(h). The award may be increased up to an additional \$500.00 based upon the student's New Jersey Eligibility Index pursuant to N.J.A.C. 9:7-3.1 and 3.2 according to the following formula:

New Jersey Eligibility Index (TAG Table)	Additional Amount of Grant
0-3499	\$500
3500-highest TAG NJEI eligible for an award	250

(b) Distinguished Garden State Scholars shall receive annual awards of up to \$1,000 without regard to financial need based upon their academic performance as determined pursuant to N.J.A.C. 9:7-4.2(c), (d), and (e). The award may be increased up to an additional \$1,000 based upon the student's New Jersey Eligibility Index pursuant to N.J.A.C. 9:7-3.1 and 3.2 according to the following formula:

New Jersey Eligibility Index (TAG Table)	Additional Amount of Grant
0-3499	\$1,000
3500-6499	500
6500-highest TAG NJEI eligible for an award	250

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

(b)

STUDENT ASSISTANCE BOARD

Garden State Graduate Fellowship Program Approved Programs

Adopted Amendment: N.J.A.C. 9:7-6.4

Proposed: November 7, 1988 at 20 N.J.R. 2624(a).
 Adopted: March 10, 1989 by the Student Assistance Board, M. Wilma Harris, Chairperson.
 Filed: March 9, 1989 as R. 1989 d.184, **without change**.
 Authority: N.J.S.A. 18A:71-26.5 and 18A:71-26.8.
 Effective Date: April 3, 1989.
 Expiration Date: February 28, 1993.

Summary of Public Comments and Agency Responses:

Four comments on the proposed amendment were received, all of which support the concept of directing fellowships to students in fields of study where expected earnings and alternative sources of student funding would be relatively low. It was also the consensus of those commenting that the Department expand its definition of eligible programs under the arts and humanities. All four comments are presented consecutively followed by the Department's response.

COMMENT: Mr. Robert McBride, Director of Financial Aid at Jersey City State College, supports the objective to provide fellowship assistance to students pursuing degrees in fields of study where expected earnings would be relatively low. Mr. McBride suggests, however, that the amended rule should include students pursuing teaching and counseling careers.

COMMENT: Mr. Francis Mertz, President of the Association of Independent Colleges and Universities in New Jersey (AICUNJ), supports the concept of targeting the program to students in areas of minimal graduate fellowship support and where expected earnings would be low. The AICUNJ suggests that the areas of the arts and humanities should be expanded to fields of study in which faculty shortages are projected in the 1990's and beyond. He further suggests that programs within the social sciences, such as political science, economics, anthropology, American studies, and similar areas, be included among eligible programs within the Garden State Graduate Fellowship Program.

COMMENT: Dean Catharine Stimpson, Rutgers Graduate School in New Brunswick, acknowledges the Department's desire to concentrate its resources on those fields that are highly valued but have relatively fewer alternative sources of student support. Dean Stimpson encourages the Department to consider expanding eligibility for fellowships to the social science disciplines such as anthropology and sociology as well as to the basic sciences.

COMMENT: The Student Advisory Committee supports the concept of utilizing fellowships to reduce the necessity for borrowing for students who pursue graduate study in the arts and humanities. The Committee urges the Department to expand its definition of arts and humanities to include certain areas within the social sciences that may be categorized within the humanities, such as African studies, anthropology, and urban studies.

RESPONSE: The Department has reviewed the fields of study which are accepted under the general category of the arts and humanities and has incorporated additional programs within the humanities for eligibility under the Garden State Graduate Fellowship Program. Included among the additional eligible fields of study are those social sciences which may be classified as humanities such as anthropology and archaeology, area and ethnic studies which include American and African studies, as well as other areas including criminology, geography, international relations and urban studies. The Department continues to exclude from eligibility for fellowships those fields of study such as teaching and counseling economics, psychology and sociology since they do not fall within the general category of the arts and humanities. The Department wishes to encourage outstanding undergraduate students to pursue master's and doctoral degrees in English, languages, literature, the fine and performing arts, history, philosophy, and similar areas of study. This will increase the pool of highly qualified researchers in these areas as well as provide educators with advanced degrees for New Jersey's secondary schools and postsecondary institutions. The financial assistance provided through the fellowships to individuals who pursue graduate study in the arts and humanities should reduce the necessity of borrowing to finance these

ADOPTIONS

INSURANCE

advanced degrees. This also recognizes that the salary ranges for individuals with degrees in these areas of study are generally lower than in the high technologies and the professions.

Full text of the adoption follows.

9:7-6.4 Approved programs

Fellowships shall be awarded only for attendance at institutions in New Jersey offering graduate programs approved by the State Board of Higher Education, except in the case of exempt institutions pursuant to N.J.S.A. 18A:68-6. Approved programs are graduate programs in recognized fields in the arts and humanities. Students who received fellowships prior to the 1989-90 academic year for programs of study outside of the arts and humanities shall remain eligible to participate in the program.

(a)

STUDENT ASSISTANCE BOARD**Vietnam Veterans Tuition Aid Program
Eligible Vietnam Veteran****Adopted Amendment: N.J.A.C. 9:7-8.1**

Proposed: November 7, 1988 at 20 N.J.R. 2625(a).

Adopted: March 10, 1989 by the Student Assistance Board, M.

Wilma Harris, Chairperson.

Filed: March 9, 1989 as R.1989 d.183, **without change**.

Authority: P.L. 1988, c.98 and N.J.S.A. 18A:71-76.6.

Effective Date: April 3, 1989.

Expiration Date: February 28, 1993.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

9:7-8.1 Eligible Vietnam veteran

(a) For purposes of the Vietnam Veterans Tuition Aid Program, an eligible Vietnam veteran shall have:

1. Served in the Armed Forces of the United States in Southeast Asia in the Vietnam conflict and received a Vietnam Service Ribbon or an Armed Forces Expeditionary Medal; and
- 2.-3. (No change.)

INSURANCE

(b)

**DIVISION OF ENFORCEMENT AND CONSUMER
PROTECTION****Insurance Producer Licensing
Professional Qualifications****Adopted New Rules: N.J.A.C. 11:17-3 and 11:17-5.7
Adopted Repeals: N.J.A.C. 11:2-1 and 19**

Proposed: June 6, 1988 at 20 N.J.R. 1152(a).

Adopted: March 10, 1989 by Kenneth D. Merin, Commissioner,
Department of Insurance.

Filed: March 10, 1989 as R.1989 d.192, **with substantive and
technical changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:1C-6, 17:1-8.1 and P.L. 1987, c.293
(N.J.S.A. 17:22A-1 et seq., 17:22A-4(c) and 24).

Effective Date: April 3, 1989.

Operative Date: April 3, 1989, except that N.J.A.C. 11:17-3.4
shall become operative on May 1, 1990.

Expiration Date: April 18, 1993.

Summary of Public Comments and Agency Responses:

COMMENT: Three commenters objected to the requirement that preclicensing education programs provide the Department with the amount of tuition, fees and charges to be paid by the students. All three expressed a concern about price regulation. One was specifically concerned that disclosure would lead to unfair comparisons; one also objected that the information was proprietary.

RESPONSE: Information concerning tuition fees or other charges is not requested for the purpose of price regulation or general disclosure. The primary purpose in obtaining this information is to distinguish between programs generally available to the public that make such charges, and others that do not directly charge, such as company training programs and some professional associations. Those that do not charge for the courses generally limit acceptance to company employees or association members. The others who do charge—mainly proprietary business schools, community colleges and adult education programs—are generally available to the public. The Department maintains a list of those generally available to the public and sends the list to people who inquire about becoming licensed. The amount of tuition, fees and other charges are not released.

A second purpose for obtaining information about the agreement between the student and school is to enable the Department to handle complaints from students. By having this information on file, together with a form copy of the enrollment application, etc. the Department will be able to respond properly to such complaints.

The Department further notes that the disclosure of the amount of tuition was required under the prior rule, N.J.A.C. 11:2-19.3(d), when it was used to calculate the amount of bond a school was required to post as a condition of approval.

COMMENT: Concerning proposed N.J.A.C. 11:17-3.1(d), two commenters questioned whether the \$100.00 fee for program approval needed to be paid each time a course (continuing education, preclicensing education in life, etc.) was submitted for approval.

RESPONSE: The fee is for approval of the education program. For the purpose of this section, "program" may be defined as a plan for the teaching of courses in insurance subjects to satisfy professional education requirements for preclicensing or continuing education. The plan would consist of the sponsor (if any); the director; the instructors; a permanent office; a permanent classroom facility or otherwise suitable temporary facilities; procedures for maintaining student records; procedures for fulfilling the responsibilities imposed by these rules, etc. Once a program is approved, it may modify elements of the plan, as it chooses, including the addition or deletion of courses of preclicensing or continuing education. Through the renewal process the plan is reviewed every three years.

COMMENT: Concerning proposed N.J.A.C. 11:17-3.1(e), one commenter requested that a 30 day time limit be imposed to grant or deny education program approval. It further implied that education program approvals should be "deemed approved" if not denied within that time.

RESPONSE: The Department opposes such a limit at this time. While most such applications are presently reviewed and a decision made in 30 to 45 days, granting approval to a preclicensing education program requires an affirmative decision and certain administrative action including the assignment of any identifying code number. Often the information supplied is incomplete and additional information must be requested. Sometimes a pre-approval inspection must be scheduled and conducted. Professional level staff is required to make the final review and decisions. The same staff will be required to make final decisions on continuing education courses. The Department anticipates a large number of applications to be received when the continuing education rules take effect, which is likely to tax staff's ability to process the applications within a very short timeframe. To impose a limited time for review will simply force a denial of the application whenever it is not complete or additional information or a pre-approval inspection is required. Processing the denial and a new application will result in additional, unneeded paperwork for the Department and the applicant. However, the Department is not averse to reconsidering a reasonable timeframe after the rules are in effect and the workload is stabilized.

COMMENT: One comment questioned why the school approval renewal cycle had been "reduced" to three years.

RESPONSE: The present rule, N.J.A.C. 11:2-19.3(f), sets a two year term. The new rules extend that to three years.

COMMENT: Two comments were received from tax exempt, non-profit educational programs not affiliated with a particular professional trade association, which requested that language be included exempting them from the requirement of a permanent office in New Jersey. They

INSURANCE

ADOPTIONS

stated that their organizations were similar to education programs established by professional trade associations, and suggested that such specific language be added.

RESPONSE: The suggestion is a good one and the suggested language has been incorporated in the rules. The purpose of requiring an approved education program to maintain a permanent office in New Jersey is to facilitate Department oversight of the integrity of the information submitted to the Department and the permanency of the program; particularly the maintenance of student records. As the commenter noted, tax exempt educational organizations are analogous to those sponsored by trade organizations. Tax exempt educational organizations that have been in existence for several years would appear, in general, to have the requisite stability and permanency necessary to assure that Department oversight could be achieved. The Department further notes that the language provides that the requirement for a permanent office "may be waived" so that each application of such an organization could be reviewed on an individual basis to ensure that the Department's requirements were met. Since this additional classification is similar to those already mentioned in the rules, in that they have the requisite permanency and stability, as noted above, and since the waiver is discretionary, this change is being made upon adoption and is in accordance with N.J.A.C. 1:30-4.3.

COMMENT: Several comments were received concerning the qualifications for instructors in proposed N.J.A.C. 11:17-3.1(f)3, particularly the qualifications for instructors in programs conducting prelicensing education courses. A number of comments were received requesting that the word "or" appear after (f)3i and before (f)3ii. Those commenters interpreted this section to require (f)3i and ii or iii.

RESPONSE: The intent of this section is to require (f)3i or ii or iii. The adopted language includes the "or" as suggested to clarify the original intent.

COMMENT: One commenter expressed a negative comment regarding the section allowing faculty members at accredited colleges or universities to teach insurance courses as an alternative to the other qualifications.

RESPONSE: Assigning particular faculty members to teach designated courses at an accredited college or university is a decision of the institution. Jurisdiction and regulatory oversight of such institutions are found in the New Jersey Department of Higher Education, or a similar governmental agency in other states. The decision of the Department to defer to the Department of Higher Education is done as a matter of comity, acknowledging their primary jurisdiction on such matters.

COMMENT: One commenter suggested that in addition to the stated criteria, a general category be established for persons otherwise qualified to instruct courses. He indicated that this would improve flexibility, and did not believe it would be unduly burdensome.

RESPONSE: The Department appreciates the need for flexibility in approving qualified instructors, but has determined that it is necessary to keep the criteria as stated in the proposed rules. The Department believes that there is enough flexibility; the requirement of "five years of experience in insurance practice, insurance education or the equivalent" was included in the prior rules and has not created significant difficulty. The requirement that an instructor pass a special examination if he or she does not hold a recognized professional designation, or is not a faculty member of an accredited college or university, is likewise not an undue burden.

The Department notes that all instructor qualifications are reviewed in connection with the approval of an education program. The stated criteria promotes an expeditious decision-making process. A general category including those "otherwise qualified", without any clarifying standards, would require much more detailed information to be submitted, reviewed and evaluated, without much benefit being achieved. Such a category would be meaningless, far too vague and unacceptable as an administrative rule.

COMMENT: Several commenters requested that all existing instructors be "grandfathered in".

RESPONSE: The Department has carefully considered this comment and decided not to "grandfather in" all existing instructors. The Department notes that there are currently over 900 individuals named as instructors in the over 100 currently approved education programs. The passing rate on the State licensing examination during the last fiscal year was just slightly over 50 percent. The Department believes that the five years' experience qualification under the prior existing rules is inadequate to assure instructor competence in view of the poor test results.

The Department believes that most instructors will qualify by taking the special instructor examination. The Department does not believe that to do so is an onerous burden for those who undertake to teach courses of prelicensing education. The Department notes that current instructors are not necessarily professional teachers at business schools, colleges or formal company training programs, but may instruct only occasionally as part of their duties at a licensed agency or insurance company office. The enhanced qualifications are designed to assure that all instructors have the thorough knowledge necessary to teach new entrants properly.

COMMENT: One commenter inquired as to what provisions would be made for the instructor test.

RESPONSE: All currently approved education programs have a renewal cycle beginning December 1986 or thereafter. As part of the transition to the new rules, existing two year approvals will be extended, placing all currently approved programs on a three year cycle consistent with the licensing quarters. Under the transition provisions, these rules will apply to applications for new instructors, or new programs, or renewal of programs, received after July 1, 1989.

COMMENT: Two commenters objected to the language in proposed N.J.A.C. 11:17-3.1(f)9, which mandates an approved education program that teaches prelicensing courses have a plan of remedies for students who fail the licensing examination. One commenter objected to the perceived attempt to regulate tuition; another suggested a one year time limit for the remedy from the date the course was completed.

RESPONSE: The Department believes that providing remedies to students who fail the licensing examination should be part of any approved plan to offer prelicensing education courses, and that an approved education program should address this problem. As part of the approval process, information will be submitted to the Department to confirm that remedies are available for such students. The information will permit the Department to respond to inquiries from the students.

How these remedies are developed and administered is up to each program. There is no intent to regulate price of review courses or second full courses, not to prevent an approved program from placing limits on the remedies available, such as the one year limit suggested. The choice of remedies is determined by those who administer the program. The Department notes that the current rule, N.J.A.C. 11:2-19.2(a)6, requires all approved programs to: "Provide remedies for students who have failed the State examination, including review courses or a second full course at reduced rates." The new rules change the language to "may be included" to confirm that there are no mandatory provisions.

COMMENT: Two commenters objected to the provision in proposed N.J.A.C. 11:17-3.1(f)10 which requires prelicensing education programs that teach prelicensing courses and charge tuition to provide a document to prospective students disclosing their passing rate on the State licensing examination. First, these commenters questioned the validity of the statistics. Secondly, they stated that pass/fail ratios are not a valid criterion of the competency of individual schools, and that it may in fact be misleading to compare schools with different size populations. That commenter cited an example of a school that advertised a "100 percent pass rate" based on only four students who took and passed the examination. Finally, one commenter stated that there is no statutory authority to support this rule.

RESPONSE: The Department believes that an insurance education program's passing ratio is a valuable piece of information to be made available to prospective students, who are purchasers of these services. The Department notes that the licensing law mandates completion of a course of prelicensing education at an approved school. The Department believes that, having imposed such requirements, it has an obligation to see that prospective students are given sufficient information upon which to select a program. While a school's passing rate is certainly not the only information that might bear on the student's decision, it is nevertheless valuable.

Furthermore, the Department notes that it receives pass/fail statistics for each school, which have traditionally been used to evaluate performance and to determine whether a particular program's approval should be suspended, revoked or nonrenewed. This information is not specifically exempted from Public Records Act disclosures. This sector places the burden of disclosure on the program itself, rather than the Department, because the program maintains specific students' records and is better able to ensure accuracy of the data. Additionally, the commenter is advised that proposed N.J.A.C. 11:17-3.1(f)10 requires the transmission to an applicant of not only the passing rates for his or her program, but for all approved insurance programs.

ADOPTIONS

INSURANCE

With regard to the validity of the statistics, the Department appreciates the concern that a student who passes may not be credited to a particular program, and that a student who fails may be improperly included. Processes are provided in proposed N.J.A.C. 11:17-3.3(b)12 for the contract test vendor to provide this information, which can be easily verified by the school.

All students registering for the examination provide the program's unique school code number when they complete an examination registration form. The school code number is provided to the student on the form of completion certificate issued by the school, and used to verify completion of the prelicensing education requirement. These certificates must be displayed by the student in order to gain admittance to the examination room. After the test is completed and graded, statistics are compiled using the school code number. The Department currently receives these statistics on each approved prelicensing education program by school code number indicating the number of students taking each examination, the number passing and failing, and the pass and fail percentages. The Department also receives the results of each student's examination by name, their grade on each examination, whether they passed or failed, and the prelicensing education program school code number. This information will be provided to each school by student name, together with summary statistics. In the unlikely event that a student shown on that report did not attend the school in question, his or her name may be deleted and the passing rate recomputed by the school prior to fulfilling the requirements of this section. Schools will likewise be able to inquire whether particular students who had taken the exam, and who were not shown on the report, passed or failed, and make appropriate adjustments, if warranted.

With regard to the commenters' general complaints about the validity of the statistics, the Department notes that all test candidates take the same examination, in one of three forms, and that the absolute rate of any particular program is most useful in comparison with overall passing rates and the passing rates of other similar programs. With regard to the objection that the passing ratios may be used by some as a marketing tool, the Department notes that each school will be advised of its passing rate and that the overall passing rate is public information. If various schools choose to advertise their programs by making truthful representations, the Department will not prevent it. Use of truthful information in advertising or publicity does not constitute "unfair competition".

The Department finds no merit in the contention that the requirement is "without statutory authority" (see, for example, N.J.S.A. 17:22A-24 and 17:22A-4).

COMMENT: Several commenters objected to the standard of performance that an approved insurance education program that conducts prelicensing courses maintain a 70 percent passing ratio on the State licensing examination. One commenter alleged "problems" in the examination or its administration and alleged that the Department had instructed its contract test administrator to "fail more people". Three commenters objected to the method of calculating the pass rate by including all tests taken by its graduates. These commenters asserted that the proposed method is "not a valid measure of a school's performance" and is "unfair, discriminatory and not reflective of the ability or inability of the particular school" to successfully train prospective licensees. One commenter stated that "as a student repeats, statistically the failure rates will continue." These commenters suggested that the pass/fail rate should be calculated based solely on the first time an individual takes the examination.

Two commenters expressed concerns over the proposed rules' expressed intention to use a "rolling" 12-month period, and suggested that the 12 months be fixed to a calendar year. These commenters suggested that applying the calendar year would make it easier for an education program to measure its compliance, and that the calendar year would assure "equal and even-handed treatment of all schools by the Department." One suggested that the word "for" should replace "during" should the "rolling" 12 consecutive months standard be adopted.

RESPONSE: This rule incorporates the standard of a prior rule, N.J.A.C. 11:2-19.1(b), which had required approved insurance education programs to maintain a 70 percent passing rate. The language confirms and clarifies the intent of the prior rule that the "annual" passing rate may be any 12 consecutive months, and that the method of calculation of the pass rate includes all examinations taken by a program's graduates. The suggestion that the word "for" be used in place of "during" clarifies the rule's intent and is therefore incorporated in the adopted rule.

With regard to the comment that the pass rate on the State licensing examination is not a valid measure of a school's performance, the Department notes that success on standard tests is a common method of evaluating the performance of educational programs. For example, the Department of Education uses performance on standardized tests to evaluate the performance of public school systems. With regard to the comment that this measure is unfair or discriminatory, the Department notes that all programs must teach the same course outline and graduates of all programs take the same test.

With regard to the alleged problems in the test or its administration, and the alleged instructions of the Department to "fail more people", the Department recognizes that, during the past fiscal year, the overall pass rate on the State licensing examination was 51 percent. This level reflects a change beginning in September 1987, when the passing requirements were increased from the relative scale to an absolute scale, which required a minimum number of correct answers. This change in grading was done in an effort to improve the standard of knowledge and performance of new entrants and to establish a level of minimum competence for licensees. As a result, many test candidates failed the examination which they would have just barely passed under the previous standard. The Department asserts that it has authority to establish a minimum level of competence of those to whom licenses are issued. It did not issue instructions to fail more people; rather, it issued instructions not to pass people who had not achieved that minimum level. With regard to the suggestion that only the first test taken by a program graduate should be included in the statistics, the Department notes that the certificate of completion of a prelicensing education course, signed by the instructor, includes a statement that the instructor is satisfied that the student knows the material and has passed the program's prelicensing course.

As stated above in response to another comment an approved prelicensing education program must include a remedial plan for those who passed the course, but thereafter failed the State licensing examination. Including test results of those who retake the examination in the passing rate is a measure of success of that aspect of the program.

The Department has determined not to amend the proposed rule to use a calendar year rather than any period of 12 consecutive months. The Department notes that the approval of insurance education programs will be cycled in quarters beginning the first day of February, May, August and November of each year. Use of a calendar year for compiling results would result in disparate treatment of programs, depending upon when they are approved. For example, if a program were approved in February, the Department may not be permitted to take action against it until it had been in operation for 23 months, when full 12-month calendar year pass/fail rates were available. A program approved in November would be subject to the same action after 14 months of operation. The "rolling" 12 months consecutive period eliminates this unfairness. The Department notes that pursuant to N.J.A.C. 11:17-3.3(b)12, all programs will be supplied with quarterly reports of their graduates' performance, which should provide them with sufficient indication about their students' performance. The Department would expect them to take appropriate action to improve their curriculum or to raise their own passing standards should these statistics indicate a poor level of performance.

COMMENT: Several comments were received concerning the number of course hours contained in the prelicensing education requirements. Two commenters stated that the number of course hours to be completed were excessive, noting that the proposed requirements are in excess of the prelicensing education requirements of most other states. Two commented that the 15 hour course on regulation of the insurance industry in New Jersey, much of which is currently taught in the authority-specific courses, should make the additional hours in those courses unnecessary. One commenter opined that the course would be unnecessarily "repetitive"; one suggested it be eliminated because the subject matter should be "mandated on a repeat basis". One commenter asserted that additional hours will result in a "hardship for students". One specifically stated that with respect to the property/casualty authority-specific course, the ISO Simplification Program "will delete vast amounts of information on policy forms and replace same with far lesser amounts of such information."

RESPONSE: The Department has carefully considered the comments made, and concluded that the minimum number of course hours described in the proposal should be adopted. The Department notes that the hours described in the proposed rules are less than were required in the superseded proposal originally published in the February 1, 1988 New

INSURANCE

ADOPTIONS

Jersey Register at 20 N.J.R. 237(a). As indicated in the Summary to the current proposal, a review of the draft course content outline led the Department to conclude that the hours described in these rules were appropriate for the material to be covered. Despite the assertions of the commenters that the number of course hours is excessive, the 51 percent pass rate on the insurance licensing examination indicates that the current hours are not sufficient to impart a good understanding of the current material. The current required course hours would certainly be insufficient to teach an expanded amount of material. In another context, the Department has received a comment that the material in the current course outline is "too voluminous". The number of course hours provided in the rules are designed to achieve the minimum level of knowledge that the Department believes is necessary for a licensed insurance producer in New Jersey. A producer would have to complete 180 hours of prelicensing education in order to qualify for a license with life, health and property/casualty authority. While this may seem high in comparison to many other states, the Department notes that it is only equal to 12 college credit hours; less than one semester and equal to just one-tenth of the classroom hours required for a Baccalaureate degree, or one-fifth for an Associate's degree. In absolute terms, it does not appear to be an inordinate amount of time for professional training.

With regard to the comments about the 15 hour courses for initial license applicants, the Department notes that insurance is a highly regulated industry, and insurance producers are a highly regulated profession. The 15 hour course is designed to familiarize new entrants with the structure of the regulatory environment. The course will include material concerning: Federal jurisdiction; Federal statutes; state jurisdiction and statutory processes; the Department of Insurance; the powers of the Commissioner; the exercise of regulatory power through administrative rulemaking; the specific laws and administrative rules governing the licensing and conduct of insurance producers, specifically including trade practices; general information concerning the law of agency; the insurance producer-insurance company agent relationships; insurance agency contracts; general information on business organizations and methods of doing business as an insurance producer. While this basic information is a necessary portion of the knowledge each new entrant should have, once licensed it need not be covered each time the producer applies for and obtains authority to handle a new kind of insurance. The Department fully expects that the time previously devoted to such topics in present courses will be necessary to cover required materials in the authority-specific courses. The course content of authority-specific courses will not include the topics described above which are required in the initial licensing course.

The Department does not consider the additional hours of prelicensing education to be a "hardship for students"; rather, the material to be learned will provide a better foundation for their business career as an insurance producer.

COMMENT: One commenter requested that a provision be added to proposed N.J.A.C. 11:17-3.2 requiring that "The Department shall provide all schools with a complete, detailed and specific outline of the exact materials to be covered in the course outlines for each authority, particularly with respect to the materials on New Jersey laws and regulations." The commenter indicated that the current outline is "too often general and all inclusive".

RESPONSE: The comment is unclear about specifically what is requested. The Department notes that the current course and test content outline runs several pages. With respect to the material on New Jersey laws and regulations, the outline includes the specific statutes, rules and other materials required.

If the comment suggests that the Department pinpoint the specific sections of the statutes, rules and materials from which test questions are developed, the Department has determined that providing this kind of information would be counter-productive. It would encourage schools to simply teach the examination rather than teach the material. Furthermore, it would limit the ability of the test developers to select items for questions from throughout the material.

Nevertheless, the suggestion that a test content outline be provided by rule is reasonable. It is now routinely done, since it is included in the Candidate Bulletin produced and distributed by the independent examination vendor. Proposed N.J.A.C. 11:17-3.3 has been amended to include this requirement. This change upon adoption is clearly consistent with N.J.A.C. 1:30-4.3 since it merely codifies existing procedure.

COMMENT: Three commenters addressed various aspects of proposed N.J.A.C. 11:17-3.3(b), which describes general terms and conditions that should be included in the contract with the independent

vendor who administers the licensing examination. One commented on the provision in the rule requiring a minimum of four test centers, and requested that a minimum of 10 be provided. The commenter specifically requested an additional location in the southern portion of the State. Two comments were received concerning the quarterly reports provided by the contract vendor to approved insurance education programs. One requested that the proposed quarterly reports be issued monthly; a second suggested that the reports be provided within 15 days of the end of quarter.

RESPONSE: The Department believes that the proposed rule language on minimum number of test centers is adequate. The Department notes that this subsection of the rule describes the terms and conditions to be included in a contract with a vendor providing licensing examination services. A multi-year contract is currently in effect.

The number of test administration centers is an important consideration in awarding a contract among several potential vendors, but the absolute number of centers is less significant than the convenience and availability of those facilities. For example, six centers conveniently located throughout the State, and with adequate capacity, may be more convenient than eight centers with less capacity and located so as to be less convenient for a large number of test candidates. For another example, one national testing vendor currently provides testing services to some states in a very limited number of test centers, but those facilities are open during normal business hours throughout the year. These kinds of considerations are appropriate in awarding a contract from among proposals submitted by various vendors. The rule should not limit the authority to consider convenience in awarding a contract.

The suggestion that the rule contain a requirement that quarterly reports be distributed to the school directors within 15 days of the end of the quarter is a good one and has been incorporated in the adopted language. It was the intent of the rule that this information be provided promptly. This change upon adoption is therefore permissible and non-violative of N.J.A.C. 1:30-4.3.

With regard to the suggestion that the reports be provided monthly the current minimum number of quarterly reports seems sufficient. Increasing the cost to a contract vendor may increase the examination fee paid by each applicant and completeness of reports are an appropriate consideration in the award of a contract to a particular vendor. The Department also notes that it receives monthly reports concerning the pass rate for each school and would respond to a program director's question, if asked.

COMMENT: One commenter asked what "good cause" would be required for the Commissioner to require an applicant or licensee to retake the State licensing examination as provided by proposed N.J.A.C. 11:17-3.3(e).

RESPONSE: The Department anticipates that retaking the examination will most likely, but not only, be required when there is a clear or apparent breach of the procedures established to provide for the security and integrity of the licensing examination.

COMMENT: Two comments were received concerning proposed N.J.A.C. 11:17-3.4(a). One comment questioned the necessity of continuing education, and stated that it would be a hardship on older producers in semi-retirement. This comment also indicated that it may be unconstitutional. A second comment suggested a "cap" on the requirements for those who achieve certain professional designations. It asserted that those producers who achieved such designations have adequately demonstrated their efforts to keeping skills and knowledge up-to-date. Another comment noted that the words "units" and "credits" were used interchangeably, and suggested that one or the other be used.

RESPONSE: With regard to the comment that continuing education is not necessary, the Department notes that the Producer Licensing Act mandates the Department to institute a program by administrative rule. The Department does not see any merit in the contention that the requirement is unconstitutional, nor has it been provided with any credible legal argument to this effect.

The Department is not inclined at this time to provide an exemption for older producers. No specific suggestions, based on any form of proof or rationale, have been made concerning an appropriate age and number of years' experience that would qualify for such an exemption. The Department notes that one purpose of a continuing education exemption is to promote professionalism for the protection of the insurance-buying public, which is the group that suffers when producers lack current knowledge. The producer's age is irrelevant. With regard to the comment suggesting a cap on the continuing education requirement when a professional designation is achieved, the Department notes that previous

ADOPTIONS

INSURANCE

proposed rules contained this provision. This was deleted from the present proposed rules as a result of adverse comments. While achievement of a professional designation generally indicates that the producer maintains current knowledge, it does not necessarily guarantee it. The Department further notes that the rule provides that continuing education credits may generally be granted for many programs that producers now attend.

With regard to the use of "units" and "credits", the rule's language has been amended to use "credits" consistently throughout. As a clarification, this change upon adoption is consistent with N.J.A.C. 11:30-4.3.

COMMENT: Concerning proposed N.J.A.C. 11:17-3.4(b), three commenters requested a time limit on the Department's response to an application for continuing education credits, suggesting 30 days was sufficient for the Department to review the material and confirm the number of credits allocated.

RESPONSE: The Department is unwilling to establish a specific limit at this time. The Department notes that the allocation of continuing education credits requires an affirmative decision and completion of an administrative process to confirm those credits for reporting purposes. As indicated in a previous response, the Department expects a large number of such courses to be submitted for credits upon adoption of the rule. Once this workload is stabilized, the Department may consider amending the rule to establish an appropriate time frame. The Department further notes that this proposed rule provides a certain amount of flexibility, in that programs may teach courses while an application for credit is pending and thereafter report for credit those producers who have taken it.

COMMENT: Several comments were received concerning the allocation of continuing education credits in proposed N.J.A.C. 11:17-3.4(c). First, several commenters expressed some difficulty with the language in the rule which to them appeared to require 12 one-half day courses per year to satisfy the requirement. Second, two commenters suggested that in addition to the "basic" and "advanced" courses for allocation of credit, there be a third "intermediate" level established. Finally, two commenters requested that the rule contain a specific number of credits for certain specific professional designations, rather than the general language provided in proposed N.J.A.C. 11:17-3.4(c)4.

RESPONSE: With regard to the formula for credits, the language has been changed slightly for clarification purposes only. The formula was established to allocate credits for both the length of courses and their difficulty. For example, a half-day course in a basic subject would receive one credit for the half-day course and two credits for the basic level, or a total of three credits. A full-day advanced course would be allocated two credits for the full-day course and four credits as an advanced course, or a total of six credits. With regard to the request that specific credits be contained in the rule for certain professional designations, the Department does not believe that is an appropriate function for the rule. While the Department fully expects that many professional designations with continuing education requirements will be approved for an appropriate number of credits, this should be done on a case by case basis, upon submission of appropriate documentation. Over time, requirements for these designations may change, and the allocation of credits under proposed N.J.A.C. 11:17-3.4(c)4 should always be based upon the current requirements of such designation.

COMMENT: Concerning proposed N.J.A.C. 11:17-3.4(d), several commenters requested that consideration be given to granting continuing education to the instructors of such courses. One commenter inquired about the reporting format when a number of credits are allocated to those obtaining or maintaining a professional designation under proposed N.J.A.C. 11:17-3.4(c)4.

RESPONSE: With regard to the credit for instructors, a school director may name an instructor who teaches a continuing education course among those who attended it. Of course, an instructor would get credit for the course only once. Teaching the same course several times will not provide multiple credits.

With regard to the reporting format by programs conferring professional designations approved for credits under proposed N.J.A.C. 11:17-3.4(c)4, the reporting format would be part of the approval process of the particular program. The Department is anxious to minimize its administrative burden regarding such credits, and it recognizes that each of these programs has its own method of recordkeeping.

COMMENT: Three commenters requested that the recognized professional designations described in proposed N.J.A.C. 11:17-3.5(a) be expanded to include others.

RESPONSE: The Department will not expand the number of recognized professional designations at this time. The Department notes that the purpose is to recognize those producers holding certain designations as exempt from other educational or testing requirements, except continuing education. Those specific designations recognized by the rule have been traditionally and widely recognized as satisfying these requirements under prior law; use a standardized course outline and examination; and, by statute, confer an exemption from prelicensing education. Once achieved, they are permanent. While many other professional designations certainly serve as an indication of the holder's professionalism, requirements differ and often include special requirements for maintenance. One holding the designation may lose it if such requirements are not met. Since designations are permanently recorded in the licensee's file, the Department does not desire to make a permanent record of a status that may change.

Agency Initiated Changes

In addition to the changes described above, the following changes, for the reasons stated, have been made by the Department.

1. Proposed N.J.A.C. 11:17-3.4 will become operative on May 1, 1990. In view of the current budgetary restrictions, the operative date for the continuing education requirements of the rule has been extended so that the Department is given sufficient time to assemble and train necessary staff and to develop and test the data processing system to implement this new requirement.

2. Proposed N.J.A.C. 11:17-3.4(a) has been changed to provide that the continuing education requirement will apply to license renewals after May 1, 1994. For the reasons stated in paragraph 1 above, this change extends an implementation date and, accordingly, does not require republication.

3. Proposed N.J.A.C. 11:17-3.4(d) has been changed to add other information to the report of continuing education credits submitted in order to identify and record credits with greater accuracy. This is a technical change that clarifies the information to be included on the report form and does not require republication.

4. Proposed N.J.A.C. 11:17-5.7(a) has been changed to clarify that approved schools may have their existing approval extended as part of the transition to the three year school approval cycles timed to coincide with licensing quarters, and to confirm that they may continue to conduct classes and issue certificates. This change is an extension of an implementation date and this does not require republication.

5. N.J.A.C. 11:17-5.7(c), (d) and (e), concerning professional qualifications, have been changed to extend the compliance period from July 1, 1989 to April 1, 1990 for the same reasons as stated in paragraph 1 above. Subsection (d) has also been changed to recognize the limitation imposed by vendor contracts concerning the State licensing examination. This additional language is merely clarificatory and was implicit in the subsection as proposed.

6. The word "unit" has been changed to "credit" throughout the new rule for consistency.

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

SUBCHAPTER 3. PROFESSIONAL QUALIFICATIONS

11:17-3.1 Approval of insurance education programs

(a) Professional schools, insurance companies and others who establish programs which include teaching of insurance courses to satisfy professional qualification requirements for prelicensing or continuing education shall obtain approval in accordance with this section.

(b) An application for approval of an insurance education program shall be made on a form prescribed by the Commissioner and shall provide the following information:

1. The name of the program and the address of the permanent program office;
2. The name and address of the sponsoring organization, if any;
3. The name of the program director or directors, and New Jersey producer license reference number(s), if any;
4. Whether the program will teach prelicensing education courses, continuing education courses, or both;
5. The address of any permanent classroom or classrooms to be used by the program; and
6. Any other information that may be required by the Department to determine whether the program meets the requirements for approval.

(c) Programs seeking approval to teach courses of prelicensing education shall also provide:

INSURANCE

ADOPTIONS

1. The names of all instructors employed by the program to teach prelicensing education courses and sign certificates of completion, together with documentation confirming that each is qualified in accordance with (f)3 below;

2. The names of the courses, by license authority, which will be taught by the program, if approved;

3. The amount of tuition, fees and other charges to be paid by students; and

4. A copy of the enrollment application for the program, a form of student contract, and any other agreement between the program and student.

(d) Each application for program approval shall be certified as correct by the program director or directors named in the application, and shall be accompanied by a fee of \$100.00. The application for approval shall be submitted to the Supervisor of Insurance Education.

(e) Applications for program approval shall be reviewed to determine compliance with the requirements prescribed in this subchapter. An applicant shall supply such additional information or documentation as may be required by the Department to determine whether such requirements are met.

1. An inspection of the program office and any permanent classroom facility may be conducted prior to approval or the approval may be granted conditioned upon the results of an inspection.

2. If the application is in proper form and the requirements described in this subchapter are met, the Department shall issue a certificate of approval which shall contain:

- i. The name and approval code number of the program;
- ii. An indication as to whether the program is approved for prelicensing education, continuing education or both; and
- iii. The effective date and expiration date of the approval.

3. A program approval shall expire in the third year on the last day of the licensing quarter in which it was effective.

4. A program approval may be renewed by the same procedure set forth in this section.

(f) Each approved insurance education program (except as modified hereafter) shall:

1. Maintain a permanent office in New Jersey where shall be maintained student records, samples of all instructional material used, up-to-date copies of the New Jersey insurance statutes and administrative rules, and the certificate of approval for the program. The office shall be open and accessible to the Department and to prospective, present and past students during normal business hours. The requirement for a permanent office in New Jersey may be waived for ***[courses]* *programs*** sponsored by accredited colleges and universities ***[or for]* ***producer trade associations ***or tax exempt, non-profit educational institutions*** that agree to maintain student records and provide records to the Department and former students upon request.

2. Retain a director in charge of the program, who shall be accessible to the Department and the public at or through the program's office during normal business hours. The program director shall:

- i. Oversee the program and activities of all instructors;
- ii. Be responsible to carry out the program's administrative duties imposed by this subchapter; and
- iii. Receive and distribute to all instructors and students communications from the Department and others. The director shall not have had his or her insurance license revoked.

3. Use knowledgeable and competent instructors to teach all courses. An instructor shall not have had his or her New Jersey insurance license revoked. Instructors employed to teach courses of prelicensing education shall have at least five years' experience in insurance practice, insurance education or the equivalent, and shall, in addition:

- i. Hold a recognized professional designation: ***or***
 - ii. Have passed the New Jersey instructor examination; or
 - iii. Be a faculty member of an accredited college or university.
4. Be permitted to use special lecturers or guest speakers to instruct on particular topics, so long as the program carries out the recordkeeping and reporting requirements imposed by this subchapter.

5. Use classroom facilities with sufficient lighting, desks or tables and which are otherwise conducive to learning. Classroom facilities shall be open to the Department for class monitoring at any time.

6. If approved to teach prelicensing courses, instruct students in accordance with a curricula established or approved by the Department.

7. Conduct and administer courses in a manner reasonably calculated to assure that certificates or reports of courses attended and completed accurately reflect the student's attendance and performance.

8. Maintain for five years the records of each student including, at a minimum, the name(s) of the course or courses taken and whether the course was passed or failed, if applicable.

9. If approved to teach prelicensing courses, provide remedies for students who have failed the State licensing examination, which may include review courses or second full courses at reduced rates.

10. If approved to teach prelicensing courses and if it charges tuition therefor, provide to all persons requesting an enrollment application or information, at the time of such request and in a manner approved by the Department, all passing rates on the State licensing examination for all programs for each examination given during the preceding six month period; or, if the program has not been in operation for this period of time, the passing rate for all examinations given during the period which the program has been in operation. This information shall be test specific and shall be furnished in writing and without request.

(g) An approved insurance education program may maintain classroom facilities at more than one permanent location in New Jersey under the supervision of a single director, provided that:

1. The address of each permanent classroom is revealed on the application for approval or subsequent amendments;

2. That each classroom meets the standard of (f)5 above; and

3. Permanent student records are maintained at the program's office.

(h) An approved insurance education program may conduct classes at temporary locations in New Jersey provided that each classroom facility meets the requirements of (f)5 above, and that permanent student records are maintained at the program's office

(i) Upon request from the Department, the director of an approved education program shall provide information about the time date and place of any prelicensing or continuing education course; scheduled so that the classes may be monitored.

(j) An approved insurance education program shall issue to each student who has successfully completed a prelicensing education course a certificate which shall contain the following:

- 1. The program name and program code number;
- 2. The student's name;
- 3. The name of the course and the hours of study;
- 4. Signatures of the student and the instructor;
- 5. The course completion date; and
- 6. A statement that the student was instructed for the number of hours indicated on the certificate, that the instructor is satisfied that the student knows the material, and that the student has received at least a 70 percent minimum passing course grade in the program

(k) Any insurance education program may be denied approval for failure to meet the requirements in this section.

(l) Any denial of program approval, or any proposal to revoke or suspend approval, shall be in writing, and shall advise the applicant of his or her right to a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq. Nothing in this section shall prohibit the rejection and return of applications for correction of ministerial errors.

(m) The Commissioner may suspend or revoke the approval of an insurance education program for any of the following reasons:

- 1. The failure to maintain any requirement set forth in this section
- 2. The failure to advise the Department promptly of any change in information initially submitted in the application during the period of approval;
- 3. Obtaining an approval by fraud or misrepresentation;
- 4. The failure to conduct any classes for a period of 12 months;

ADOPTIONS

INSURANCE

5. For preclicensing education programs only, the failure to maintain an overall passing rate on the State insurance licensing examination of 70 percent or more **[during]* *for** any period of 12 consecutive months. For the purpose of calculating the passing rate, each examination taken by each program graduate will be counted;

6. For continuing education programs only, the failure to report to the Department students' continuing education **[units]* *credits**.

(n) As an alternative to suspension or revocation of approval, the Commissioner may place any program on probation with appropriate conditions.

11:17-3.2 Preclicensing education

(a) Each applicant for a resident insurance producer's license shall pass a course of preclicensing education with the appropriate number of hours of classroom instruction described in (b) through (e) below.

(b) Prior to being licensed in New Jersey for the first time as a producer, an applicant shall complete a course on regulation of the insurance industry in New Jersey for a total of 15 classroom hours. The course shall include the following topics:

1. State regulatory jurisdiction;
2. The powers of the Commissioner and the methods of regulation;
3. Producer licensing;
4. Producer trade practices, standards of conduct and ethics; and
5. Doing business as a licensed insurance producer.

(c) Prior to being admitted to the State licensing examination to obtain a particular producer license authority, an applicant shall complete a course of preclicensing education for the specific authority or authorities as follows:

1. Life authority, for a total of 25 classroom hours:
 - i. General life insurance concepts;
 - ii. Annuities;
 - iii. Contracts on a variable basis; and
 - iv. New Jersey law and practice regarding life insurance.
2. Health authority, for a total of 25 classroom hours:
 - i. General health insurance concepts; and
 - ii. New Jersey law and practice regarding health insurance.
3. Life and health authorities, for a total of 40 classroom hours:
 - i. General life insurance concepts;
 - ii. Annuities;
 - iii. Contracts on a variable basis;
 - iv. General health insurance concepts; and
 - v. New Jersey law and practice regarding life and health insurance.
4. Property/casualty authority, for a total of 125 classroom hours:
 - i. General property insurance concepts;
 - ii. General casualty insurance concepts;
 - iii. Health insurance concepts; and
 - iv. New Jersey law and practice regarding property/casualty and health insurance.
5. Title insurance authority, for a total of 45 classroom hours:
 - i. General principles of real estate and title insurance; and
 - ii. New Jersey law and practice regarding title insurance.

(d) A person holding an approved professional designation described in N.J.A.C. 11:17-3.5 shall not be required to complete the courses of preclicensing education.

(e) A person who previously held a New Jersey insurance license, which was surrendered as a condition of public employment, shall not be required to complete the courses of preclicensing education to reinstate the license provided that the employment was insurance-related and application for license is made within one year of termination of the public employment.

(f) Upon application to the Supervisor of Insurance Education, any of the courses in (c) above may be waived for any license applicant who can demonstrate that he or she satisfies at least one of the following conditions:

1. For all authorities, that he or she holds, or has held, an insurance producer, agent, broker or solicitor license in a state other than this State, which is current or expired less than one year preceding the date of application for waiver;
2. For all authorities, that he or she is a veteran of the United States armed services, and has completed a course of veteran's educa-

tion approved by the Department of Education and the Commissioner of Insurance;

3. For all authorities, that he or she has successfully completed courses in insurance subjects at an accredited college or university, which are equivalent or comparable to the preclicensing courses required for the authority requested;

4. For title insurance authority only, that he or she is an attorney at law admitted to practice in New Jersey.

(g) An application for waiver shall be made on a form prescribed by the Department and shall be submitted directly to the Supervisor of Insurance Education prior to registering for the State licensing examination or making application for an insurance producer license. In addition to providing the information requested by the form:

1. Applicants seeking a waiver authorized by (f)1 above shall submit a recent certification of license status or letter of severance issued by the insurance licensing authority in the state where they hold or held an insurance license.

2. Applicants seeking a waiver authorized by (f)2 above shall submit proof of completion of a course of veteran's education issued by the New Jersey Department of Education.

3. Applicants seeking a waiver authorized by (f)3 above shall submit a transcript issued by the college or university where the course was taken and a description of the subject matter covered.

4. Applicants seeking a waiver authorized by (f)4 above shall submit a certificate of good standing issued by the Clerk of the New Jersey Supreme Court.

(h) If a waiver is approved pursuant to (f) and (g) above, the Supervisor of Insurance Education shall issue a letter of approval waiving the preclicensing education requirement, which shall be attached to the producer license application when submitted to the Department.

(i) Producer license applicants who obtain a waiver of the education requirement shall be solely responsible for preparing themselves to take the state examination.

(j) Waivers shall expire in 60 days from the date of issuance and shall not be reissued or renewed.

11:17-3.3 State licensing examination; use of independent examination vendor; exemptions; retaking of examination

(a) All applicants for a resident insurance producer license shall pass the State licensing examination, which may be given by the Department or by an independent vendor under contract to the Department that meets the criteria set forth in (b) below.

(b) Any contract for development and administration of the New Jersey State insurance producer licensing examination shall include, without limitation, the following terms and conditions:

1. The contract vendor shall develop and administer the examination in accordance with specifications approved by the Commissioner.

2. Examinations shall be administered not less than two times per month at such times and places as may be agreed upon by the Commissioner and the contract vendor. The contract vendor shall provide the Commissioner with at least four months' prior notice of scheduled test administration dates.

3. The contract vendor shall:

i. Establish at least four test administration centers within the State;

ii. Provide all physical facilities; and

iii. Provide all test center personnel sufficient for the administration of the test.

4. At least one test administration center shall be in each of the following areas:

i. Newark;

ii. Trenton;

iii. Camden; and

iv. Atlantic City.

5. The contract vendor shall collect from applicants taking the insurance license examination a previously agreed upon fee covering the cost of developing and administering the examination.

6. The contract vendor shall administer the examination in accordance with the contract, which shall contain adequate provisions

INSURANCE

ADOPTIONS

for preregistration of test candidates, walk-in testing, score reporting, security measures and such other provisions that, in the opinion of the Department, assure fair and consistent administration of the examination.

7. The contract vendor shall print and distribute to all approved education programs and to any prospective test candidate such candidate bulletins, registration forms*, **current test content outlines*** and other information that may be useful or required.

8. The contract vendor shall score examinations promptly, and shall mail score reports to all passing and failing candidates within 15 calendar days after each test date.

9. The contract vendor shall provide to failing candidates, for each test taken, diagnostic information by major content areas.

10. The contract vendor shall provide to the Department:

i. Alphabetical lists containing candidate names, addresses, identification numbers, school code numbers and scores on State producer licensing examinations of passing and failing candidates; and

ii. Summary statistics, for each test, indicating the number of candidates registered, tested and absent, and passing or failing.

11. The contract vendor shall provide to the Department, on at least a quarterly basis, accumulative, non-personally identifiable pass/fail data and diagnostic data by major content areas for each test for approved programs of prelicensing insurance education.

12. The contract vendor shall provide to approved programs teaching courses of prelicensing education quarterly reports about their students' performance on the licensing examination, which shall contain students' names, the tests taken, scores (passing or failing) and summary statistics. ***Quarterly reports shall be mailed within 15 days of the end of each quarter.***

13. The Department shall have the sole responsibility for establishing minimum qualifications and passing requirements of candidates taking the licensing examination. These qualifications and passing requirements shall be on file at the offices of the Department and shall be made available for public inspection.

14. The contract vendor shall defend and indemnify the Department of Insurance, the State of New Jersey and its agents, officers and employees from all claims, actions, damages, liability and expenses in connection with loss of life, personal injury and/or damage to property arising out of the ownership, occupancy or use by the contract vendor of any facilities used as test administration centers, occasioned wholly or in part by any act or omission of the contract vendor, its agents, contractors or employees.

15. The contract vendor shall provide technical and legal assistance to the Department in the event of any legal challenge to the validity of any examination administered, prepared and/or copywrited by the contract vendor or the Department in which the State of New Jersey or any of its agencies, officers or employees is named as a party.

16. The contract vendor shall provide public liability insurance with respect to the test facilities in a form satisfactory to the Department with minimum policy limits of \$1,000,000 bodily injury coverage for each occurrence; \$1,000,000 aggregate bodily injury coverage; \$500,000 property damage coverage for each occurrence; and \$1,500,000 aggregate property damage coverage.

17. The contract vendor shall transmit to the Department, in a form satisfactory to the Department, information collected during the test registration process to aid in prompt licensing of passing candidates, and may issue to passing candidates, on a form prescribed by the Department, a temporary work authority. The contract vendor shall deliver the test registration forms of passing candidates to whom a temporary work authority has been issued within 30 days of the date of the test.

(c) Applicants holding a recognized professional designation described in N.J.A.C. 11:17-3.5 are exempt from the licensing examination.

(d) Applicants who previously held a New Jersey insurance license which was terminated as a condition of public employment, are exempt from re-examination provided that the public employment was in an insurance-related field and the license application is made within one year of the termination of that employment.

(e) For good cause shown, the Commissioner may, by order, require an applicant for licensure or a licensee to retake the State licensing examination within a specified period of time. The order shall clearly and fully state the alleged factual circumstances upon which it is based. In the case of a licensee, a license shall remain effective pending the results of the new examination unless otherwise subject to revocation or suspension.

1. A licensee or applicant for licensure may appeal the decision of the Commissioner within 10 days of receipt of the order to retake the examination by filing with the Commissioner a written statement and supporting documentation, if any, disputing with specificity the allegations in the order. In appropriate circumstances, the Commissioner, or his or her designee, may provide the licensee or applicant for licensure with the opportunity to present evidence orally.

2. After review of the record, the Commissioner shall either rescind the order or require the licensee or applicant for licensure to retake the examination within a prescribed period of time.

i. If a licensee fails to retake the examination within the prescribed period of time, the Commissioner shall issue an Order to Show Cause why the license should not be revoked and shall advise the licensee of his or her right to a hearing pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as implemented by the Uniform Rules of Administrative Procedure N.J.A.C. 1:1-1.

ii. If an applicant for licensure fails to retake the examination within the prescribed period of time, the Commissioner may refuse to issue the license for which application is made and shall advise the applicant for licensure of his or her right to a hearing pursuant to the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., as implemented by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.

(f) Resident individuals registered by any insurance company to do business as a limited insurance representative dealing with bail bonds or mortgage guarantee insurance shall have taken and passed a special examination. The insurance company registering such persons shall confirm that this requirement has been met, and the limited insurance representative shall maintain evidence of meeting this requirement at his or her place of business.

11:17-3.4 Continuing education

(a) No resident individual insurance producer license shall be renewed after *[July 31, 1992]* ***May 1, 1994*** unless the renewing applicant demonstrates that he or she has completed 48 continuing education credits during the previous four years. This requirement shall not apply to attorneys-at-law admitted to practice in New Jersey with authority for title insurance only.

(b) Approved insurance education programs may submit to the Department for certification of continuing education credits such courses as they may develop.

1. A request for continuing education credit certification shall be made on a form prescribed by the Department which shall require the following information:

i. The name and code number of the approved education program submitting the course;

ii. A brief description of the topics or subject matter to be covered;

iii. Copies of any and all materials to be used;

iv. The number of actual classroom hours required to complete the course; and

v. Such other information as may, in the opinion of the Department, be necessary to evaluate the course for certification of continuing education credits.

2. Submissions for certification of a series of courses in accordance with (c)4 below may substitute the education requirements to obtain and maintain the designation together with samples of courses, for the requirements of (b)1 i, ii, iii and iv above.

3. The Supervisor of Insurance Education shall certify courses submitted for continuing education credits as provided above, or disapprove the course for continuing education credits, and notify the program director of the decision. In the event of disagreement with the decision, the program director may, within 30 days of receipt of notice from the Department, supply the Supervisor of Insurance

ADOPTIONS

Education with a written request for reevaluation supported by reasons for disagreement with the decision and such additional information as may be appropriate. The Supervisor of Insurance Education shall promptly reevaluate the course and advise the program director of the Department's final decision on the continuing education credits allowed.

4. No credit shall be allowed for courses dealing with salesmanship or personal motivation, nor shall primarily social activities be considered to compute course length.

(c) Continuing education credits shall be certified in accordance with the following:

1. Each completed part of the Chartered Life Underwriter (CLU) and Chartered Property/Casualty Underwriter (CPCU) designations shall be worth 12 continuing education credits.

2. Each college level insurance course completed and passed at an accredited college or university shall be worth four continuing education credits for each semester hour of college credit.

3. ***The number of continuing education credits certified shall be based upon the length of the course and the level of difficulty.*** Each continuing education course submitted by an approved insurance education program shall be worth the ***total*** number of credits computed in accordance with the following schedule:

- i. One credit for a half day course;
- ii. Two credits for a full day course;
- iii. Three credits for a two day course;
- iv. Four credits for a course more than two days;
- v. Two credits for a basic level or introductory course; and
- vi. Four credits for an advanced course.

4. Each series of courses submitted as a single unit by an approved education program, and which are administered in connection with the issuance or annual maintenance of a professional designation approved in at least one-third of the states requiring continuing education as a condition of licensure, shall be worth up to 12 continuing education ***[units]* *credits*** based upon the length of the courses and the level of difficulty of the subject matter.

[5. The number of continuing education credits certified shall be based upon the length of the course and the level of difficulty as provided in (c)3 above.]

(d) The director of an approved insurance education program shall report the names and producer license reference number of those persons completing each continuing education course within 30 days of course completion or certification of continuing education credits, whichever is later. The instructor teaching the course may be deemed to have completed it for the purpose of securing continuing education credit. The report shall be made to the Department, or its designee, on a form prescribed by the Department, and shall include the following information:

1. The program name and school code;
2. The name ***and code number*** of the continuing education course ***and date*** completed; and
3. The number of continuing education credits as certified.

(e) Producers who request continuing education credit for one or more parts of the CLU or CPCU designations, or insurance courses completed at an accredited college or university, shall submit to the Department, on a form prescribed by the Department, the request together with a transcript or other documentation to demonstrate completion of the course.

(f) At least once each year, the Department, or its designee, shall issue to individual resident producers an accounting which shall identify and include:

1. The number of continuing education ***[units]* *credits*** completed, the course or courses taken, and the school code where the credits were completed;
2. The total number of continuing education ***[units]* *credits*** completed;
3. The total number of continuing education credits remaining to be completed; and
4. The license renewal date of the producer.

(g) If the accounting required by (f) above is considered by the resident producer to be inaccurate, he or she shall promptly request

INSURANCE

the director of the approved education program to file with the Department, or its designee, an appropriate supplemental report.

(h) At least five months prior to the renewal of license, the Department, or its designee, shall issue to individual resident producers a statement indicating, based on current records, whether the continuing education requirement for renewal has been met. In the event the producer asserts that credit has not been recorded for a certified continuing education course, it shall be the sole responsibility of the producer to request the director of the approved program where the course was taken to file with the Department, or its designee, a supplemental report of continuing education ***[units]* *credits***.

OAL NOTE: N.J.A.C. 11:17-3.4, adopted effective April 3, 1989, is not operative until May 1, 1990.

11:17-3.5 Recognized professional designations

(a) The Department recognizes the following professional designations as acceptable substitutes for the producer education and examination requirements except continuing education:

1. For life and health authorities, a Chartered Life Underwriter (CLU) designation conferred by The American College of Life Underwriters;

2. For property/casualty, health and surplus lines authorities, a Chartered Property/Casualty Underwriter (CPCU) designation conferred by The American Institute of Property and Liability Underwriters.

(b) An applicant seeking to rely on a recognized professional designation to satisfy any education or examination requirements in accordance with (a) above, shall submit adequate proof of such achievement which shall include an official document or transcript issued by the organization conferring the designation.

11:17-5.7 Professional qualifications

(a) Insurance education programs approved in accordance with the prior rule, N.J.A.C. 11:2-19, are deemed to continue as approved until their current ***or extended*** approval expires, unless approval is revoked.

(b) Subject to the time limitations of the New Jersey Insurance Producers Licensing Act, P.L. 1987, c.293, and N.J.A.C. 11:17-5.4, individuals applying for producer licenses are deemed to satisfy the education and examination requirements of N.J.A.C. 11:17-3.2 and 3.3 by completing courses of prelicensing education at an approved program and passing the State licensing examination in accordance with prior law.

(c) The provisions of N.J.A.C. 11:17-3.2(b) and (c) shall take effect on ***[July 1, 1989]* *April 1, 1990***. No approved education program shall issue after that date a certificate confirming that a person has satisfied the requirements of prelicensing education unless the individual has completed the course or courses described in N.J.A.C. 11:17-3.3.

(d) ***Subject to the provisions of any current vendor contract,* *The]* *the*** State licensing examination administered on or after ***[July 1, 1989]* *April 1, 1990*** shall be in accordance with examination specifications designed to test the curricula as provided in N.J.A.C. 11:17-3.3.

(e) Until ***[June 30, 1989]* *March 31, 1990***, approved education programs may teach courses and issue certificates of completion of prelicensing education that include the minimum course hours specified in prior rules N.J.A.C. 11:2-1.1, 1.2, 1.3 and 1.5.

(f) No continuing education credits shall be accepted for courses completed prior to August 1, 1988.

(a)

DIVISION OF ENFORCEMENT AND CONSUMER PROTECTION

Licensing and Regulation of Auto Body Repair Facilities

Adopted Repeal: N.J.A.C. 11:14

Proposed: February 6, 1989 at 21 N.J.R. 280(a).
 Adopted: March 10, 1989 by Kenneth D. Merin, Commissioner, Department of Insurance.
 Filed: March 10, 1989 as R.1989 d.195, **without change**.
 Authority: N.J.S.A. 39:13-1 et seq.
 Effective Date: April 3, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

COMMERCE, ENERGY AND ECONOMIC DEVELOPMENT

(b)

DIVISION OF TRAVEL AND TOURISM

Tourism Matching Grants

Adopted Amendment: N.J.A.C. 12A:12-3.9

Proposed: January 17, 1989 at 21 N.J.R. 114(a).
 Adopted: February 17, 1989 by Borden R. Putnam, Commissioner, Department of Commerce, Energy and Economic Development.
 Filed: March 1, 1989 as R.1989 d.175, **without change**.
 Authority: N.J.S.A. 52:27H-6.
 Effective Date: April 3, 1989.
 Expiration Date: September 21, 1992.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

12A:12-3.9 Reports and compliance

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

(d) By no later than June 15 of the grant program cycle a grantee shall submit a signed contract between DCEED/State and the grantee.

1. Failure to timely submit such contract shall result in forfeiture of the grant by the grantee.

(e) Failure of the grantee to timely file any report or document required by this subchapter may result in ineligibility for the tourism grant program for that grant program cycle, and/or grant payments may be suspended or rescinded.

1. The Commissioner may bar a grantee from receiving a grant under this program for a period of up to two grant program cycles.

(f) The Commissioner, upon award of a grant, shall specify the terms of compliance for the grant to the grantee. The terms of such an agreement shall include, but are not limited to, the following:

1. Any purchases made by the grantee in excess of amounts as established by N.J.S.A. 52:34-7 and 52:34-7.1 shall be subject to all of the bidding requirements under which State departments and agencies operate.

2. No purchase made by the grantee for the project or event shall be made in a manner that provides exclusive contracting privileges to any one member or office of the grantee.

LAW AND PUBLIC SAFETY

(c)

DIVISION OF CONSUMER AFFAIRS BOARD OF ACCOUNTANCY

Continuing Professional Education

Adopted New Rules: N.J.A.C. 13:29-6

Proposed: October 17, 1988 at 20 N.J.R. 2532(a).
 Adopted: January 19, 1989 by the State Board of Accountancy, Richard W. Culbertson, CPA, President.
 Filed: March 10, 1989 as R.1989 d.194, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 45:2B-17.1 and 45:2B-38 et seq.
 Effective Date: April 3, 1989.
 Expiration Date: June 3, 1990.

The Board of Accountancy afforded all interested parties an opportunity to comment on the proposed new rules, N.J.A.C. 13:29-6, relating to continuing professional education. The official comment period ended on November 16, 1988. Announcement of the opportunity to respond to the Board appeared in the New Jersey Register on October 17, 1988 at 20 N.J.R. 2532(a). Thereafter, the comment period was extended to January 10, 1989, the date of the Public Hearing. Notice of the Public Hearing and Comment period extension appeared in the New Jersey Register on December 19, 1988 at 20 N.J.R. 3114(a). Announcements were also forwarded to the New Jersey Society of CPAs, the New Jersey Association of Public Accountants, the New Jersey Association of Registered Municipal Accountants, the New Jersey Division of Local Government Services and the Star Ledger and Trenton Times, newspapers of general circulation.

A full record of this opportunity to be heard can be inspected by contacting Board of Accountancy, Room 507-A, 1100 Raymond Boulevard, Newark, New Jersey 07102.

Summary of Public Comments and Agency Responses:

Four hundred and forty-four (444) letters were received (sponsors—158; licensees—207; and retired—79) during the official comment period and extension thereof.

COMMENT: The audit requirement is too narrow and too restrictive.

RESPONSE: This requirement has been expanded to include the examination or review of internal and administrative controls, operating and government programs. Courses relating to audit theory and philosophy, substantive audit procedures and sampling, reporting financial statements are acceptable. Courses covering pronouncements and regulations issued by reciprocal authorities such as AICPA, FASB, SI and other governmental agencies dealing with financial reporting, auditing or generally accepted accounting principles will also qualify for CPE credit.

COMMENT: Retired and inactive licensees should be exempt from CPE requirements.

RESPONSE: All retired and disabled licensees will be granted a waiver without loss of license as long as they do not hold themselves out to the public as practicing accountants in a professional capacity. Any such retired licensee wishing to return to practice must notify the Board prior to reentry and shall meet certain CPE requirements prescribed by the Board prior to reentry.

There is no "inactive" category. All individuals, no matter what career they follow (such as law, teaching, private industry, etc.) must comply fully with CPE rules in order to retain a current license.

COMMENT: Sponsors should be approved, not courses.

RESPONSE: The rules do not imply that each individual course submitted for approval. Sponsors will be required to present courses which comply with the areas described in N.J.A.C. 13:29-6.3.

COMMENT: The initial time period within which CPA's must complete CPE credit is unrealistic.

RESPONSE: The initial period for CPA's to acquire 18 CPE credit has been extended from June 30 to September 30, 1989.

COMMENT: CPE credit obtained through self-study and home study should not be limited.

ADOPTIONS

LAW AND PUBLIC SAFETY

RESPONSE: As revised upon adoption, under N.J.A.C. 13:29-6.5(a)4, licensees will be permitted to take as many courses of this type as desired including up to 100 percent of the total required CPE credits. However, only one CPE credit will be earned for each two periods of home study. For example, a total of 96 home study credits would be required, in order to gain the maximum 48 CPE credits. Each home study course must include successful passing of an examination of that subject.

COMMENT: Licensees who are also RMA's should not have to do double CPE.

RESPONSE: The Board wishes to note that the rules do not contain any requirement for more than 48 CPE credits for any one individual.

COMMENT: Clarification is sought regarding licensees who are registered in more than one state.

RESPONSE: Courses approved by other state boards can be submitted for approval in New Jersey, as well. They need not be kept separate.

COMMENT: Will the in-house courses given by the IRS and other government agencies be acceptable for CPE credit?

RESPONSE: Such courses are generally approved in most states and will therefore be accepted in New Jersey.

COMMENT: The October 1, 1988 starting date is unfair. Many licensees take courses all through the year on a voluntary basis.

RESPONSE: The Board recognizes that this may create a slight hardship during the initial biennial registration period, but feels it would be unsound not to mandate a starting date.

COMMENT: Many private firms, such as insurance companies, financial institutions, etc. have in-house programs that should be approved.

RESPONSE: The first period, until September 30, 1989, provides no approval of in-house programs other than those given by public accounting firms or government agencies. Thereafter, other in-house programs may be approved upon application to the Board.

COMMENT: Why aren't courses in personal development and management skills acceptable for CPE credit?

RESPONSE: While it is felt that other courses have great value, the Board believes that in limiting the requirement to 48 credits, great emphasis must be placed on the technical courses needed to enhance the licensee's performance.

COMMENT: It is unrealistic to state that there is no economic impact on the public.

RESPONSE: The economic impact statement is required for proposal but is not part of the final text of the accounting rules as promulgated in the New Jersey Administrative Code. However, a statement that the cost of CPE will indirectly affect the public through increased accounting fees might more accurately have reflected the rules' economic impact on consumers.

Summary of Changes upon Adoption:

1. As proposed, N.J.A.C. 13:29-6.1 did not include the purpose of continuing professional education. The Board, in response to several suggestions, has inserted the following language: "These rules apply to all licensees registered by the Board of Accountancy in order to enhance the professional competence of such licensees."

2. In proposed N.J.A.C. 13:29-6.2, the word "completion" was inadvertently published and has been replaced by the correct word "compilation." The last sentence in the paragraph was deleted as unnecessary in light of the subchapter's requirements and fact of adoption.

3. In fairness to CPA's who must complete 18 credit hours for the biennial registration on October 1, 1989, the date for completion of those credits has been extended in N.J.A.C. 13:29-6.2(a)1i from June 30, 1989 to September 30, 1989.

4. The time period in N.J.A.C. 13:29-6.2(a)1ii within which credits must be taken for the October 1, 1991 biennial registration has been revised to be between October 1, 1989 and June 30, 1991 due to changes made in N.J.A.C. 13:29-6.2(a)1i. The words "beginning on July 1, 1991" have been inserted to clarify time frames for subsequent biennial registration periods.

5. Revisions were made in N.J.A.C. 13:29-6.2(c) relating to an exemption for retired accountants. Though the original proposed rule included an exemption for "inactive," as well as "retired" accountants, it is believed that the definition of "retired" will encompass those initially affected (that is, inactive/retired) by the exemption. Added to this subsection is the following: "Retired accountants shall be exempt from continuing professional education requirements. Retired licensees are those who do not practice accounting (public or private) or hold themselves out to

the public as practicing accountants in any professional capacity. Any licensee who returns to the practice of accounting must notify the Board prior to reentry and shall meet the continuing education requirements by completing 48 credit hours of continuing professional education requirements prescribed by these regulations within the two year period prior to reentry. Licensees retired for one year or less will satisfy the requirements by completing at least 24 credit hours of continuing professional education in the year prior to reentry."

6. N.J.A.C. 13:29-6.3(c) has been revised to clarify credits to be accepted in the area of auditing, review and compilation by adding the following language: "Qualifying subject matter will include courses covering pronouncements or regulations issued by recognized authorities such as the FASB, AICPA, SEC or other government agencies (state and Federal) dealing with auditing, financial reporting, or application of generally accepted accounting principles."

7. A typographical error in N.J.A.C. 13:29-6.4 has been corrected by adding the final "e" to the word "licensee."

8. A typographical error in N.J.A.C. 13:29-6.5(a)2i stating "15 credit hours" has been corrected to state "five credit hours." The section now reflects the fact that applicants taking university or college courses will receive five credit hours for each semester credit earned (that is, 15 CPE credits would be earned for one three hour course).

9. The words "with a successful final examination" have been added to N.J.A.C. 13:29-6.5(a)4ii to assure that there is a final assessment of knowledge gained by applicants earning CPE credit for participation in correspondence or individual study programs.

10. In order to clarify the administrative process of becoming a qualified continuing education sponsor, the following language has been added to N.J.A.C. 13:29-6.6(a): "the sponsor must submit an application form prescribed by the Board and obtain a sponsor number."

11. N.J.A.C. 13:29-6.6(c) has been deleted due to the unanticipated administrative burden which would have been placed on the Board.

12. The words "where applicable" have been inserted in N.J.A.C. 13:29-6.8(a) for clarification.

13. Public speaking, lecturing and discussion leader activity have been added to items which may be included in a licensee's certification relating to the reporting of credit hours in N.J.A.C. 13:29-6.8.

14. In order to avoid confusion as to whether or not a course qualifies as "auditing" for CPE credit the following language has been added to N.J.A.C. 13:29-6.12(a)1 (Disclosure to prospective participants): "Sponsors shall also advise participants, in advance, of courses which qualify as 'auditing' pursuant to N.J.A.C. 13:29-6.3(a)".

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

SUBCHAPTER 6. CONTINUING PROFESSIONAL EDUCATION

13:29-6.1 Coverage

All licensees under N.J.S.A. 45:2B-1 et seq. shall comply with the provisions of this subchapter relating to continuing professional education (CPE). ***These rules apply to all licensees registered by the Board of Accountancy in order to enhance the professional competence of such licensees.***

13:29-6.2 Credit-hour requirements

(a) Each applicant for a biennial license renewal is required to complete, during the preceding biennial period, 48 credit hours of continuing education. The types of continuing education programs and other sources of continuing education for which credit hours may be obtained are set forth in N.J.A.C. 13:29-6.5. The 48 hours of continuing education shall include at least 16 credit hours in the areas of auditing, review or *[completion]* ***compilation*** for persons who are engaged in the practice of public accounting or are involved with the attest function in issuing audit, review or compilation reports. This subsection is applicable to licensees seeking to renew their licenses for the next biennial renewal period. ***[Mandatory CPE will commence for licensees upon the final adoption of this subchapter by the State Board of Accountancy which is anticipated by no later than January 1, 1989.]***

1. For Certified Public Accountants (CPA's) the following requirements apply:

LAW AND PUBLIC SAFETY

ADOPTIONS

i. Eighteen credit hours (including, where applicable, at least six credit hours in the area of auditing, including, but not limited to, review, compilation and attest standards) must be taken for the biennial registration on October 1, 1989. Such credits must be taken between the period beginning October 1, 1988 and ending *[June 30, 1989.]* ***September 30, 1989,*** and reported to the Board, on official reporting forms, in a manner and at a time to be prescribed by the Board.

ii. Forty-eight credit hours (including, where applicable, at least 16 credit hours in the area of auditing, including, but not limited to, review, compilation and attest standards) must be taken for the biennial registration on October 1, 1991 (and subsequent biennial registrations). Such credit must be taken between *[July 1, 1989]* ***October 1, 1989*** and June 30, 1991 (and subsequent biennial periods ***beginning on July 1, 1991***) and reported to the Board, on official reporting forms, in a manner and at a time to be prescribed by the Board.

2. For Public Accountants, the following requirements apply:

i. Forty-eight hours (including, where applicable, at least 16 credit hours in the area of auditing, including, but not limited to, review, compilation and attest standards) must be taken for the biennial registration on October 1, 1990. Such credits shall be taken between October 1, 1988 and June 30, 1990 and reported to the Board, on official reporting forms, in a manner and at a time to be prescribed by the Board.

ii. Forty-eight credit hours (including, where applicable, at least 16 credit hours in the area of auditing, including, but not limited to, review, compilation and attest standards) must be taken for the biennial registration on October 1, 1992 (and subsequent biennial registrations). Such credits shall be taken between July 1, 1990 and June 30, 1992 (and subsequent biennial periods) and reported to the Board, on official reporting forms, in a manner and at a time to be prescribed by the Board.

3. For Registered Municipal Accountants (RMA's), the following requirements apply:

i. Forty-eight hours (including, where applicable, at least 16 credit hours in the area of auditing, including, but not limited to, review, compilation and attest standards) must be taken for the biennial registration on September 1, 1990. Such credits shall be taken between October 1, 1988 and June 30, 1990 and reported to the Board, on official reporting forms, in a manner and at a time to be prescribed by the Board.

ii. Forty-eight credit hours (including, where applicable, at least 16 credit hours in the area of auditing, including, but not limited to, review, compilation and attest standards) must be taken for the biennial registration on September 1, 1992 (and subsequent biennial registrations). Such credits shall be taken between July 1, 1990 and June 30, 1992 (and subsequent biennial periods) and reported to the Board, on official reporting forms, in a manner and at a time to be prescribed by the Board.

(b) Persons failing to meet the continuing education requirements for a biennial renewal period will not be issued a current license until such requirements have been satisfied. The Board may modify this policy on an individual basis under circumstances specified under N.J.S.A. 45:2B-39. Failure to meet biennial continuing education requirements may subject a licensee to disciplinary action by the Board.

(c) The Board may, in its discretion, waive requirements for continuing professional education on an individual basis for reasons of hardship such as health, military service, or other due cause. ***[Inactive or retired]* **Retired** accountants **[who desire to remain licensed may apply for a waiver of continuing education requirements.]* ***shall be exempt from continuing professional education requirements. Retired licensees are those who do not practice accounting (public or private) or hold themselves out to the public as practicing accountants in any professional capacity. Any licensee who returns to the practice of accounting must notify the Board prior to reentry and shall meet the continuing education requirements by completing 48 credit hours of continuing professional education requirements prescribed by this subchapter within the two year period prior to reentry.*****

try. Licensees retired for one year or less will satisfy the requirements by completing at least 24 credit hours of continuing professional education in the year prior to reentry.*

(d) An applicant, upon successful completion of the Uniform CPA Examination, shall be exempt from the requirements of (a) above for only the biennial period during which the applicant successfully completed such examination.

13:29-6.3 Qualifying subject matter

(a) The following subjects are acceptable for continuing education:

1. Accounting;
2. Auditing, including, but not limited to, review, compilation and attest standards;
3. Business law;
4. Computer Science;
5. Economics;
6. Finance;
7. Management advisory services;
8. Mathematics, statistics, etc.;
9. SEC practice;
10. Taxation; and
11. Professional ethics.

(b) Any of the subjects in (a) above may be in specialized areas, such as governmental, not-for-profit organizations, film industry, real estate, and farming.

(c) Auditing, review and compilation includes the body of knowledge that deals with the basic service of the public accounting profession, that is, examination and reporting on financial statements. Also included in this area is the examination or review of internal and administrative controls, operations and government programs. Relevant program offerings could include audit theory and philosophy; generally accepted auditing standards; study and evaluation of internal control; substantive audit procedures; audit sampling; reporting on financial statements; review services; and computer and government auditing. ***Qualifying subject matter will include courses covering pronouncements or regulations issued by recognized authorities such as the FASB, AICPA, SEC or other government agencies (state and Federal) dealing with auditing, financial reporting, or application of generally accepted accounting principles.***

(d) Subjects other than those listed in (a) above may be acceptable for continuing education credit if the licensee can demonstrate to the satisfaction of the Board that such subject or specific program contributes to the maintenance of the licensee's professional competence.

13:29-6.4 Non-qualifying subject matter

In general, studies related to personal, as opposed to professional, development of the ***[licensee]* **licensee****, or studies directly associated with the development and administration of the licensee's practice, will not be accepted towards meeting continuing education requirements. Included in this category are subjects that concentrate on the practice management areas, such as organizational structure, marketing of services, human resource management and other administrative matters. Study which relates to a licensee's personal skills such as speaking, leadership and managing people or organizations would also be excluded.

13:29-6.5 Continuing education programs and other sources of continuing education credit

(a) The following qualify as continuing education programs provided they contain the subject areas enumerated in N.J.A.C. 13:29-6.3 and meet the continuing education program criteria requirements as set forth in N.J.A.C. 13:29-6.6.

1. Continuing education programs of Federal or State accounting organizations: Continuing education credit will be granted at the rate of one credit hour for every 50 minutes of in-class participation.

2. University or college courses: Continuing education credit will be granted for university or college courses in accordance with the following:

- i. Applicants will receive ***[15]* **five**** credit hours continuing education credit for each semester credit hour earned; and
- ii. Applicants attending noncredit courses will be granted continuing education credit at the rate of one credit hour for every 50 minutes of in-class participation.

ADOPTIONS

LAW AND PUBLIC SAFETY

3. In-firm educational programs of public accounting firms: Continuing education credit will be granted at the rate of one credit hour for every 50 minutes of in-firm participation.

4. Correspondence programs and other individual study programs: Continuing education credit will be granted for correspondence programs and other individual study programs in accordance with the following:

i. The amount of credit to be allowed for approved correspondence and individual study programs, including taped study programs, shall be recommended by the program sponsor based upon one-half the average completion time calculated by the sponsor after it has conducted appropriate "field tests." Although the program sponsor must make recommendations concerning the number of credit hours to be granted, the number of credit hours granted shall be as determined by the Board: ***and***

ii. Credit for correspondence and other individual study programs will only be given in the renewal period in which the course is completed ***with a successful final examination* *[: and]* **.**

[iii. Maximum continuing education credit per biennium for approved correspondence courses will be limited to 50 percent of the biennial requirement.]

(b) In addition to the continuing education programs enumerated in (a) above, continuing education credit will also be awarded for the following if they fall within the subject matter areas enumerated in N.J.A.C. 13:29-6.3 and meet the continuing education program criteria as set forth in N.J.A.C. 13:29-6.6.

1. Technical meetings: Licensees who participate in committee meetings of professional accounting organizations will be awarded continuing education credit for that portion of the meeting which is structured as a continuing education program. Continuing education credit will be granted at the rate of one credit hour for every 50 minutes of the licensee's participation.

2. Professional accounting meetings, conferences, seminars: Licensees who participate in meetings of professional accounting organizations will be awarded continuing education credit if the meeting is structured as an approved continuing education program. Continuing education credit will be granted at the rate of one credit hour for every 50 minutes of the licensee's participation in the meeting.

3. Firm meetings: Licensees who participate in firm meetings for staff or for management groups of professional accounting organizations will be awarded continuing education credit if the meeting is structured as an approved continuing education program. Continuing education credit will be granted at the rate of one credit hour for every 50 minutes of the licensee's participation in the meeting.

(c) In addition to the continuing education programs enumerated in (a) and (b) above, continuing education credit will also be granted for the following if they involve subject matter enumerated in N.J.A.C. 13:29-6.3:

1. Service as a lecturer, instructor, discussion leader, or speaker: Continuing education credit will be awarded for service as a lecturer, instructor, discussion leader, or speaker in accordance with the following:

i. One credit hour will be given for each 50 minute period of service provided the discussion is one which meets the continuing education subject matter requirements of N.J.A.C. 13:29-6.3. For the lecturer's, instructor's, discussion leader's, or speaker's preparation time, there will be awarded two additional hours of continuing education credit for each credit hour of instruction. Requests for credit shall be accompanied by an outline of the instruction, discussion, or presentation.

ii. The instructor or discussion leader will be given no credit for subsequent sessions in the same year involving substantially identical subject matter, except that after one year has elapsed the Board may give one additional credit hour for each 50 minute period of service as an instructor, lecturer, discussion leader, or speaker for the initial presentation provided the original material has been updated; and

iii. The maximum credit given for service as an instructor, lecturer, discussion leader, or speaker may not exceed 50 percent of the continuing education for any biennium.

2. Publications: Continuing education credit for publications will be awarded in accordance with the following:

i. Credit may be claimed for published articles and books by the authors of those works. These publications must contribute to the professional competence of accountants:

ii. Credit will be given for each 50 minute period of preparation time on a self-declaration basis normally not to exceed 25 percent of the biennial requirement. A copy of the publication article shall be submitted to the Board with a request for continuing education credit:

iii. In exceptional circumstances, a licensee may request additional credit by submitting the article or book to the Board with an explanation of the circumstances which he or she believes justify an award of greater credit. When licensees request more than 25 percent of the biennial requirement, credit hours awarded will be determined by the Board on a case-by-case basis. Factors such as complexity of subject matter, length of publication, and the amount of preparation time will be considered;

iv. The maximum credit for publication in exceptional circumstances shall not exceed 50 percent of the continuing education requirement for any biennium; and

v. Quality enhancement, technical review or peer review program committee participation will qualify for not more than 50 percent of the biennial requirement for each 50 minutes of participation.

13:29-6.6 Criteria for continuing education sponsors

(a) In order to qualify as a continuing education sponsor, the ***sponsor must submit an application form prescribed by the Board and obtain a sponsor number. Qualified*** sponsors must offer courses which meet the following requirements:

1. Be a formal course of learning which contributes directly to the maintenance of professional competence of a licensee;
2. Be at least one credit hour, 50-minute period, in length;
3. Be conducted by a qualified instructor or discussion leader; and
4. Offer subject matter enumerated in N.J.A.C. 13:29-6.3.

(b) A continuing education sponsor may receive prior approval for a course of acceptable subject matter and be assigned a designated number of continuing education credits by the Board if the program sponsor provides, in writing and on a form provided by the Board, information required by the Board to document the elements of (a) above, and, in addition thereto, certifies that the sponsor will:

1. Maintain and retain accurate records of attendance for a five-year period*[* **];*
2. Retain a written outline of course materials for a five-year period; and
3. Comply with the requirements of N.J.A.C. 13:29-6.12 relative to the responsibilities of program sponsors.

[(c) Prior approval of a continuing education program and the continuing education credit must be renewed every two years and at such other times as the program is to be substantially altered. Applications for preapproval of continuing education programs must be submitted by the program sponsor at least 45 days prior to the date the continuing education program is to be offered.]

13:29-6.7 Credit-hour calculations

(a) The minimum measurement for continuing education credit will be a whole credit hour. Except for those sources of continuing education for which another system of credit hour calculation is set forth in this subchapter, a continuing education credit hour is equivalent to 50 minutes of acceptable continuing education.

(b) Unless otherwise provided, only in-class participation, not student time devoted to preparation, will be counted.

13:29-6.8 Reporting of continuing education credit hours

(a) Licensees must provide, at a time prescribed and on forms approved by the Board, a signed statement certifying that continuing education requirements have been met and must document their certification, which shall include ***where applicable*** the following:

1. Dates attended;
2. Credit hours claimed;
3. Title of course and description of content;
4. School, firm, or organization sponsoring course;

LAW AND PUBLIC SAFETY

ADOPTIONS

5. Instructor; *[and]*
 6. Location of course*[.]* **;
 *7. Public speaking;
 8. Lecturing; and
 9. Discussion leader activity.*

(b) Falsification of any information required may result in the suspension or renovation of the licenses held by the falsifier.

13:29-6.9 Retention of continuing education records

(a) Primary responsibility for documenting the continuing education requirements rests with the licensee. Evidence to support fulfillment of those requirements shall be maintained for a period of five years after the completion of educational courses. This data shall be subject to periodic audit by the Board. Satisfactory documentation of the necessary information, including the retention of attendance records and written outlines, shall be accomplished as follows:

1. For courses taken for scholastic credit in accredited universities or colleges, a certified transcript or notarized statement of appropriate school authority shall constitute evidence of satisfactory completion of the course. For noncredit courses taken, a statement of the hours of attendance signed by the instructor, shall be obtained by the licensee.

2. For correspondence and independent study courses, written evidence of completion shall be submitted by the licensee.

i. Acceptable evidence of the completion of a correspondence course shall be a certificate of satisfactory completion acquired by the licensee from the program sponsor.

ii. Acceptable evidence of the completion of an independent study course shall be a summary of the program material drafted by the licensee.

3. If the program sponsor retains a copy of the course materials and a record of attendance, the licensee shall merely maintain a record of the information listed in N.J.A.C. 13:29-6.8(a). The licensee is responsible for determining whether or not the program sponsor retains these records. If there is a dispute concerning whether claimed activity should be granted credit and if the dispute could be resolved by the production of documented information to support the claim of the licensee, the dispute will be resolved against the licensee if he or she fails to produce evidence sufficient to document his or her claim.

4. If the licensee determines that the program sponsor does not retain the information discussed in (a)3 above, the licensee shall maintain a record of that information and a copy of the course outline prepared by the program sponsor.

13:29-6.10 Continuing education requirements; reciprocity or reentry

(a) An individual who holds a valid and unrevoked license issued by any state or other political subdivision of the United States and who receives a license to practice in New Jersey under the appropriate provisions of N.J.S.A. 45:2B-1 et seq. will be required to comply with the continuing education requirements applicable to all other licensees.

(b) All qualified persons who wish to apply for a license to reenter public practice in New Jersey must meet the same continuing education requirements applicable to all other licensees for the biennial period in which they wish to reenter.

13:29-6.11 Responsibilities of program developers

(a) Regarding program level difficulty, program developers shall specify the level of knowledge to be imparted under the program. Such levels of knowledge may be expressed in a variety of ways, all of which should be informative to potential participants and sponsors. As an illustration, a program may be described as having the objective of imparting technical knowledge at such levels as basic, intermediate, advanced, or overview, which might be defined as follows:

1. A basic level program teaches fundamental principles or skills to participate having no prior exposure to the subject area;

2. An intermediate level program builds on a basic level program in order to relate fundamental principles or skills to practical situations and extend them to a broader range of applications;

3. An advanced level program teaches participants to deal with complex situations; and

4. An overview program enables participants to develop perspective as to how a subject area relates to the broader aspects of accounting or brings participants up-to-date on new developments in the subject area.

(b) Program developers shall clearly identify what prerequisites are suggested for enrollment. If no prerequisite is necessary, a statement to this effect should be made. Prerequisites should be specified in precise language so potential participants can readily ascertain whether the program would be beneficial to them or whether the program is above or below their level of knowledge or skill.

(c) Programs shall be developed by individuals qualified in the subject matter and in instructional design. This subsection is not intended to require that an individual program developer be both technically competent and competent in instructional design. Its purpose is to ensure that both types of competency are represented in the program's development, whether one or more persons are involved in that development. Mastery of the technical knowledge or skill in instructional design may be demonstrated by appropriate experience or educational credentials.

(d) The program developer shall review the course materials periodically to ensure that they are accurate and consistent with currently accepted standards relating to the program's subject matter. Between these reviews, errata sheets should be issued where appropriate, and obsolete material should be deleted; however, between the time a new pronouncement is issued and the issuance of errata sheets or removal of obsolete materials, the instructor is responsible for informing participants of changes. If, for example, a new accounting standard is issued, a program will not be considered current unless the ramifications of the new standard have been incorporated into the materials or the instructor appropriately informs the participants of the new standard.

13:29-6.12 Responsibilities of program sponsors

(a) In addition to other responsibilities imposed on program sponsors, they must comply with the following:

1. Disclosure to prospective participants: Program sponsors must disclose in advance to prospective participants the objective, prerequisites, experience level, content, required advanced preparation, teaching method, and number of continuing education credits involved in the program. ***Sponsors shall also advise participants, in advance, of courses which qualify as "auditing" pursuant to N.J.A.C. 13:29-6.3(a).***

2. Selection and review of instructors: The program sponsor has the obligation for selecting and assigning qualified instructors for the continuing education program. Although it is expected that instructors will be selected with great care, sponsors should evaluate the performance of the instructors at the conclusion of each program to determine their suitability for continuing to serve as instructors in the future.

3. Number of participants and adequacy of physical facilities: The program sponsor is responsible for assuring that the number of participants and the physical facilities are consistent with the teaching methods to be utilized. Because the learning environment is affected by the number of participants and by the quality of the physical facilities, sponsors have an obligation to pay serious attention to both of these factors. The maximum number of participants for a case-oriented discussion program, for example, should be considerably less than for a lecture program. The seating arrangement is also very important. For discussion presentation, learning is enhanced as seating is arranged so that participants can easily see and converse with each other. If small group sessions are an integral part of the program format, appropriate facilities should be made available to encourage communication within a small group.

4. Program evaluation: Program evaluation shall be in accordance with the following:

i. The sponsor shall provide some means of program evaluation. Evaluations shall be solicited from both the participants and instructors. The objective of evaluations is to encourage sponsors to strive for increased program effectiveness. Programs should be evaluated to determine whether:

ADOPTIONS

TRANSPORTATION

- (1) Objectives have been met;
 - (2) Prerequisites were necessary or desirable;
 - (3) Facilities were satisfactory;
 - (4) The instructor was effective;
 - (5) Advanced preparation materials were satisfactory; and
 - (6) The program content was timely and effective.
- ii. Evaluations might take the form of pretests for advanced preparation, post-tests for effectiveness of the program, questionnaires completed at the end of the program or later, oral feedback to the instructor or sponsor, and so forth. Instructors should be informed of their performance, and sponsors should systematically review the evaluation process to insure its effectiveness.

13:29-6.13 Sponsor's failure to comply with continuing education responsibilities

Failure of the sponsor to comply with the requirements relating to criteria for continuing education programs and responsibilities of program sponsors may result in the suspension of the preapproved status for programs offered by the sponsor.

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Speed Limits

Route N.J. 147 in Cape May County

Adopted Amendment: N.J.A.C. 16:28-1.17

Proposed: January 17, 1989 at 21 N.J.R. 119(a).
 Adopted: February 17, 1989 by John F. Dunn, Jr., Director,
 Division of Traffic Engineering and Local Aid.
 Filed: March 1, 1989 as R.1989 d.178, **without change**.
 Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.
 Effective Date: April 3, 1989.
 Expiration Date: June 1, 1993.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28-1.17 Route 147

(a) The rate of speed designated for the certain parts of State highway Route 147 described in this subsection shall be established and adopted as the maximum legal rate of speed:

1. For both directions of traffic in Middle Township, Cape May County:

- i. Zone one: 40 miles per hour between Route U.S. 9 and 1000 feet east of South Carolina Avenue (mileposts 0.0 to 0.85); thence
- ii. Zone two: 45 miles per hour between 1,000 feet east of South Carolina Avenue and 4,400 feet east of South Carolina Avenue (mileposts 0.85 to 1.50); thence

iii. Zone three: 40 miles per hour between 4,400 feet east of South Carolina Avenue and 150 feet west of the westernmost end of the bridge at Grassy Sound Channel (mileposts 1.50 to 2.37); thence

iv. Zone four: 25 miles per hour between 150 feet west of the westernmost end of the bridge at Grassy Sound Channel and 150 feet east of the easternmost end of the bridge at Grassy Sound Channel (mileposts 2.37 to 2.55); thence

v. Zone five: 40 miles per hour between 150 feet east of the easternmost end of the bridge at Grassy Sound Channel and 150 feet west of the westernmost end of the bridge at Beach Creek (mileposts 2.55 to 3.15); thence

vi. Zone six: 25 miles per hour between 150 feet west of the westernmost end of the bridge at Beach Creek and the Township of Middle-City of North Wildwood line (center of the bridge at Beach Creek) (mileposts 3.15 to 3.26).

2. For both directions of traffic in the City of North Wildwood, Cape May County:

- i. 25 miles per hour between City of North Wildwood-Middle Township line (center of the bridge at Beach Creek) and New York Avenue (mileposts 3.26 to 4.20).

(b)

TRANSPORTATION OPERATIONS

Speed Limits

Route N.J. 23 in Sussex County

Adopted Amendment: N.J.A.C. 16:28-1.25

Proposed: January 17, 1989 at 21 N.J.R. 119(b).
 Adopted: February 17, 1989 by John F. Dunn, Jr., Director,
 Division of Traffic Engineering and Local Aid.
 Filed: March 1, 1989 as R.1989 d.177, **without change**.
 Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-98.
 Effective Date: April 3, 1989.
 Expiration Date: June 1, 1993.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28-1.25 Route 23

(a) The rate of speed designated for the certain parts of State highway Route 23 described in this subsection shall be established and adopted as the maximum legal rate of speed:

1.-3. (No change.)

4. For both directions of traffic:

i. In Hardyston Township, Sussex County:

(1) Zone one: 50 miles per hour between 1,300 feet south of Lake Stockholm Road and 100 feet south of Lake Stockholm Road (mileposts 27.08 to 27.30); thence

(2) Zone two: 45 miles per hour between 100 feet south of Lake Stockholm Road and the road to Lake Summit (mileposts 27.30 to 28.59); thence

(3) Zone three: 50 miles per hour between the road to Lake Summit and 1,000 feet south of the northernmost intersection with County Road 625 (mileposts 28.59 to 28.95); thence

(4) Zone four: 45 miles per hour between 1,000 feet south of the northernmost intersection with County Road 625 and the Hardyston Township-Franklin Borough line (mileposts 28.95 to 31.40).

ii. In Franklin Borough, Sussex County:

(1) Zone two:

(A) 40 miles per hour to Mabie Street, except

(B) 30 miles per hour for the Franklin High School zone during recess or while children are going to or leaving school, during opening or closing hours; thence

(C) 45 miles per hour to the intersection of King Cole Road (milepost 34.8).

iii. In Hamburg Borough, Sussex County:

(1) Zone three: 35 miles per hour to a point 1,000 feet north of the center line of Cinderella Street (milepost 35.7); thence

(2) Zone four: 35 miles per hour between the Franklin Borough-Hamburg Borough line and the Hamburg Borough-Hardyston Township line (mileposts 34.30 to 35.97).

iv. In Wantage Township, Sussex County:

(1) Zone four: 50 miles per hour to the southerly intersection of Old Deckertown Road (Cemetery Road) (milepost 37.2); thence

(2) Zone five: (No change in text.)

(3) Zone six: (No change in text.)

(4) Zone seven: (No change in text.)

(5) Zone eight: 50 miles per hour in Sussex Borough, Wantage Township to a point 1,350 feet north of the center line of the southerly intersection of County Road 519 (milepost 45.2); thence

(A) (No change in text.)

(6) Zone nine: (No change in text.)

TRANSPORTATION

ADOPTIONS

- (7) Zone 10: 50 miles per hour to a point 3,300 feet south of the center line of Colesville-New York State Line Road (milepost 46.5): thence
- (8) Zone 11: (No change in text.)
- (9) Zone 12: (No change in text.)
- v. In Wayne Township, Passaic County:
- (1) (No change in text.)

(a)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route N.J. 54 in Atlantic County**

Adopted Amendment: N.J.A.C. 16:28A-1.105

Proposed: January 17, 1989 at 21 N.J.R. 120(a).
 Adopted: February 17, 1989 by John F. Dunn, Jr., Director,
 Division of Traffic Engineering and Local Aid.
 Filed: March 1, 1989 as R.1989 d.176, **without change**.
 Authority: N.J.S.A. 27:1A-5, 27:1A-6 39:4-138.1 and 39:4-199.
 Effective Date: April 3, 1989.
 Expiration Date: June 1, 1993.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28A-1.105 Route 54

- (a) (No change.)
- (b) The certain parts of State highway Route 54 described in this subsection 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 granted to erect appropriate signs at the following established bus stops:
 - 1. Along the southbound (westerly) side in Hammonton Town, Atlantic County:
 - i. Near side bus stops:
 - (1) Fourth Street—Beginning at the northerly curb line of Fourth Street and extending 105 feet northerly therefrom.
 - (2) Second Street—Beginning at the northerly curb line of Second Street and extending 105 feet northerly therefrom.
 - 2. Along the northbound (easterly) side in Hammonton Town, Atlantic County:
 - i. Far side bus stop:
 - (1) Second Street—Beginning 39 feet from the northerly curb line of Second Street and extending 100 feet northerly therefrom.
 - ii. Near side bus stop:
 - (1) Liberty Street—Beginning 38 feet from the southerly curb line of Liberty Street and extending 105 feet southerly therefrom.

OTHER AGENCIES

(b)

NEW JERSEY HIGHWAY AUTHORITY

**Garden State Parkway
Tolls**

**Adopted Amendments: N.J.A.C. 19:8-1.1 and
19:8-3.1**

Proposed: January 17, 1989 at 21 N.J.R. 127(a).
 Adopted: March 8, 1989 by the New Jersey Highway Authority,
 George P. Zilocchi, Executive Director.
 Filed: March 8, 1989 as R.1989 d.182, **without change**.
 Authority: N.J.S.A. 27:12B-5(j) and (t), 27:12B-14, 27:12B-14.1,
 27:12B-14.2, 27:12B-18, and 27:12B-24.

Effective Date: April 3, 1989.
 Operative Date: April 16, 1989.
 Expiration Date: Toll rules exempt pursuant to N.J.S.A.
 27:12B-9.

Summary of Public Comments and Agency Responses:

OFFICE OF ADMINISTRATIVE LAW NOTE: All attachments referenced in this Summary were filed with OAL by the Highway Authority, and are available for inspection at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey.

Public comments were obtained at three hearings held at: Edison, New Jersey on January 9, 1989; Paramus, New Jersey on January 10, 1989; and Pomona, New Jersey on January 11, 1989.

The hearings were attended by approximately 150 people and produced approximately seven hours of hearing transcripts (Attachment A). Sixty-one persons representing State, county and municipal governments, automobile and bus associations and business and labor organizations presented 243 comments regarding the toll increase. Those comments were grouped in 187 general categories and will be addressed in the agency response portion of this Summary.

In addition to the public hearings, the New Jersey Highway Authority (Authority) established a telephone "hotline" which began operation on January 9, 1989, and was continued through the public comment period terminating on February 25, 1989, resulting in 10 telephone calls, seven of which were objections to various aspects of the proposed toll increase. The remaining three calls were questions and/or comments which were responded to immediately, utilizing a fact sheet prepared for that purpose or, where necessary, in return telephone calls by appropriate New Jersey Highway Authority staff members. The toll information "hotline" summary is more precisely detailed in Attachment B.

The third method of public comment was in the form of letters received by mail at the Authority. This comment area produced 47 letters from private individuals, counties, municipalities, quasi-government agencies and bodies and private corporations and associations, 42 opposing some aspect of the toll increase and five favorable (Attachment C).

The comments received via the telephone "hotline" and by mail were grouped with the 187 comment areas which will be subsequently described and responded to. In addition to the comments elicited from speakers at the public hearings, written statements and resolutions were received and accepted as a matter of record and are appropriately responded to in this Summary. These hearings exhibits consisted of four statements opposing the toll increase, 12 resolutions from various government and private bodies opposing some aspect of the toll increase, one resolution and one statement supporting the toll increase, three statements objecting to the proposed toll barrier in Atlantic County, and one statement objecting to an increase in bus tolls.

In January of 1988, Governor Thomas H. Kean directed the Commissioner of the Department of Transportation to review the New Jersey Highway Authority's Capital Improvement Program and submit recommendations. Commissioner Hazel Frank Gluck complied with the direction and has submitted a review dated February 1, 1988 (see Attachment D).

The Treasury Department was similarly directed by Governor Kean to conduct a budget and financial review of the New Jersey Highway Authority. That report has been included and submitted to the Governor by date of February 5, 1988 (Attachment E).

The transcripts of the hearings, letters and resolutions and the report of the Department of Transportation and the Department of the Treasury have been reviewed by Authority Commissioners, staff and consultant in developing the toll proposal.

Other reports and studies were considered in the adoption process. They are referenced throughout this Summary in agency responses as attachments and include the Booz, Allen report, Attachment G, and Attachment H, the Rutgers study.

Toll increases proposed by the New Jersey Highway Authority are subject to prior approval in writing of the Governor of the State and either the State Treasurer or the Comptroller of the Treasury (N.J.S.A. 27:12B-4). Governor Thomas H. Kean and State Treasurer Feathe O'Connor have given the required prior written approval (see copy of letter, Attachment I).

COMMENT: Parkway tolls are a discriminatory tax on commuters on the Garden State Parkway.

RESPONSE: Parkway tolls are not a tax. They are a user fee paid directly by the user of a facility to finance required construction, maintenance and operation costs. This user fee is not discriminatory to commuters.

ADOPTIONS

OTHER AGENCIES

in that all users pay at the same rate for passage through the toll plaza. There are alternative routes paralleling the roadway for its entire length for motorists who do not wish to pay a fee to use the Parkway.

COMMENT: There was a commitment from government to remove tolls on the Garden State Parkway after the original bond issue had been paid.

RESPONSE: A review of the original referendum does not reveal an intent or directive to remove tolls upon the retirement of the original construction debt. The original bond proceeds built some 650 lane miles of roadway. The growth in population and economy of the State of New Jersey required the construction of some 400 additional lane miles from 1957 to 1987, at a cost of \$726 million. These improvements were funded from revenues remaining after payment of operating costs and debt service, and additional bond issues totaling \$314 million.

There were a series of bond issues since the 1950's for the additional construction which extended the debt service well beyond the term of the original bonds. The Authority has had to maintain tolls for this additional construction and financing. By comparison, toll roads where there were commitments to become toll-free upon completion of payments on original debts, such as the New York State Thruway, did not legally allow the sale of additional debt.

The Herald-News, in an article dated July 11, 1988, reported that one of the first Commissioners of the New Jersey Highway Authority, in addressing a group concerning the construction of the Garden State Parkway, made a statement that when the road was constructed and bonds paid, the toll would be removed. The Authority can only conclude that Mr. Abbott's statement was an expression of his personal view of the matter and, as indicated above, it is not supported in the referendum required for the construction of the Garden State Parkway, the legislation creating the New Jersey Highway Authority and authorizing the construction of the Garden State Parkway, P.L. 1952, c.16 (N.J.S.A. 27:12B-1 et seq.) or in the records of the New Jersey Highway Authority reporting on the actions of its Commissioners.

COMMENT: There was an unkept promise to utilize senior citizens as toll collectors.

RESPONSE: The Authority currently employs 137 senior citizens as toll collectors, which is close to 10 percent of its workforce. To assist in recruiting sufficient numbers of senior citizens, the Authority has requested the New Jersey branch of the American Association of Retired Persons to advise its members and refer senior citizens who may be interested in seeking supplemental salaries to contact the Highway Authority for possible employment.

COMMENT: Essex County was supposed to be the beneficiary of no toll's owing to the loss of tax ratables.

RESPONSE: In 1952, legislation that established the New Jersey Highway Authority indicated that the intent of the Legislature was that no tolls would be placed on the Parkway for local trips in the area from Springfield Avenue to Bloomfield Avenue if deemed practicable for the collection of revenues. From the original bond statement for the sale of bonds, consulting engineers at that time deemed the toll free prospect of travel in Essex and Union Counties to be impracticable, and as such, the Authority responded with a strategy whereby tolls were placed on local trips at Irvington to and from the north. In the early 1960's when the planning for Interstate I-280 occurred, the original design had I-280 being constructed high in the air above the Parkway. State and Essex County officials believed it would be more sound from an environmental perspective to have I-280 cross under the Parkway. Crossing under the Parkway was significantly more expensive, and the Federal government refused to pay the increased cost. In a three-way contract between the New Jersey Highway Authority, New Jersey Department of Transportation and the Federal Government, the New Jersey Highway Authority agreed to contribute up to \$13 million to pay for the depressing of Interstate I-280 below the Parkway and in exchange the Parkway would add tolls on the Essex ramps so that there would be no mainline toll-free traffic in Essex County. A system of parallel roads which are part of the project known as the Garden State Parkway were constructed to allow substantial toll-free traffic in Essex County.

A study conducted by the New Jersey Highway Authority limited to mainline trips (does not include free trips on parallel roads which are a part of the project) concluded that 20 percent of the trips over the length of the Garden State Parkway through the 10 counties traversed by the road are toll-free.

COMMENT: Commuters should ride toll-free on the Parkway as is the case with Route 46, Route 3, Route 17 and other State highways.

RESPONSE: Routes 46, 3, and 17 and other State highways were built and are maintained by State tax revenues drawn largely from State motor fuel taxes, and Federal aid. The Parkway was built and is operated and maintained solely with funds derived from toll revenues. In spite of the need to generate toll revenue to pay off the Authority's obligations, approximately 20 percent of the traffic which used the Parkway last year paid no toll. In those areas where the original Parkway was constructed with Federal and State funds and operated and maintained by the New Jersey Department of Transportation until the middle of 1987, the percentage of free passage is even higher. The Parkway can only be made toll-free by legislative action authorizing the State to pay off all the outstanding debt and assume all operating and maintenance costs of the Garden State Parkway. The cost assumed by the State would be \$400 million in outstanding debt, approximately \$80 million of annual operation and maintenance costs and \$256 million in immediately needed capital improvements, for a total amount of \$736 million.

COMMENT: Other sources of income including an increased gasoline tax should be utilized for costs to maintain the Garden State Parkway.

RESPONSE: The Authority does not have the power to impose or utilize the suggested alternate financing sources. That and similar recommendations for alternate financing must be addressed to the Legislature.

COMMENT: Elimination of toll barriers would save millions of dollars as was done in the State of Connecticut and would have the result of improving the free flow of traffic, reduction of pollution and the savings of millions of dollars in gasoline.

RESPONSE: The experience of removing tolls from the Connecticut Turnpike resulted in lost revenues to that State of \$60 million in toll revenue while allowing Connecticut to receive an additional estimated \$13 million in Federal funds. Connecticut cannot provide a precise figure. At a minimum, assuming the higher estimate is accurate, the result was a net loss of \$47 million which had to be made up from other state taxes.

After the removal of tolls from the Connecticut Turnpike, additional traffic was immediately attracted to the roadway in numbers that increased congestion, reduced the times of free-flow traffic and failed to effect much of the anticipated reduced pollution and gasoline savings.

COMMENT: Who approved the decision to give \$10 million of Garden State Parkway revenues to the State of New Jersey?

RESPONSE: At the request of the Governor and the State Legislature, the Commissioners approved the \$10 million payment to the State. The Authority entered into an agreement with the State in 1984 to provide \$10 million annually for 20 years to support the revenue bond issue financing the State's Transportation Trust Fund. State officials were apparently of the view that contributions from the three State toll-road authorities were in the best interest of New Jersey's citizens. The Transportation Trust Fund provides funding for the construction and repair of highways and roadways in the State other than the three toll roads, a portion of which are county and municipal roads.

COMMENT: In light of the Authority's knowledge of its fiscal difficulties, why did it incur the costs for additional State Troopers? Why can't the State pay for those Troopers?

RESPONSE: The Authority has a long-standing contractual agreement with the State of New Jersey to supply State Troopers to police the Garden State Parkway providing police protection and aid and assistance to patrons as required. The agreement provides that the Authority reimburse the State for all costs connected with the provision of Troopers providing those services on the Garden State Parkway. In May of 1987, Captain Thomas B. Kinzer, Commander of Troop "E", Garden State Parkway, conducted a study and prepared a report indicating that additional Troopers were required if the Garden State Parkway were to continue to provide an adequate level of police service to Garden State Parkway patrons. That request in 1987 was for 44 additional personnel. Owing to the cost factor, the projected increase was spread over a three-year period with 10 additional Troopers being added in 1987 and 19 additional Troopers in 1988, with the final 15 to be included in the 1989 Authority budget. In sum, the Authority, with the knowledge of its fiscal difficulties, believed it had no choice but to provide for the additional Troopers owing to the Authority's commitment to safety and protection of persons using the Garden State Parkway.

COMMENT: Users of the Garden State Parkway should not be obliged to subsidize the Garden State Arts Center operation.

RESPONSE: Users of the Garden State Parkway do not subsidize the Garden State Arts Center operation. The Arts Center has been a profitable arm of the Authority since 1980. Profits to date have flowed to and

OTHER AGENCIES

have become a part of the Authority Capital Improvement Program. A toll increase is necessary to finance the Authority's Capital Improvement Program independent of Arts Center operations.

COMMENT: In light of its fiscal problems, why did the Authority agree to assume responsibility for the State sections of the Garden State Parkway from the Department of Transportation (DOT)? It should be returned to DOT.

RESPONSE: The New Jersey Department of Transportation found it could not maintain its three sections to the same standards as those set by the Authority for its own sections of the Parkway. The Legislature and the Commissioners both concurred that the Parkway would be best operated and maintained under the single jurisdiction of the Authority. An agreement was negotiated and the DOT relinquished jurisdiction on July 1, 1987. The Authority cannot unilaterally rescind the agreement.

COMMENT: The Authority should not utilize the services of an outside public relations firm.

RESPONSE: The Highway Authority engaged the services of an outside public relations firm to assist in what it believes to be the important process of communicating information regarding the proposed toll increase to the public. While the Authority's in-house Public Relations staff, in operation since the establishment of the Authority 35 years ago, can and does deal with the Authority's day-to-day relationship with the general public and the media, the extraordinary communication needs in connection with the toll increase proposal required additional assistance. Utilizing temporary outside assistance to meet extraordinary demands is cost effective and is a practice generally utilized by many governmental and business entities.

COMMENT: Garden State Parkway employees should not be given free passage to and from work on the Garden State Parkway.

RESPONSE: The Authority's toll-free passage rule is set forth in N.J.A.C. 19:8-3.2. That rule provides free passage for persons or vehicles in the following categories:

1. The Governor of the State of New Jersey, former Governors of the State of New Jersey, Commissioners and executive staff members of the Authority and former Commissioners of the Authority;
2. Consultants, employees of the Authority and members of the State Police assigned to the Authority in the actual course of performance of such duties, or while traveling to or from the place of performance of such duties;
3. Vehicles carrying persons to or from destinations on the Parkway where such persons are required by law to perform specified functions on the Parkway;
4. Members of the fire department of any local municipality or political subdivision in the course of performance of duties on the Parkway;
5. The emergency passage of ambulances or rescue vehicles when driven by authorized members of any public or non-profit ambulance or rescue squad services; and
6. Authorized vehicles when engaged in the performance of construction, service or maintenance contracts when such vehicles are operated by personnel authorized by the Authority to perform duties under the terms of contracts with the Authority.

The rationale for providing toll-free passage for the indicated categories is that it has been and is the view of the Authority that the indicated persons, owing to their relationships and familiarity with the operation of the Garden State Parkway, will be in a position to make observations of conditions requiring modification and/or repair and report to the appropriate Authority Department for attention, resulting in a more efficient operation and better service for the patrons of the Garden State Parkway (Categories 1 and 2).

Categories 3, 4 and 5 relate to cooperation with other governmental agencies, including police and fire departments and ambulance or rescue vehicles. The presumption is that those persons will be providing or have provided assistance and/or service to the general public and in many cases, specific service to patrons of the roadway.

Category 6 provides for free passage for vehicles owned and operated by outside contractors performing construction service or maintenance activities for the Authority. It is the Authority's view that those costs would be included in the contracts if not provided, in any event, and serves the further advantage of expediting the indicated work.

COMMENT: No scholarship monies should be paid to children of Garden State Parkway employees.

RESPONSE: The provision for scholarships for a limited number of children of Authority employees is a part of the overall compensation package. Elimination of this payment may well require an increase in

ADOPTIONS

other aspects of the overall compensation package which may result in increased costs. In 1988, the Authority provided 91 scholarship grants at a total annual cost of \$68,000.

COMMENT: The proposed \$256 million Capital Improvement Program concentrates on safety and system preservation. The Parkway is 35 years old. An infrastructure protection is essential.

RESPONSE: As stated in Report #9 to Governor Kean, the \$256 million five-year capital program concentrates on system preservation projects that essentially are needed to preserve or extend the useful life of existing pavements, bridges, drainage facilities and other infrastructures. The Parkway infrastructure ages and wears a varying rates based on use and type of structure. Some bridges, toll booths and pavement areas are 35 years old and require major rehabilitation.

COMMENT: A 10-cent increase to 35 cents in the basic toll rates for cars at mainline toll barriers is reasonable and responsible.

RESPONSE: The Authority concurs in this observation.

COMMENT: The development of marketing and sales programs to encourage use of tokens is essential. Otherwise, the switch from a quarter to multiple coins has a serious potential to bog down traffic at toll barriers, increase air pollution and waste gasoline.

RESPONSE: The Authority is conducting and will continue to conduct a vigorous campaign to encourage greater use of tokens which can be processed as a single coin, eliminating the additional 0.3 seconds required for a two-coin operation. The Authority plans to sell car tokens for 25 cents each in rolls of 40 tokens for approximately two months to encourage the purchase and use of tokens. Tokens being used were recently redesigned to minimize malfunctioning and in all likelihood will be utilized without change for the next five or 10 years. "TOKEN ONLY" lanes are being introduced to provide token users speedy processing at all barrier toll plazas. Car tokens are available for purchase by the public at all manual toll lanes and Parkway service areas. Patrons may buy in bulk quantities. By actively marketing tokens, the Authority is encouraging and anticipating greater token use which the Authority believes will move traffic through toll plazas more efficiently. The Authority does not anticipate extraordinary additional traffic congestion in the toll plazas. With minimal increase in traffic congestion, there should be no significant increase in air pollution or additional use of gasoline.

COMMENT: How is the increased income generated by the State since 1954 sales tax, lottery, extended racing season at the Meadowlands, casinos and higher property and gasoline tax being utilized?

RESPONSE: No part of the additional income generated by the State of New Jersey since 1954 from the indicated sources are used by or allocated to the New Jersey Highway Authority for the operation of the Garden State Parkway. There is a provision in the Authority's enabling act at N.J.S.A. 27:12B-5, Powers of Authority, paragraph (r), which provides that the Authority "may receive and accept from any Federal agency, subject to the approval of the Governor, grants for or in aid of the acquisition or construction of any project, and to receive and accept aid or contributions, *except appropriations by the Legislature . . .*" [Emphasis added].

In addition, the Authority, pursuant to N.J.S.A. 27:12B-5, paragraph (s) entered into an agreement on April 26, 1984 with the State of New Jersey, the New Jersey Transportation Trust Fund Authority, whereby the Authority makes the payment in the amount of \$10 million a year to the Transportation Trust Fund. That money, with others, is utilized to improve the transportation system of the State of New Jersey. Monie contributed to the Transportation Trust Fund by the New Jersey Highway Authority under that contract amount to \$44,754,098 to date.

COMMENT: What savings would be realized if tolls were removed thereby eliminating that cost for personnel that operate the toll booths

RESPONSE: In 1988 the cost for personnel to collect tolls amounted to \$23 million. Toll revenues amounted to \$121 million. If tolls were removed the net result would mean a loss of \$98 million presently utilized for debt reduction and operating costs.

COMMENT: Raising bus tolls would result in increased costs to bus riders who would then forego mass transportation, use their private vehicles, thereby increasing traffic and increasing the need for even more maintenance and capital investment to meet the increased level of traffic. The increase in bus tolls would be borne by the remaining passenger which would force some of those riders to reduce their trips to Atlantic City with detrimental effects on that resort's economy. Bus tolls should not be reduced since any reduction in bus tolls will not be passed along by bus operators to consumers. The bus toll increase of 100 percent

ADOPTIONS

OTHER AGENCIES

unfair to bus riders in light of the proposed 40 percent boost for automobiles. Any increase in bus tolls should parallel percentage increase for car tolls.

RESPONSE: Tolls for buses were raised on March 4, 1985 prior to the ramp toll increase on May 1, 1988. Regularly scheduled commuter buses now pay 50 cents (if they purchase bus tokens) at all locations. All other buses pay \$1.00 at all locations. The proposed toll rates for buses are as follows: 50 cents for regularly scheduled commuter buses that buy tokens; \$1.00 for all other buses that buy tokens; and \$2.00 for buses that pay cash at all locations. Therefore, if all bus operators buy tokens, there is no increase in their present toll rate. Buses presently overcrowd manual lanes. By requiring buses to use designated automatic lanes, all patrons will benefit, permitting the processing of a large volume of vehicles more efficiently. The Authority has no power to set rates charged bus passengers by bus operators.

COMMENT: The bus toll increase is not offset for small bus operators by the discount bus token purchase program.

RESPONSE: The bus discount program is available to all bus operators, large and small.

COMMENT: The proposal to install a toll barrier in Atlantic County as well as up to four possible additional ramp tolls in the vicinity of Milepost Interchange 40, 41, and/or 44 and 74 would doubly tax buses traveling to the marine section and other up-island hotels in Atlantic City. Is the Authority really proposing to install new tolls within a four- or five-mile stretch—the barrier plus tolls?

RESPONSE: New toll collection facilities proposed in Atlantic County are:

1. A mainline toll barrier between Interchanges 40 and 44 in Galloway Township.

2. Depending upon the above mainline toll barrier location, ramps at Interchanges 40, 41 or 44 would be tolled, but only for those trips that would not pay the mainline toll plaza charge.

The new toll facilities at Interchange 74 would be installed on the existing ramps to and from the north when new ramps to and from the south are added.

No vehicle would pass more than one of the new barrier or ramp toll plazas on a given trip and therefore no double tolling of buses is involved.

COMMENT: Why didn't the Commissioners 35 years ago provide funding for maintenance required now? They could have saved the \$256 million required and a toll increase would not be necessary. The 10-cent increase in tolls is 20 years late.

RESPONSE: Ongoing maintenance was provided on an annual basis and was included in annual budgets. Certain reserve funds were also set aside for extraordinary maintenance but the Commissioners 35 years ago did not and could not have set aside money for extraordinary maintenance for capital improvements to be accomplished 30 years later. No government agency that the Authority knows of sets aside money today to be used 30 years from now. It is not reasonable to tie up money for such a long period of time. When the Parkway was constructed, the Commissioners could not have possibly envisioned the road as it exists today. Proper accounting dictates that the Authority "match" expenses with revenue for the period in which they are generated. If the former commissioners had foreseen such a need, it would not have been equitable to have funded future expenses out of then current dollars. The \$256 million is also a temporary (five-year) figure. It would not have been possible to predict all future capital expenditures.

COMMENT: The elimination of tolls on the Parkway, while it may avoid the \$20 million collection cost, does not satisfy the need for additional \$56-million odd a year at a minimum, to provide a safe highway and to accommodate expanded traffic. The alternates proposed to fund maintenance and capital improvement needs on the Garden State Parkway cannot be satisfied from the gas tax since that is needed by other State agencies.

RESPONSE: The Authority does not have the power to utilize the indicated financing sources. That recommendation must be addressed to the Legislature. The gasoline tax is presently utilized for construction and repair of State and local roads excepting the three toll roads: the New Jersey Turnpike, the Garden State Parkway, and the Atlantic City Expressway. Including the toll roads in that distribution would require legislative action beyond the power of the New Jersey Highway Authority.

COMMENT: Statements by the Commissioners of the New Jersey highway Authority and elected officials have reduced attendance at the hearings.

RESPONSE: The Commissioners of the New Jersey Highway Authority did everything in their power to publicize the three public hearings which were held on January 9, 10, and 11, 1989. Press releases with the information were distributed to more than two dozen newspapers all over the State. Follow-up interviews with newspapers, radio and television reporters were held to amplify this information. The Public Relations Division recorded more than 10 radio public service announcements to be aired throughout the State—each bearing information on the upcoming hearings. Letters with the time, place and dates of the public hearings were sent to several hundred public officials so that they could further contact their own constituents with this information.

The Authority is not aware of any statements made by any Commissioners or "elected officials" that should have resulted in reduced attendance at these public hearings.

COMMENT: In light of the criticisms raised against the Authority at the hearings of last year—fraudulent waste abuse, parties at the Arts Center, outrageous overtime—the budget should be further reduced, thereby avoiding a need for the increase through the 1990's.

RESPONSE: Studies conducted at the direction of the Governor, including but not limited to the Booz, Allen Report, did not support charges of outrageous or fraudulent waste and abuse. The only "parties" that take place at the Arts Center have been Garden State Arts Center Foundation fund-raisers. Costs and related expenses for these events have been satisfied out of income derived from these functions. Overtime costs as indicated by the Booz, Allen study and an investigative review reported in an article by Michael A. Taylor, Asbury Park Press staff writer, printed in the Asbury Park Press on Sunday, January 24, 1988, are not outrageous and for the most part are normal anticipated business expenses and have been paid to toll collectors doing additional and sometimes double duty owing to absences. If the operating budget were reduced to a level permitting the meeting of obligations under the Authority's bond covenant through 1990 without additional income, no funds would be available for capital improvement. Bridges would be badly deteriorated and could create a safety hazard. Congestion would worsen and the road structure would deteriorate to a point that greater costs will be incurred to restore same. It is unlikely that any possible reduction in operating costs could prevent a toll increase through the 1990's.

COMMENT: Why are the Health Benefits costs for employees of the Highway Authority \$5,000 whereas State workers' costs amount to only \$1,800 per employee per year.

RESPONSE: The figures of \$5,000 as a cost for health benefits to Highway Authority employees and \$1,800 per employee for State employees are both apparently not correct. A review of those items indicates that the cost for health benefits for Highway Authority employees is approximately \$2,500 per employee with a similar per employee cost for health benefits provided by the State to State employees.

COMMENT: The operation of the Garden State Parkway should be turned over to private enterprise for better management.

RESPONSE: The independent management review conducted by Booz, Allen at the direction of the Governor, concluded that while the Authority had some operating weaknesses, overall, it was well managed.

COMMENT: Sales tax collected from businesses operated on the Parkway should be turned over to the Parkway to meet its costs.

RESPONSE: The Authority does not have the power to utilize the suggested financing sources. That recommendation must be addressed to the Legislature. The New Jersey Highway Authority does not have the power under existing legislation to direct the manner in which sales tax or other State revenues are expended. This suggestion would require legislative action.

COMMENT: What was the purpose of introducing a token in 1981?

RESPONSE: The purpose of introducing a token in 1981 was to reduce toll collection costs by promoting the use of automatic lanes and reducing manual lane usage. The use of tokens permits a more efficient system of toll collection by reducing transaction time.

COMMENT: What was the cost to the Authority for the original purchase of tokens in 1981?

RESPONSE: In 1981 the Authority purchased 1,350,000 car tokens at a cost of \$32,157.

COMMENT: In 1981, was not the Authority running with a surplus of thousands, even millions, of dollars?

RESPONSE: Yes. Approximately \$17 million in excess revenues was generated in 1981. That amount of money was transferred to the Authority's Capital Improvement Project budget to be utilized in meeting

OTHER AGENCIES

expenses and costs of expansion, major repairs and maintenance projects. Were it not for these additional unanticipated revenues, a toll increase would have been required at an earlier date.

COMMENT: Where did the surpluses generated in previous years from tolls go?

RESPONSE: Surplus revenues generated in previous years from tolls went to the Capital Improvement Program where they were spent improving and expanding the existing road.

COMMENT: The expenditure of surplus monies for Capital Improvement Programs and maintenance in the previous six years is the throwing away of millions of dollars and constitutes mismanagement.

RESPONSE: The expenditure of surplus monies, assumed to mean the excess of revenues above expenses, for capital improvements and maintenance is justifiable in light of the deterioration and aging of Parkway infrastructure. To allow deterioration to go unchecked is mismanagement.

Since the initial construction of the Parkway in 1952 the Authority has made \$726 million in improvements for which only \$314 million in bonds were sold. The remainder of the improvements were funded by the expenditure of excess (surplus) revenues. This restrained level of borrowing is generally considered a good fiscal policy.

COMMENT: What was the purpose of changing and redesigning the token six years after the initial introduction of token use?

RESPONSE: The token was redesigned due to the large amount of similar size video game tokens that became popular after the Authority introduced its token. This new token design will take advantage of the new automatic coin machine's ability to detect metal content and reject slugs.

COMMENT: How much did it cost to install and modify machines to reject U.S. currency in the "TOKEN ONLY" lanes?

RESPONSE: All the automatic coin machines on the Garden State Parkway are configured to count all U.S. coins as well as both Parkway tokens. Only minor modifications to our present equipment were necessary to convert an existing Exact Change lane over to "TOKEN ONLY" lane. The equipment in the "TOKEN ONLY" lane still counts all monies deposited in the lane accurately but has simply been adjusted so as not to give a green light unless either a Parkway bus or a Parkway car token has been deposited by a patron. At this time, the Authority has started to modify some of its lanes to "TOKEN ONLY" lanes. However, the price will be determined after analyzing costs of the Authority's vendor on a time and material basis and will entail some negotiation. It would appear at this time that the cost will probably be between \$300.00 and \$400.00 per lane based on the small amount of experience the Authority now has.

COMMENT: Toll collecting machines should not be changed to "TOKEN ONLY". They should be left with the capacity to collect currency.

RESPONSE: The automatic coin machines installed currently in the "TOKEN ONLY" lanes can still collect currency although the machine will only give a green light on a car or bus token. The coinage is counted in the Authority's toll audit system. New automatic coin machines to be installed in the "TOKEN ONLY" lanes will be similarly programmed.

COMMENT: How many toll booths have been added to the Parkway since the original construction? New entrances and exits that are tolled?

RESPONSE: Ten additional toll collection locations have been added since original construction. The original Parkway was intended to be constructed from Cape May to Paterson and had, as its toll structure, eight mainline toll barriers and nine ramp plazas. Shortly after the original planning, the Parkway was redesigned to extend, first, to Route 17 in Paramus whereupon an additional mainline barrier was added in Saddle Brook, and subsequently to the New York State line whereupon an additional mainline toll plaza at Hillsdale was added so that by 1956 the 173 miles from Cape May to the New York State line had 10 mainline toll barriers and nine ramps. Upon the completion of the four lanes south of the Great Egg Harbor and the Great Egg Harbor Bridge in Atlantic County, a toll plaza was added in the late 1950's to create the eleventh mainline barrier in the system that is in existence today.

Over the period of the last 30 years, a number of ramps have been deleted and a number of ramps added primarily in response to changes in access. Starting from the south, the Wildwood Toll Plaza was added in order to pay for the cost of construction of new ramps providing access to and from the south at Interchange 4. The ramp plaza at Tilton Road to and from the south was replaced with a new plaza to and from the north at Laurel Drive upon the opening of the Atlantic City Expressway. As noted previously, the ramp contemplated south of the Great Egg

ADOPTIONS

Harbor to and from the north was never built and upon completion of the Great Egg Harbor Bridge was replaced by the Great Egg Harbor Toll Plaza. The ramp at Interchange 117 to and from the north was added at the time of the widening of the Parkway south of the Raritan. The Union ramp at Interchange 142 was added upon completion of I-78 with which it connected in 1977. The toll ramps at Milepost 144, 145 and 148 were added to the Parkway in exchange for the dollars paid for the depressing of Interstate I-280. The ramp at Interchange 158 in Fair Lawn was replaced upon the completion of Interstate 80 with toll ramps at Interchange 159. Toll ramps at Interchange 165 were added upon the completion of the feeder road from Paramus to the New York State line in the late 1950's.

In summary, all of the mainline toll barriers that presently exist were in operation by July, 1957 at which time the Parkway had been completed from Cape May to the New York State line. No new mainline toll barriers were added after 1957.

In the 1950's, nine ramp toll plazas were constructed. The original Irvington ramp constructed in the 1950's was relocated one mile further north in the mid 1960's. Two of these ramp toll plazas constructed in the 1950's were subsequently closed. In the 1960's, seven new ramp toll plazas were opened. Several of these were intended to raise enough revenue to pay for construction of the new interchanges on which they were located with newly constructed interstate and local roads. Two of these were built to replace two of the ramp toll plazas built in the 1950's and subsequently closed.

During the 1970's, five additional ramp toll plazas were constructed to provide connections to Interstate 78, which was then under construction, to provide access in conjunction with the construction of the inner roadways to provide a 10-lane dual-dual roadway in Middlesex and Monmouth Counties, and to provide a connection to the newly constructed Interstate Route 195. No new ramp toll plazas have been constructed in the last decade.

Thus, in addition to the 11 mainline toll barriers, there were nine ramp tolls when the Parkway was originally constructed, a total of 20 toll collection points. Two were subsequently closed and 12 new ones constructed, making a total of 30 toll collection points.

It should also be noted that in 1987 only 18 percent of the gross toll revenue was collected in ramp toll plazas. The remaining 82 percent was collected in the 11 mainline barriers. Furthermore, the toll rate charge in the ramp toll plazas was generally not the same as on the mainline barriers. The fare was 10 cents at seven of the ramp toll barriers, 15 cents at seven others, 20 cents at one ramp, and 25 cents at four ramps.

COMMENT: You are proposing a toll barrier in Atlantic City. How much will that cost to construct and operate? How many years of collections will it take to pay off that cost?

RESPONSE: The proposed toll barrier in Atlantic County is expected to cost approximately \$15.6 million to construct and an annual operating cost of approximately \$1,000,000 per year. At 25 cents, the toll plaza will generate a net revenue of roughly \$2.5 to \$3 million annually, and a 35 cents, a net revenue of \$4 to \$6 million annually, thereby paying of the initial construction costs in approximately five years.

COMMENT: Doesn't the increase that the Authority received last year at ramps count as an increase?

RESPONSE: Yes. The increase generated approximately \$8 million in additional revenues meeting a need to satisfy existing indebtedness but was not sufficient to meet required capital improvement and maintenance costs.

COMMENT: The toll should remain 25 cents and the "TOKEN ONLY" lanes should be eliminated.

RESPONSE: The Authority needs additional toll revenue to continue to serve the needs of the motoring public and to keep the Parkway well maintained. The "TOKEN ONLY" lanes give preferential lanes to those patrons who use tokens and pay their toll with a single coin and thus speed toll collection and reduce congestion in toll plazas. If the majority of tolls are paid with exact change or a token, toll collection costs will be reduced while efficiency and speed of processing would be enhanced.

COMMENT: Is the Parkway considered an expressway?

RESPONSE: An expressway is a limited access highway—that is, access is provided at only selected intersecting roads and highways at grade separated interchanges. The access to the expressway from adjacent properties is prohibited except through the provided interchanges. As such, the Parkway is an expressway except in the recently acquired Sta section between Mileposts 8 and 12 in Cape May County and in the Union-Middlesex County areas.

ADOPTIONS

COMMENT: Is the Garden State Parkway supposed to be better than Route 9? Is that why we are paying 25 cents?

RESPONSE: Route 9 is a toll-free State service highway. Its function is to provide access to all lands and roads intersecting it. The Parkway is an independent expressway supported by user fees (tolls) and providing limited access at selected interchanges. The Parkway performs a different type of transportation service based on regional trips rather than local trips as does Route 9.

Route 9 is maintained with funds generated Statewide from fuel taxes. The Parkway is operated and maintained solely out of toll revenues.

COMMENT: Why have the speed limits on the Garden State Parkway in some locations been reduced to 45 miles per hour (MPH)?

RESPONSE: The Parkway was designed to standards which existed in 1952. The design speed south of the Raritan River was 70 MPH but the design speed north of the Raritan River was only 50 MPH. Current national practice is to set the speed limits five MPH less than the design speed. As a result of a safety study conducted by consulting engineer Edwards and Kelcey, Inc. in 1979 and additional studies by Authority staff, the Commissioners have reduced speed limits to less than 55 MPH on several sections of the Parkway.

On the Great Egg Harbor Bridge and the Alfred E. Driscoll Bridge, the speed limit has been reduced to 45 MPH in order to provide safe stopping sight distances. As automobile design lowers the driver's eye closer to the roadway, a greater distance is necessary to afford the driver sufficient distance to stop his or her vehicle when driving over the crest of vertical curves.

Between the Union/Essex Toll Plazas in Essex County, the Authority has reduced the speed limit on the Parkway because of a combination of factors: (1) The original design and speed was 50 MPH and posted speed limits should never exceed design speed; (2) Construction of concrete median barriers has reduced horizontal sight distance to less than the recommended distance for 55 MPH; (3) Lane widths reduced to 11 feet and shoulders completely eliminated in some areas; and (4) Extremely heavy traffic volume with fairly frequent periods of congestion requiring sudden speed reductions as vehicles approach the congested area.

COMMENT: How many accidents occurred on the Garden State Parkway in 1987 as opposed to 1988?

RESPONSE: 1987, 5,408 accidents; 1988, 5,482 accidents, a 1.3 percent increase. However, owing to the increase in traffic volume, the rate of reportable accidents per hundred million vehicle miles (HMVM) traveled on the Parkway actually decreased slightly during that time period from 99.6 accidents per HMVM in 1987 to 98.8 accidents per HMVM in 1988.

COMMENT: What was the speed contemplated in the original construction and design of the Garden State Parkway?

RESPONSE: As indicated in the original traffic report for the Parkway dated April, 1953, the speed contemplated for motorists traveling the Parkway as originally designed was generally 50 miles per hour north of the Raritan River and 70 miles per hour south of the Raritan.

COMMENT: What is the purpose of the branch lanes at mainline barriers and what was the cost of the construction of these lanes?

RESPONSE: Branch lanes have been built at Toms River, Raritan, Union, Essex and Bergen toll barriers to increase the toll collecting capacity without the necessity of acquiring additional right-of-way. Branch lanes are a proven design that has been adapted to Parkway standards. The design and operation of branch lanes have been successful in achieving these purposes.

The 20 branch lanes at the above locations were constructed at a cost of \$1,663,775.77.

COMMENT: What is the purpose of "TOKEN ONLY" lanes at mainline barriers?

RESPONSE: "TOKEN ONLY" lanes are being installed to encourage and promote the use of tokens as a means of speeding the toll collection process.

"TOKEN ONLY" lanes will process vehicles more quickly than Exact Change and manual lanes—they are all single coin transactions while exact change and manual lanes are not. The number of "TOKEN ONLY" lanes will increase as token usage increases on the Parkway.

COMMENT: Tokens should not be adopted or used. They permit the Authority to change the value any time it chooses and obtain an interest-free loan of millions of dollars from persons purchasing the tokens.

RESPONSE: It is doubtful that millions of dollars worth of tokens will be stockpiled by purchasers. Consequently, the Authority will not receive significant additional revenues for investment from token sales. The Authority has promoted token usage as a fast, effective means of

OTHER AGENCIES

toll passage—not a revenue generating investment. While the use of tokens provides for the ability to change value, there are no plans to do so within the five-year time span relevant to this discussion.

COMMENT: Additional lanes in toll plazas are of no value since after paying the toll, cars sit in traffic on the other side of the barrier.

RESPONSE: There is a direct relationship between the number of toll lanes and number of highway lanes into and out of the toll barrier.

Generally, one lane of steady-flowing highway traffic under normal operating conditions, without traffic incident and within capacity, is equivalent to the volume that can be handled by three booths at a toll plaza. Frequently, capacity restraints on the mainline or at an interchange of a traffic incident (accident, breakdown, etc.) can cause severe congestion when traffic is flowing at or near capacity. When this occurs downstream from a toll plaza and the traffic backs up through the toll plaza, the perception is that the congestion is caused by the toll plaza which is not really the case. This happens on a regular basis at Raritan northbound, Essex southbound and Union toll plazas. Parkway roadway and toll plazas are designed as a system to provide an easy travel and cost efficient roadway as possible for Parkway patrons.

Obviously, the additional toll lanes do not speed traffic when the roadway ahead is thoroughly congested but before traffic reaches the point of heavy congestion and as it begins to clear up, the additional capacity provided by the branch lanes is essential to prevent traffic delays.

COMMENT: The section of the Garden State Parkway through the East Orange area was under construction for two years causing unnecessary traffic delays when all that was done was a repainting of traffic lines.

RESPONSE: The section of the Parkway through East Orange was repaved, the median barrier replaced, drainage was redesigned, and several ramps were reconstructed. Also, extensive bridge rehabilitation was accomplished throughout that section.

COMMENT: The charge for usage of the Garden State Parkway as opposed to alternate roads—Route 9 bridge over the Raritan River, Route 4 and other parallel service roads—is earned by time saved.

RESPONSE: Motorists in New Jersey will agree that some roads are more efficient than others. The Garden State Parkway is often chosen over alternate routes because it offers a more efficient method to get from one point to another than is the case with alternate or parallel service roads. Perhaps the best example is a traditional trip from northern New Jersey to the New Jersey shore. This trip can be made on alternate roads or the Garden State Parkway. Those electing to use the Garden State Parkway will get there in most instances more quickly with the payment of a toll. Those who elect alternate routes will experience a longer trip but they will not be required to pay a toll. Judging from the tremendous amount of shorebound traffic on the Parkway in the summer season, a great many motorists believe that the time saved is worth the cost in tolls. The Authority believes similar options and results are operational elsewhere along the entire route of the Garden State Parkway.

COMMENT: Buses are responsible for excessive damage to the roadway.

RESPONSE: The Garden State Parkway was constructed as a roadway to expedite travel to the southern shore area, thereby encouraging tourism and development. A part of this objective was the charge of moving people. While buses do cause greater damage to roadway surfaces and bridges than cars, buses carry approximately 50 passengers, the equivalent of 41 passenger cars with an average occupancy of 1.2 persons per car.

COMMENT: The operation of the Arts Center should be turned over to private enterprise.

RESPONSE: The operation of the Arts Center should not be turned over to a private enterprise until such time as it can be proven (both financially and operationally) that a private entity could run it as well as the Authority. Since the Authority began operation of the Arts Center in 1972, it has derived more than \$7,000,000 in net profits from the operation. The Arts Center has been an artistic and financial success under Authority leadership. Under the auspices of its Cultural Fund, the Arts Center has enjoyed philanthropic success through the offering of free programs and live theater to school children, senior citizens and other disadvantaged individuals. There can be no guarantee that this mandate to New Jersey's special citizens could or would continue under private enterprise. The Arts Center has been running effectively for 21 years.

During the years 1968 to 1972, when the Arts Center was operated by a private entity, it lost money.

COMMENT: Users of the Garden State Parkway on the northern section pay a substantially greater amount than do the users in the central and southern sections of the roadway.

OTHER AGENCIES

ADOPTIONS

RESPONSE: Users of the northern section of the Garden State Parkway do pay more per mile than those in the central and southern sections of the roadway. The original toll structure was set in an attempt to negate some of the differences in construction costs that occurred at the time of the Parkway's construction. For example, the construction per mile of those areas of the Parkway in Union and Essex Counties were some eight times the cost of construction in the southern part of the State.

Also, the cost per mile for maintenance and police service is two to three times higher in Essex County than in Cape May County. There are seven times as many bridges to be maintained and repaired per mile in the northern counties than in the southern counties.

COMMENT: A citizens' committee should be created to work with the Commissioners of the Highway Authority which would result in a better handling of toll revenues received.

RESPONSE: The Authority believes, and that belief is supported by the Booz, Allen Report, that it is handling revenue earned from tolls in a proper manner. The Authority also believes that citizen involvement is a good thing.

To that end, the Authority has always worked with citizens, organized or individually, throughout its history. Additionally, the Authority has worked closely with public officials and government agencies at the State and local level. A great many of the decisions to make repairs or improvements to the roadway have originated with suggestions from individual citizens or their public representatives on a local, county or State level. In the last year, the Authority has held 10 public hearings dealing with either toll increase proposals or major improvement and repair projects. These public hearings are excellent forums for input from individual citizens and public officials. The Authority believes it has benefited greatly from that communication.

COMMENT: What percentage of total revenues received is expended in collecting tolls? Include in the collection costs capital improvements, toll collectors, rental of machines and any other costs.

RESPONSE: Approximately 20 percent of toll revenue is expended in collecting tolls.

COMMENT: Has the Board of Commissioners of the New Jersey Highway Authority ever recommended to the Governor that tolls be removed from the Garden State Parkway?

RESPONSE: No. The Commissioners of the New Jersey Highway Authority are charged by legislation, N.J.S.A. 27:12B-5.1 et seq., with the responsibility to construct, operate and maintain the Garden State Parkway ("project") as a user-financed toll road. The removal of tolls from the Garden State Parkway may only be effected by legislative action.

COMMENT: Have the Commissioners ever recommended to the Governor the elimination of the \$10 million payment to the State?

RESPONSE: No. The annual \$10 million payment for a 20-year period with present payments totaling \$44,754,098 is paid by the New Jersey Highway Authority to the Transportation Trust Fund Authority pursuant to an agreement entered into by those agencies pursuant to and consistent with N.J.S.A. 27:12B-5(s). Since the payment is effected pursuant to a contract authorized by law, any modification or elimination of the payment would require the approval of the New Jersey Transportation Trust Fund Authority.

COMMENT: Garden State Parkway tolls should be collected using a ticket system similar to that used on the Turnpike.

RESPONSE: The open system of collecting tolls was necessary on the Parkway because of the existence of three toll-free sections scattered throughout the length of the Parkway. Because of these three toll-free sections, the Authority-owned portions of the Parkway were essentially four sections separated by the three separate State sections. In order to use a closed-ticket system, it would have been necessary for the Authority to establish four locations at which patrons would pick up a ticket and three locations at which a patron wishing to leave an Authority section and enter the free section would pay a toll; thus, the Authority would have been required to operate four separate toll roads.

It was always intended from the original concept of the Parkway to have many entrances and exits since the roadway was conceived as principally serving residential traffic. Frequent entrances and exits are not possible on a closed system because of the high cost of constructing toll plazas. The mainline toll barriers allow the Authority to operate many toll-free interchanges. By comparison, the New Jersey Turnpike has approximately 25 interchanges. The Garden State Parkway has 90 interchanges, 18 of which are tolled and 72 are free. There are 313 ramps or access points in these 90 interchanges, providing 272 free entrances and exits between the Parkway and local roads. In order to collect tolls only at ramps, the Authority would be forced to spend more than \$100

million to revamp the toll collection system just to continue to collect tolls on the 18 existing toll ramps. It would also have to close the 72 free interchanges or place a toll on these. It just is not practical or beneficial to the Parkway's principal patrons, daily commuters, to change from the open system to the closed system.

It should also be recognized that the barrier toll collection system is more efficient in terms of cost of collection since the barrier system permits extensive use of automatic toll collection machines which accounts for as much as 70 percent of Parkway toll collections. The cost to this Authority to collect a dollar in tolls is about half of what it costs other toll roads to collect tolls.

A study of Authority traffic patterns and related toll collection information indicates that in 1986, 20 per cent of Parkway traffic did not pay a toll, 30 per cent paid one toll either at a barrier or a ramp, with 25 per cent of the traffic passing through two mainline toll barriers or one barrier and a ramp toll plaza. Consequently, under the Highway Authority's toll collection system, 50 per cent of the traffic stopped once whereas a closed system would have required a minimum of two stops. Conversion of the Parkway to a closed toll collection system would force this 50 per cent of Parkway traffic to stop twice—once to obtain a ticket, with a second stop required to pay the toll. For 75 per cent of Parkway traffic, the two stops required by a closed system would either require more stops than are presently made or effect no change in the present stopping patterns. Only 25 per cent of the Garden State Parkway traffic would stop less often for toll collection purposes if the Parkway were converted to a closed system.

COMMENT: Buses were not allowed on the Garden State Parkway when it was originally built. They should not be allowed on the Garden State Parkway at all.

RESPONSE: Since original construction in 1952, buses have been allowed on all sections of the Garden State Parkway. In light of the overall State transportation policy to maximize the movement of people rather than vehicles on the transportation facilities of the State, mass transit vehicles are encouraged to use the Parkway. The Parkway is an integral part of the State transportation system and cooperates with NJDOT, NJ Transit and counties to establish and implement mass transit strategies.

COMMENT: If buses are permitted on the Parkway, they should be allowed limited use and they should be inspected thoroughly.

RESPONSE: Bus inspections on the Garden State Parkway have been ongoing for years. In June of 1988, the closed Herbertsville Rest Area was reopened as a Bus/Truck Inspection Site.

Since the opening of the inspection site, there have been 47 bus inspections conducted which resulted in 1,513 buses being inspected. Of these, 184 were placed out of service owing to the inspections because they were considered unsafe, and 2,878 other violations were documented and the concerned bus companies were put on notice of the violations.

COMMENT: Since buses carry substantially more people than cars, they should pay substantially more in tolls.

RESPONSE: It is the Authority's position that the encouragement and support of mass transit is in the public interest. Substantial increases of toll charges for buses may increase the charges paid by bus users and would be adverse to the public interest in maximizing, to the degree possible, the use of mass transit by the traveling public.

COMMENT: All State residents benefit from the Garden State Parkway. Consequently, all residents should pay for its cost—not just the persons that use it.

RESPONSE: The method of financing the Garden State Parkway was established by legislative enactment, N.J.S.A. 27:12B-1 et seq. The Legislature determined that the Garden State Parkway, the New Jersey Turnpike and the Atlantic City Expressway were to be constructed using bonded financing to be repaid out of toll revenues.

Additionally, the legislation creating the New Jersey Highway Authority also directed that agency to continue its operation and maintenance. In imposing this obligation, the only method of financing established by the Legislature was user fee toll charges. If the road is to be financed out of general revenues in the place of user fees, that change may only be effected by legislation.

COMMENT: The erection of an additional toll plaza in Atlantic County penalizes people using the southern section of the roadway and does not help persons using the northern section.

RESPONSE: The proposed Atlantic County toll plaza is intended to generate sufficient revenue to pay for the cost of construction of that plaza and \$20 million in additional projects in Atlantic County. The construction of a new toll barrier in Atlantic County will provide a more equitable

ADOPTIONS

OTHER AGENCIES

toll structure by bringing the toll rate per mile in the southern end of the Parkway more in line with the rate for the northern section. Even with the construction of this new toll barrier, the average rate per mile in the southern counties will be significantly less than that paid in the northern commuter areas. It will help the motorists using the northern end of the Parkway by reducing the number of free trips in Atlantic County which is disproportionately high (28 percent), and will increase the revenue generated from that area of the roadway, a substantial portion of which will come from out-of-State motorists.

COMMENT: How many toll plazas are there north of the Raritan Bridge and how many south?

RESPONSE: There are four mainline toll barriers north of the Raritan Bridge—Union (142), Essex (150), Bergen (160) and Hillsdale (169) toll plazas.

There are seven mainline toll barriers south of the Raritan Bridge—Raritan (125), Asbury Park (104), Toms River (84), Barnegat (68), New Gretna (53), Egg Harbor (29) and Cape May (19.5) toll plazas. The numbers in parentheses represent the mile markers of the barriers.

COMMENT: The Garden State Parkway is not a better highway because of the 25-cent toll fee. Route 78 is the best highway in the State and that is free.

RESPONSE: Interstate Route 78, built with State and Federal funds, is a new highway designed to the latest standards. The Parkway, built with no tax dollars, is 35 years old but well maintained because of the availability of toll revenues for maintenance expenses. When I-78 has been in use for 35 years, it will probably not be in as good condition as the Parkway is now unless the State or Federal government, or both, materially increase their tax rates and provide considerably more funds for maintenance.

COMMENT: The toll increase is appropriate and fair. Users may elect, if they choose, to use alternate roads.

RESPONSE: The Authority does not disagree with this comment.

COMMENT: Traffic on the Garden State Parkway has increased significantly over the years and so have the costs to operate and maintain the roadway, along with all other cost of living items.

RESPONSE: The Authority does not disagree with this comment.

COMMENT: The proposal to eliminate tolls and turn the operation of the Garden State Parkway over to the Department of Transportation will not work since the Department of Transportation does not have sufficient funds to appropriately maintain the roads for which it is now responsible.

RESPONSE: The Authority takes no position on the question of funds available to the Department of Transportation to meet its present or future responsibilities which may include the operation and maintenance of the three State toll roads. Should the State through its Department of Transportation assume responsibility for the Garden State Parkway, it would be responsible for not only operation and maintenance costs but also for outstanding debt. At the present time, the Parkway bonding indebtedness amounts to \$400 million. In addition, there is a need for an immediate additional \$256 million to finance improvements over the next five years. This \$656 million of debt, plus \$60 to \$80 million per year for maintenance, State Police and State payment expense, nets out to roughly \$120 million per year of additional cost that would necessarily have to be accommodated in the Department of Transportation budget.

COMMENT: Users of the Garden State Parkway must recognize that there is a cost which must be paid for traveling on a premium highway.

RESPONSE: As previously indicated, the Garden State Parkway is a user-financed roadway—consequently, a system of collecting those fees is necessary.

COMMENT: The first toll increase ever on the mainline Parkway is vitally needed if the Authority is to maintain the roadway as one of the finest in the country and carry out the \$250 million in improvements which must be done in the next five years.

RESPONSE: The first toll increase in the basic car toll was effected in May of 1988, with an increase in ramp tolls. This proposed increase is the first increase in basic car barrier tolls. The revenues generated by the increase and the proposed mainline barrier and ramp tolls as indicated by the commenter, will be utilized to finance \$256 million in capital improvements over the next five years.

COMMENT: In 1952, by referendum, the citizens of Essex County gave Oraton Parkway, property of the Essex County Park Commission, to the New Jersey Highway Authority, on the premise that there would be no tolls on that stretch of the Parkway through Essex County which denied Essex County residents a free north/south expressway.

RESPONSE: In 1952, legislation that established the New Jersey Highway Authority indicated that the intent of the Legislature was that no tolls would be placed on the Parkway for local trips in the area from Springfield Avenue to Bloomfield Avenue if deemed practicable for the collection of revenues. From the original bond statement for the sale of bonds, consulting engineers at that time deemed the toll-free prospect of travel in Essex and Union Counties to be impracticable and as such, the Authority responded with a strategy whereby tolls were placed on local trips at Irvington to and from the north. In the early 1960's, when the planning for I-280 occurred, the original design had I-280 being constructed high in the air above the Parkway. The State and Essex County officials believed it would be more sound from an environmental perspective to have I-280 cross under the Parkway. Crossing under the Parkway was significantly more expensive and the Federal government refused to pay the increased cost. In a three-way contract between the New Jersey Highway Authority, New Jersey Department of Transportation and the Federal government, the New Jersey Highway Authority agreed to contribute up to \$13 million to pay for Interstate I-280 below the Parkway. In exchange, the Parkway would add tolls on the Essex ramps with the result that there would be no mainline toll-free traffic in Essex County. In addition, a system of parallel service roads is maintained by the New Jersey Highway Authority. Those roads are toll-free and provide for short-haul intra-county trips.

COMMENT: In recent years, bad business practices, illegal regard for procedures and staggering increases in salaries and operation costs, including legal expenses for a \$7 million building at the Arts Center, may be the cause of the proposed unwarranted toll increases.

RESPONSE: The cause for the proposed toll increase is the need for funding for the major repair and improvement program. Funding for all capital needs will be expended by the end of 1989. In order to issue bonds for financing required for capital improvements, the Authority must have a minimum net revenue to support the borrowing. The recent management review has not supported the allegations of mismanagement; rather, it concludes that, taken as a whole, the Authority is managed well and operated at a low cost.

COMMENT: Any increase in tolls should be revised to eliminate the inequitable charges borne by Essex County residents.

RESPONSE: The Authority considers the present toll structure and the structure which will result from the proposed increases to be as equitable as possible. The original cost of construction in Essex County was eight times the cost of construction per mile in Cape May County. The cost of operations, maintenance, and police services is several times greater in Essex County than it is in the southern counties. The cost of expansion in Essex and other northern counties in recent years has been significantly greater than the cost of similar expansion projects in the southern part of the Parkway.

COMMENT: Over the past 35 years, hundreds of millions of dollars in toll revenue have been obtained from the Essex County toll booths. The proposed increase would add another \$5 million to tolls obtained from Essex County residents.

RESPONSE: While it is true substantial toll revenue has been obtained from Essex County, the cost of construction of the Parkway in Essex County per mile was the highest of the entire length of the Parkway. In addition, costs in the northern part of the State for operation and maintenance and the cost of capital improvements are higher than in other sections of the roadway. The proposed toll increase would allow additional maintenance and reconstruction of critical areas of the Parkway in the north.

COMMENT: A proposed toll increase would result in an unwarranted, unreasonable charge of 20 cents per mile for persons traveling three miles from the East Orange entrance to the Union Toll Plaza. Persons coming north to the Union Toll Plaza and exiting at 144 would pay 30 cents per mile for a two-mile trip. This is just simply not equitable. Under these circumstances, a completely new toll structure must be implemented on a fair and equitable per-mile assessment basis.

RESPONSE: It is true that when considering short trips on the Parkway which pass through adjacent toll barriers, the cost per mile calculated is higher than average. This, of course, is true anywhere on the Parkway where a patron enters the Parkway immediately before a toll plaza and exits immediately thereafter.

Typically, as the length of a trip on the Parkway increases, the cost per mile decreases. The higher cost per mile of very short trips on the Parkway does not necessarily indicate that a completely new toll structure must be implemented because in an open toll system it is not possible to charge the same cost per mile for every trip.

OTHER AGENCIES

Rather, in an open system, the user must weigh the convenience of using the Parkway for very short trips against the relatively higher cost per mile of these short trips. If the cost is not perceived as justifying the added convenience, then the user will make use of a toll-free alternate route.

One of the examples cited by the commenter was that a person coming north to the Union Toll Plaza and exiting at 144 would pay 30 cents per mile for a two-mile trip. The length of this trip, of course, is not two miles. The length of the trip is the distance between where the patron entered the Parkway and where he or she left the Parkway (Exit 144). If that patron entered at Interchange 131, the length of the trip is approximately 13 miles, and the cost per mile is less than five cents per mile, yet this trip still only requires payment at Union and Irvington tolls.

If on the other hand, this trip originates at Union Tolls (or more correctly, Union ramp) and terminates at Irvington ramp then, although the cost of that trip would be 60 cents, it is unlikely that someone would use the Parkway to go this relatively short distance. There would be no appreciable time savings in taking the Parkway as an alternative to local streets for this particular trip and the perceived convenience to the user would not justify paying the toll.

COMMENT: The Passaic Herald News has for months been placing ads in its newspaper asking residents of the County of Passaic to cut out the coupons and place a stamp on them, expressing their opposition to any toll increase. The message on the coupons also requests elimination of all tolls on the Garden State Parkway.

RESPONSE: The Authority believes this comment is accurate. The Authority is not the recipient of the mail-in coupons and consequently has no method of evaluating the response.

COMMENT: The Garden State Arts Center has no relationship to the Garden State Parkway and was constructed in violation of the original State mandate.

RESPONSE: The Garden State Arts Center was constructed in 1967 pursuant to the provisions of N.J.S.A. 27:12B-3(d) which defines "project", among other things, as meaning "any express highway, super highway or motorway . . . together with such adjoining park or recreational areas and facilities as the Authority, with the concurrence of the Department of Conservation and Economic Development, shall find to be necessary and desirable to promote the public health and welfare. . . ."

In 1968, a Legislative Committee investigated this allegation and by P.L. 1968, c. 348, section 2 (N.J.S.A. 27:12B-5.1) ratified the continuing operation of existing facilities or activities by the Authority which included the operation of the Garden State Arts Center.

COMMENT: The placement of the branch lanes creates confusion on the part of motorists with motorists stopping at the mainline portion of the plaza, realizing they cannot make payment there and then proceeding to the branch lane toll booth, requiring two stops to pay a toll.

RESPONSE: Branch lanes are a recent innovation on the Parkway and require time for patrons to become accustomed to their use. Experiences to date indicate that the branch lanes are generally successful and improve the efficiency of toll collection operations which in time will contribute to patron convenience. Some modifications in signing have already been made.

Branch lanes have been successfully used on Hudson River crossings and other bridges in the New York area operated by the Port of New York Authority and the Triborough Bridge and Tunnel Authority. It is unreasonable to conclude that motorists on the Parkway will be unable to adjust to a system which is in current use for trans-Hudson crossings.

COMMENT: The toll increase should not be approved until it has been submitted to the Assembly Independent Authorities Committee and after bills which have been introduced in the Legislature to eliminate tolls and increase representation on the Commission, including Atlantic and Cape May Counties, have been posted and considered by the Legislature.

RESPONSE: The proposed toll increase and modifications are immediately necessary for the continued operation of the Garden State Parkway and will not impede or prohibit any legislative action to eliminate tolls on the Garden State Parkway or increase the number of Commissioners should the Legislature choose to do so. The toll increase is a modification of the Authority's rules, N.J.A.C. 19:8. As such, the review process includes a 60-day legislative review period.

COMMENT: The toll increase is just another form of income tax.

RESPONSE: Tolls and the toll increase are not a tax. They are user fees. The New Jersey Highway Authority operates the Garden State Parkway principally on revenues generated from tolls and other income sources. No tax money from any source is received or used by the New Jersey Highway Authority in that operation.

ADOPTIONS

COMMENT: Substantial reform in the way the Garden State Parkway is operated is required and should be initiated by the Governor and Legislature.

RESPONSE: Governor Kean in early 1988 directed the Commissioner of the Department of Transportation to review the New Jersey Highway Authority's Capital Improvement Program and submit recommendations. The Department of Transportation has completed that study and has submitted a review dated February 1, 1988 (Attachment D). The Treasury Department was similarly directed by Governor Kean to conduct a budget and financial review of the New Jersey Highway Authority. That report has been included and submitted to the Governor by date of February 5, 1988 (Attachment E).

Governor Kean also directed the New Jersey Highway Authority to conduct a series of studies of the operation of the Garden State Parkway. Those studies have been completed and submitted to the Governor. "REPORT #1, BARRIER TOLL INCREASE COMPREHENSIVE IMPLEMENTATION PLAN"; "REPORT #2, REVISED CAPITAL PROGRAM"; "REPORT #3, FIVE YEAR FINANCIAL PLAN—1989-1993"; "REPORT #4, COST ANALYSIS OF PROPOSED TWO NEW TOLL BARRIERS"; and "REPORT #9, MULTI-YEAR CAPITAL PROGRAM" were submitted to the Governor in October of 1988. "REPORT #5, PROGRAM FOR IMPROVED FINANCIAL MANAGEMENT AND OPERATIONAL CONTROL"; "REPORT #6, CONVERSION OF ACCOUNTING & FINANCIAL REPORTING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES"; "REPORT #7, PROGRAM OF COST CONTAINMENT AND GROWTH MANAGEMENT"; "REPORT #8, SCHEDULE FOR THE ANNUAL OPERATING BUDGET"; and "REPORT #10, ANNUAL CAPITAL PROGRAM ELEMENT 1989" dated November 15, 1988 have been submitted to Governor Kean pursuant to that instruction. In addition, an "EXECUTIVE SUMMARY OF THE REPORTS TO THE GOVERNOR" which deals with the background of the reports, some description of the reports in question and a summary of results was included with the reports to the Governor (Attachment F). Also, a "COMPREHENSIVE MANAGEMENT AND OPERATIONS REVIEW" was conducted by the firm of Booz, Allen & Hamilton, Inc., Transportation Consulting Division, in association with Canby Associates and MacDorman Associates. A Final Report dated November, 1988 has been submitted to Governor Kean (Attachment G). Many of the findings of these reports have been or will be implemented over the coming years.

COMMENT: Toll booths are by their very nature roadblocks. The removal would be a big step towards unclogging one of New Jersey's most heavily traveled roads.

RESPONSE: The Authority provides toll booths to process traffic as efficiently as possible consistent with costs and need. As traffic has grown through the years, the Authority has expanded its plazas to meet the demand. Just recently, branch toll lanes were constructed and have proved to be successful in reducing congestion at our plazas. In many locations exit and entrance ramps past a Parkway plaza cause congestion which extends through Parkway plazas.

COMMENT: To accomplish the elimination of tolls, the State should apply to Washington for our fair share of Federal Highway Aid.

RESPONSE: This comment is directed appropriately to the State of New Jersey. Since the New Jersey Highway Authority is an agency of the State, it is not appropriate for the Authority to comment or act on matters not within its purview.

COMMENT: Capital improvements should not include a fancy clubroom provided for Parkway officials.

RESPONSE: The Authority's Capital Improvement Program does not include a fancy clubroom for the benefit of Parkway officials. The newly constructed Reception Center will be available for outside and community based functions (including the Parkway's own Foundation) at a market cost. The Authority is currently soliciting proposals for the operation of the Reception Center by a private vendor.

COMMENT: Government has the duty to identify public needs, to oversee the delivery of services to meet these needs but there are many areas where private contractors could do a better job on delivering services and the operation of the Garden State Parkway is one of them.

RESPONSE: The Parkway is one of the most efficiently managed toll roads in the country according to a recently completed management study by Booz, Allen. Private contractors do not have the experience at running the Parkway. In addition, the Arts Center, when compared to other theaters of the same general type and size, ranks as one of the best run, including those that have contract private operators.

ADOPTIONS

OTHER AGENCIES

The success of the Garden State Arts Center speaks for itself. The Authority has fulfilled a mandate to many deserving New Jerseyans via its free programs. The Authority as a quasi-governmental agency is concerned with meeting and providing a variety of services to the public. A private contractor may not be sensitive to these concerns as most are motivated by a profit motive rather than public service.

COMMENT: Exact change lanes should be eliminated.

RESPONSE: Since 70 percent of all toll revenues are collected via automated toll collection, the elimination of these facilities would wreak havoc on the collection system. Automatic lanes are less expensive to operate and are capable of processing between 900 to 1100 vehicles per hour, while manual lanes can only process between 400 to 600 vehicles per hour. If automatic lanes were eliminated, operating costs would rise dramatically and additional backups would occur in Parkway toll lanes.

COMMENT: The hearings should not have been held in the Bergen County Community College since the campus is large and it is difficult to find the room designated for the hearing.

RESPONSE: At prior public hearings the Authority had been criticized for using private meeting halls which it believed were more convenient and accessible to the public. Commenters at those hearings criticized the Authority for incurring the cost of rental and recommended that the Authority utilize school buildings for future hearings. The location of the three hearings at three college facilities—Middlesex County College, Edison, New Jersey; Bergen County Community College, Paramus, New Jersey; and Stockton State College, Pomona, New Jersey—was in response to that previous public comment.

COMMENT: The increase in tolls on the Garden State Parkway places an unnecessary burden on New Jersey residents and those who must travel the Parkway.

RESPONSE: The toll increase is required to provide funding necessary for essential capital improvements amounting to \$256 million to be completed over the next five years. If the Garden State Parkway is to continue to provide service to its patrons as safely and efficiently as has been the case in its 35-year history, these repairs and improvements must be effected. Since no tax money is, has been or will be provided to meet both capital improvement and operating costs, additional toll revenues will be required. The Garden State Parkway, with the increases, will continue to be one of the least expensive, cost effective toll road operations in the nation. There are alternate routes available for almost the entire length of the Garden State Parkway.

COMMENT: The Garden State Parkway is a vital link to bring people of low and moderate income to areas of the State experiencing an economic boom and requiring additional employees.

RESPONSE: The Authority agrees with this comment.

COMMENT: Innovative solutions should be developed to meet the need for additional revenues on the Garden State Parkway rather than impose a toll increase.

RESPONSE: At the present time, the system established by the Authority's enabling legislation provides for financing through user fees including modifications and increases when necessary. The New Jersey Highway Authority must meet its responsibility to operate and maintain the Garden State Parkway consistent with that legislation. Creative variations to meet financing needs are more properly within the realm of the State Legislature.

COMMENT: The people are tired of hearing talk from legislators with no action other than the formation of additional commissions to conduct further studies.

RESPONSE: This comment is not relevant to the toll increase and is more appropriately within the purview of the Legislature.

COMMENT: The inclusion of the Commissioner of the Department of Transportation as a Commissioner on the toll roads is inadequate since that person has only one vote and can be out-voted.

RESPONSE: While the Commissioner of the Department of Transportation has, as indicated by the commenter, a single vote on actions taken by the Commissioners of the New Jersey Highway Authority at its meetings, the DOT Commissioner is additionally a cabinet member and, as such, an advisor to the Governor of the State of New Jersey who, pursuant to N.J.S.A. 27:12B-4, may veto any and all actions of the Authority.

COMMENT: Legislators who have criticized the Highway Authority operating system are hypocritical since they created the Authority.

RESPONSE: The Legislature of the State of New Jersey did create the New Jersey Highway Authority for the purpose of constructing, maintaining and operating a toll road known as the Garden State Parkway pursuant to N.J.S.A. 27:12B-1 et seq.

COMMENT: Many persons including legislators have called for the removal of tolls yet none of those taking this position say how it should be funded.

RESPONSE: Many persons in attendance at the hearings made recommendations for alternate sources of funding for the operation of the Garden State Parkway. Among these recommendations were increases in New Jersey State gasoline and income taxes, Federal funding, surcharge on driver's licenses and funding from general appropriations of the State of New Jersey. None of these alternate sources of funding can be effected by the New Jersey Highway Authority. They are all within the province of the State Legislature.

COMMENT: Removal of toll barriers as recommended in the Rutgers study.

RESPONSE: The Rutgers report referred to, "Traffic and Accident Analysis of Garden State Parkway Toll Barriers", prepared by Trefor P. Williams, Department of Civil and Environmental Engineering, Rutgers University, does not recommend removing toll barriers on the Garden State Parkway. The conclusion, which the Authority quotes, states that:

"This preliminary analysis of the traffic engineering aspects of tolls on the Garden State Parkway indicates that removing the toll barriers could have a number of benefits and should, therefore, be studied further. The potential benefits of removing tolls are:

- 1) Reduced accidents and accident costs.
- 2) Decreased travel time and reduced delays to motorists.
- 3) Decreased air pollution, and vehicle operating costs.

The Garden State Parkway is a heavily traveled road, with congestion during peak hour periods. Removal of the toll barriers will not eliminate these problems. In sections where the capacity of the road is exceeded, significant delays will still occur. Additional lanes or alternative facilities are required to provide adequate capacity. Additionally, potential traffic volume increases, as experienced in Connecticut must be anticipated when toll barriers are removed." [Emphasis added].

To the best of the Authority's knowledge, Professor Williams did not contact Authority staff members to provide input information or answers to questions he might have had in preparing his study. Professor Williams indicates in his conclusion that there is a likelihood for an increase in traffic volume as was the case in Connecticut. Information received by the Authority is that there was a 40 percent increase in truck traffic and more than a 20 percent increase in automobile traffic. It is entirely possible that this increase in traffic volume may result in an increase in the number of accidents, the cost of accidents, further decrease in travel time and delays, increased air pollution and vehicle operating costs. In sum, there is a strong likelihood that the benefits suggested by Professor Williams will not be realized. It is difficult to respond to some aspects of the report since critical references are undefined—for example, "Parkway segments adjacent to the toll barriers". There is no way of determining whether the area referenced by Professor Williams is measured in yards or miles.

There appears to be a significant error in Professor Williams' accident rate calculations. The report states that between 1982 and 1987 the rate for normal mainline segments was 79.24 per 100 million vehicle miles (MVM). The rate for the entire Parkway as reported from 1982 to 1987 varied between 85.7 and 101.0 and averaged about 96. The report indicates a difference between the mainline segments and the segments adjacent to toll barriers of 24 accidents per 100 MVM. It appears that the difference is about five accidents per MVM at toll barriers as opposed to the mainline rate.

Although not stated in the Executive Summary of the report which was widely quoted in the press, the report clearly shows that the fatal accident rate is significantly lower in the sections adjacent to the toll barriers than elsewhere, which the report attributes to the lower speed found in sections near toll barriers.

The author does not make the comparison that the accident rate on all New Jersey State highways between 1981 and 1984, the last years for which data is available to the Authority, averaged about 330, three times the accident rate on the Garden State Parkway, nor does the author point out that the Garden State Parkway between 1981 and 1987 had an accident rate five to 10 percent lower each year than the accident rate on the New York State Thruway, one of the major toll roads with a closed-ticket system of toll collection. It should also be noted that the accident rate on the Garden State Parkway was about 20 percent lower than the average accident rate of about 118 reported by NJDOT for all New Jersey expressways between 1981 and 1984.

These facts clearly indicate that the Garden State Parkway is a safer road than New Jersey expressways, New Jersey State highways and the New York State Thruway.

Stopping at a toll booth is no more inconvenient than stopping at a traffic light on a regular highway. It causes no more air pollution than that caused by traffic lights. Traffic signals are necessary in order to control traffic and prevent accidents. Toll booths and toll barriers are necessary for the Authority to collect the revenue which enables the road to be operated at no cost to State or Federal taxpayers. If the toll booths were to be removed, the public could also look forward to an immediate increase in accident rates because there is no reason to assume that the Parkway, when operated without tolls, with reduced maintenance, would have a better accident rate than the rate for New Jersey expressways, which is some 20 percent higher than the Parkway rates. If the road becomes as congested as many of the State highways, there is no reason to believe that the rate will not increase by a factor of three to become about equal to the overall rate for all New Jersey State highways.

The report goes through a rather complicated calculation and concludes that all patrons of the Parkway lose six million minutes per year caused by delay in toll plazas. Over 300 million vehicles used the Parkway last year so that the six million minutes per year turns out to be less than two seconds per day for each vehicle which uses the Parkway 200 days a year. The delays that the report speaks of are not borne out by the calculations and figures provided in the report. Even if the six million minutes claimed delay was a typographical error and the amount of delay was 100 times that amount, it would still only be two minutes per vehicle per day, hardly significant when one considers a vehicle might be delayed at just one traffic signal for longer than that on its way to the Parkway for each trip. For the few patrons who might travel half the length of the Parkway and be required to stop six times to pay tolls, there is no more lost time or increase in accident rate or pollution than that which would be experienced in stops for the half-dozen or more traffic signals encountered going to and from the Parkway.

One should not lose sight of the fact that the average driver on the Parkway makes a trip of 15 miles, that 17 percent of those who use the Parkway do not pay a toll for their trip, that 52 percent of those who use the Parkway stop once or less to pay a toll and that only 25 percent of the vehicles on the Parkway are required to stop to pay more than two tolls.

As to carbon monoxide and hydrocarbon emissions discussed in the report, they are not placed in any context so it cannot be easily determined if the levels of emission reported are cause for legitimate concern. It seems, however, quite clear that vehicles stopping at toll plazas cannot be any more serious a problem to the atmosphere than vehicles stopping for traffic signals. It is inconceivable that anyone using the Parkway would not stop a few times on his or her trip before entering the Parkway and a few times after leaving the Parkway.

COMMENT: The system for collecting revenues is inefficient and too costly.

RESPONSE: The toll collection system utilized on the Parkway is the most efficient toll collection system in the nation as indicated in the Booz, Allen & Hamilton Management Audit Report. The average cost of collecting tolls on the Parkway is approximately one-third the average cost of toll collection on other toll roads. The Authority is constantly seeking improvements to its toll collection system. Both token payment systems and automatic vehicle identification systems are examples of this continuing research and will be incorporated into the Parkway toll collection system during the next five years.

COMMENT: Does the Arts Center receive any subsidy from the Highway operation?

RESPONSE: The Garden State Arts Center has operated at a profit for the last seven to eight years. Capital expenses, however, have been higher and it is a break-even proposition if the capital costs are considered.

COMMENT: Will the toll increase be used to fund bond issues required for the Capital Improvement Program?

RESPONSE: The toll increase will be used both for costs and to provide financing for the \$256 million bond issue which will be used primarily for major repairs and rehabilitation of the roadway.

COMMENT: Bridges, pilings and other portions of the road are 35 years old and simply need to be replaced. Some have observed that the responsibility for replacement should be assigned to the DOT along with responsibility for operating the roadway. Since DOT does not have enough funds to meet its present responsibilities, where will it get the money to replace the existing Garden State Parkway highway system?

RESPONSE: The assumption in this comment is that if NJDOT were to assume jurisdiction over the Parkway it would not use toll fees to operate the roadway. Given this assumption, NJDOT would be faced with funding the Parkway's needs as it does all its other roadway needs, through transportation taxes dedicated for its use, allocations from the State's General Fund, Federal Aid and State-backed bond issues. The Parkway's needs would directly compete with all other highway needs in the State.

Before the State can turn the Parkway over to NJDOT, it would be necessary for the State to purchase the outstanding bonds of over \$400 million. If the State were to remove the tolls from the Parkway, it would then have to find an alternate source of revenue to pay the \$200 million which the New Jersey Highway Authority is obligated to pay to the support of Highway Trust Fund #1 over the 20 years of the Authority's obligation.

COMMENT: Some suggestions were made to fund repairs out of a gas tax which will not be available since any gas tax increase would be used by the Federal government to reduce the Federal deficit.

RESPONSE: The comment relates to legislative action at the State and Federal levels and is not within the legislated mandate of the New Jersey Highway Authority.

COMMENT: All portions of the transportation system in New Jersey suffer the same deficiency as the Garden State Parkway. Persons using the systems do not want to pay the cost to maintain them.

RESPONSE: Part of the reason for the contribution of \$10 million annually by the Authority is in recognition of the need to repair and maintain other portions of this State's transportation system.

COMMENT: The demographics of the portions of the State served by the Garden State Parkway have changed since original construction and the Garden State Parkway must change to respond to the changed demographic needs.

RESPONSE: The Authority concurs with this comment. Much of its expansion and capital improvement is a consequence of the Authority's perceived mandate to serve the public, residents and commuters in the State of New Jersey by providing a safe, efficient roadway.

COMMENT: The Garden State Parkway is a wasteful rip-off for powerless motorists.

RESPONSE: The Parkway is the most efficient toll roadway in the nation as determined by an independent management consultant. User fees are generally an equitable way of funding to provide a service. Motorists who do not consider the Parkway a cost efficient corridor to travel may use alternate routes or alternate means of transportation.

COMMENT: The press reported today (January 10, 1989) that the Governor said we really ought to have a half billion dollar bond issue to support the Parkway.

RESPONSE: The Authority has no knowledge as to the factual basis for this comment.

COMMENT: The decision to use the Garden State Parkway and pay a toll as opposed to non-tolled roadways is an election that motorists can make.

RESPONSE: The Authority concurs with this statement.

COMMENT: The Garden State Arts Center is starting to contribute money back to the Parkway in addition to providing good things to the people of New Jersey—shows for seniors and for children.

RESPONSE: Net revenues of the Garden State Arts Center flow back to the Authority's Capital Improvement Program. Free programming is offered to thousands of deserving New Jerseyans through the Garden State Cultural Center Fund, which derives its funding from the Garden State Arts Center Foundation.

COMMENT: The percentage of gross charged McDonald's and Marriott on the Garden State Parkway should be raised to offset highway costs.

RESPONSE: The percentage of gross charged McDonald's and Marriott on the Garden State Parkway is arrived at as a consequence of negotiation. The Authority believes that the percentage presently charged as rent is fair and reasonable to all parties.

COMMENT: Suggestions that toll collection be eliminated thereby avoiding the \$20 million cost are not realistic since tolls produce over \$100 million in revenue, leaving \$80 million for operation costs which would have to be met by some other means.

RESPONSE: The Authority concurs in this observation.

COMMENT: In situations where businesses put up large buildings owing to the proximity of the Garden State Parkway, they should be asked or required to incur some of the costs for entrances and exits to their facilities.

ADOPTIONS

OTHER AGENCIES

RESPONSE: The New Jersey Highway Authority under its present legislation cannot require businesses or developers to incur costs for exits and entrances adjacent to their facilities. However, to the degree permitted by law, the Authority does and has negotiated cost-sharing agreements with various public entities.

COMMENT: The suggestion that personnel be reduced in the amount of 10 percent is neither realistic nor beneficial since required work will not be done under those circumstances. Work and progress will be stopped and costs incurred without benefit to the users of the road.

RESPONSE: The Authority has no basis on which to disagree with this observation.

COMMENT: The State, through its pension funds, should be required to underwrite Authority bonds as an investment with a good rate paid to the pension fund.

RESPONSE: Utilizing State pension funds to underwrite Authority bonds is a matter that must be addressed to the State Legislature and the Pension Fund Commission.

COMMENT: The toll increases of last year and this toll increase were improper because they were considered under a set of rules which violate the Authority's statute.

RESPONSE: Vollmer Associates, the Authority's traffic consultant, proposed three basic rules to be followed whenever the Authority makes an adjustment to the toll collection system. These rules are: (1) that each trip on a portion of the Parkway constructed by the Authority should pay at least a portion of the cost of the trip or, in other words, there should be no toll-free trips on the Authority portion of the Parkway; (2) that the distance between barriers should be consistent on similar sections of the Parkway; and (3) that toll ramps that are in close proximity to a barrier and which serve traffic that does not quite reach the barrier should charge the same toll as the adjacent barrier. The Authority has accepted these guides in the interest of fairness to all patrons. These guides must be and have been considered in addition to the statutory provision that "In the design, construction and operation of such parkway project, it shall be the duty of the authority, so far as may be deemed practicable by it and may be permitted by the terms of any agreement by it with the holders of its bonds or notes, to permit the largest possible toll-free use of the project by intracounty or short-haul traffic and provide the largest possible number of points of connection between public highways and the project consistent with safe and efficient use of such project and public highways and safe and economical construction and operation of the project on a self-supporting basis." (N.J.S.A. 27:12B-20). This balancing is evident from the facts elicited in a study conducted by Vollmer Associates which concluded that 20 per cent of trips on the Garden State Parkway are toll-free and 35 per cent pay one toll. In addition, parallel service roads which are part of the project operated by the New Jersey Highway Authority, particularly in the Essex County area, additionally provide for toll-free use by intra-county or short-haul traffic and do provide points of connection between public highways and the project consistent with its safe and efficient use.

COMMENT: The toll increase results in a 250 percent increase in tolls in Essex County. Essex County has a much larger concentration of minority and lower income residents. This results in an improper discriminatory impact on minority and lower income residents which is required to be reflected and was not reflected in the statements submitted to the Office of Administrative Law.

RESPONSE: The Administrative Procedures Act, codified at N.J.S.A. 52:14B-2(e), and N.J.A.C. 1:30, rules promulgated by the Office of Administrative Law, State of New Jersey, specify the types of impact statements required for the proposed toll increase of 1988 and the present toll increase proposal. The statements required are identified as Social Impact, Economic Impact and Regulatory Flexibility Statement. The required statements have been provided and published in the NEW JERSEY REGISTER in conformity with and as required by the Administrative Procedures Act. The toll increase proposal is uniform and applies to all classes of users without discrimination.

COMMENT: There is no access to the NEW JERSEY REGISTER in which documents for these hearings are printed.

RESPONSE: The NEW JERSEY REGISTER is a publication of the Office of Administrative Law, (OAL) State of New Jersey, and may be reviewed at or obtained from its office at Quakerbridge Plaza, Building 9, Trenton, New Jersey.

COMMENT: The existing toll machines malfunction and lead to improper prosecution for toll evasion.

RESPONSE: While there is some malfunctioning of automatic toll machines, it is unlikely that they lead to improper prosecution for toll evasion owing to the requirement of courts hearing toll evader matters for additional evidence of violation. It is the Authority's experience that courts require eye witness testimony from complainants, usually toll collectors, of other evidence of violation, that is, proceeding through the toll location with no arm movement indicating attempt to pay the toll, failure to lower windows on toll-paying side permitting payment and other similar indications of toll violations before a finding of guilt on the charge.

The existing toll machines have been in use for some 30 years and are naturally prone to malfunctions. The Authority has recognized this problem and will be replacing all of the machines with new, more reliable equipment during 1989. The procedures utilized by the Authority to detect toll evaders ensure that no summonses are improperly issued due to malfunctioning machines.

COMMENT: Do the Commissioners listen to and consider comments received from the public on the proposed toll increase?

RESPONSE: Yes. This comment was made at the hearing conducted on January 10, 1987 in the Bergen County Community College. Each of the Commissioners present responded, citing incidents of change in Authority action as a consequence of public comment—deletion of the proposed barrier toll in Cape May County, decision to re-examine the question of the closure of Jimmie Leeds Road in Galloway Township, the decision to consider imposing an additional toll barrier in Atlantic County in response to complaints of patrons using the northern portion of the road of an inequitable toll structure, the decision not to proceed with the doubling of tolls proposed in early 1988, and the decision to study the possibility of instituting an automatic vehicle identification system (AVI).

In addition to the careful attention paid to comments made at public hearings, all of which were attended by a majority of Authority Commissioners, letters and phone calls, additional vehicles of comments, are reviewed by the Commissioners and will be considered in reaching a final determination as to the toll increase. At each of the hearings, a court reporter was employed to record comments made. Transcripts have been prepared and were reviewed by the Commissioners.

COMMENT: Why did the Authority a year ago need a quarter and now is settling for a ten-cent increase?

RESPONSE: Governor Kean vetoed the Authority's proposal to implement a 50-cent mainline toll with a 35-cent discounted token and instructed the Authority to re-examine its operations and needs and report thereon. The Authority has determined that the proposed increase will enable it to complete a five-year, \$256 million major repair and improvement program which largely concentrates on major repairs and safety projects with a minor amount of expansion and interchange improvements. Most of the capacity improvements contained in the original toll proposal (50 cents) which would have financed the \$600 million plus Capital Improvement Program have been deferred until after 1993. In order to keep the toll increase to 10 cents, the Authority has elected to live with the present traffic conditions for another five years.

COMMENT: Will the Authority be seeking another toll increase five years from now?

RESPONSE: There is no basis for predicting accurately whether or not the Authority will need an additional toll increase in five years since there is no assurance regarding the circumstances and conditions which may or may not affect that decision. If costs continue to increase, if inflation continues, there probably will be a need for another toll increase in the future. Toll increases are a product of the Authority's costs. The road is not operated on a for-profit basis. The Authority cannot control all costs. Toll charges along with other costs in society are to a great extent dictated by circumstances the Authority cannot control.

COMMENT: Has the Authority considered the installation of an Automatic Vehicle Identification system for toll collections?

RESPONSE: Yes. Consideration of an Automatic Vehicle Identification (AVI) system is a part of the Authority's present Capital Improvement Program. Studies have proceeded to a point where the Authority will be testing the system on a trial basis to determine its feasibility. The Authority is continuing to work with the Port Authority of New York and New Jersey, New Jersey Transit and various manufacturers in the development and testing of an AVI system. It is the view of the Authority that the public would be better served if a single or compatible system were developed for use in all of the region's toll facilities which would eliminate the need for multiple transponders for patrons using the various

OTHER AGENCIES

ADOPTIONS

facilities. The Authority is continuously testing and evaluating new technology for all of its operations in an effort to improve efficiency while reducing costs.

COMMENT: The costs to construct the Garden State Parkway have been paid six times over.

RESPONSE: The original construction of the Garden State Parkway was approximately \$312 million. Additions to the roadway since original construction have cost an additional \$700 million. If the road did not exist and there was a need to construct it at today's dollars, the cost for replacement would be approximately \$2.5 billion.

COMMENT: The Authority should invest money in stocks and bonds to generate the increased revenues needed rather than impose a toll increase.

RESPONSE: The Authority does not have sufficient capital to invest in stocks and bonds in an amount sufficient to generate the increased costs of operation.

COMMENT: What is my incentive to buy tokens?

RESPONSE: The incentives to buy and use Garden State Parkway tokens are as follows:

1. Saving time at Toll Plazas—Tokens allow patrons to use the faster automatic booths when going through a toll plaza. With the ongoing establishment of more and more "TOKEN ONLY" booths at various plazas, token users may now make use of these even faster dedicated lanes. Exact change users with multiple coins may also use automatic booths—though not the "Token Only" booths—but their multiple-coin transaction will take a few seconds longer than the single coin-token.

2. Convenience—With handy tokens in their cars, patrons will not have to fish for loose change as they approach a toll plaza.

3. Easy Receipt—Presently, any patron seeking a receipt for payment of a toll would have to get on line in the slower manual lanes. Each transaction would result in receiving a small slip of paper. These slips of paper would have to be collected and saved for eventual reimbursement—a tedious procedure at best. When a patron purchases a roll of 40 tokens at 10 dollars, they receive an immediate receipt for that entire purchase. This minimizes delays at manual booths and reduces the need to keep track of numerous pieces of paper. It is easy and convenient and a great advantage to business travelers.

4. Cost-Savings—Presently, 25-cent tokens sell for 10 dollars for each roll of 40. Though the toll on the Parkway may go to 35 cents, any token purchased at 25 cents will be valid for use in the 35-cent booths. That means that if patrons were to buy extra tokens now for 25 cents each they would be able to save 10 cents each time they used them after a toll increase. To that end, the Authority has proposed a two-month grace period following any increase to allow patrons to buy tokens at the reduced rate of 25 cents each. This will give patrons the opportunity to stock up on the cheaper tokens. Even after the two-month grace period has ended, the Authority proposes to sell rolls of 35-cent tokens at 30 for 10 dollars, affording the buyer a 50-cent discount on each roll.

5. Easy to Buy—Tokens are available from any toll collector on the Garden State Parkway making them easy to buy. They are also sold at Service Area restaurants along the road and at the NJ Transit Park & Ride on the Parkway at Interchange 116, the Security office at the Garden State Arts Center and at the Authority headquarters in Woodbridge. The Authority is looking at other off-road locations to make the purchase of Parkway tokens even more convenient for Parkway patrons.

COMMENT: Reports in the newspapers that labor is in favor of the toll increase are inaccurate and apply only to the construction unions since they are looking for jobs and they only represent a small segment of the labor force. The rest of labor objects to the increase.

RESPONSE: The comment may or may not be accurate. The Authority can only reflect positions taken with regard to the toll increase. It may well be that some segments of labor are in favor of the toll increase for many reasons while others may oppose it for different reasons.

COMMENT: The people of the State of New Jersey have a perception that the reason for the New Jersey Highway Authority is to provide jobs to favored persons.

RESPONSE: The perception is inaccurate. The Authority, much as is the case with private organizations, seeks out employees from available labor sources using traditional and accepted recruiting methods. Candidates are recommended by Commissioners as well as persons who are employees of the New Jersey Highway Authority, and by other public officials. Advertisements are placed in various newspapers to locate qualified candidates and the Authority's Affirmative Action Manager seeks out qualified female and minority candidates using contact persons and organizations that have been helpful in this regard in the past.

COMMENT: Statements have been made that the Garden State Parkway is the safest, finest, cleanest highway in America and while we are all very proud that New Jersey should have such a roadway, I don't think we need the best roadway in the country. What is needed is blacktop with wider lanes and that's all that's needed.

RESPONSE: The Garden State Parkway has maintained its reputation as one of the safest, cleanest and best roadways in America. The Parkway's safety record has always been among the best in the nation. The Parkway has won awards for its appearance and lack of litter as well as for playing a role in preserving the ecology of the area it passes through. All of this has been accomplished on the heaviest traffic commuter toll road in America. It is a record of which the New Jersey Highway Authority is justifiably proud.

There may actually be people who wish to see their Parkway reduced to "blacktop with wider lanes" without safety or concern for the environment it passes through. However, the Authority believes its method of operation is more consistent with its legislative mandate.

COMMENT: There is no alternate route but the Garden State Parkway to go from Bloomfield to Paramus except for Route 17.

RESPONSE: There are local alternative roads paralleling the Parkway for its 173-mile length and this is so even in the area from Bloomfield to Paramus. Such routes include Route 21, Route 17, River Road and similar local and State arteries. However, as indicated, it is not likely that these routes fare well in travel time compared to the Parkway which is one of the reasons that construction of the Parkway was proposed in the 1950's.

COMMENT: Why is the New Jersey Highway Authority in the entertainment business with the operation of the Garden State Arts Center? The New Jersey Sports and Exposition Authority should be operating the Garden State Arts Center.

RESPONSE: The original legislation which established the Highway Authority charged it with the creation and operation of "recreation facilities" along the route of the Garden State Parkway. Telegraph Hill Park, which contains the Garden State Arts Center, is one of those facilities. The Authority has operated the Arts Center for 20 years.

The Sports and Exposition Authority has operated an arena, racetrack and a stadium for 10 years. If the Arts Center logically should belong to the Sports Authority, that could have been suggested 10 years ago when the Sports Authority was created. Apparently, at that time there was no thought that the new Sports Authority should take over the Arts Center. There is no reason to believe that the Sports Authority would operate the Arts Center any better than it is presently operated by the Highway Authority.

COMMENT: I am in favor of the toll increase and others in the room who did not get an opportunity to speak are also in favor. Time limit and sign-up sheets would have afforded persons on both sides of the question to address the Commission.

RESPONSE: At the hearings, the Chairman and the Commissioner made certain that all present had an opportunity to express their view on the proposed toll structure. While this commenter was in favor of time limits and sign-up sheets, other members of the public did not concur.

COMMENT: Has the toll revenue doubled between 1977 and 1987 and what is the percentage of increase?

RESPONSE: In 1977 toll revenues were \$61,865,957 and in 1987, they were \$108,205,415. This represents a 75 percent increase.

COMMENT: The required maintenance could have and should have been funded out of the increased revenues.

RESPONSE: Annual maintenance expenses are funded out of revenues. Maintenance items appearing on the capital program constitute extraordinary maintenance such as bridge rehabilitation, repaving programs, etc. The Authority has been able to fund its routine maintenance out of the 25-cent toll because of increase in volumes of traffic. Traffic volumes increased at a smaller rate in the last few years and the cost of necessary maintenance and operation increased at a faster rate. A 2-cent fare will no longer cover operating and maintenance costs.

COMMENT: The Commissioners of the Highway Authority are unpaid volunteers. Why do they do this job that I would not do?

RESPONSE: The Commissioners are appointed by the Governor for five year terms and serve—without pay—in the public interest. The Commissioners take time away from their personal businesses and affairs to perform this important role. They spend a great deal of time running the Authority for the betterment of its patrons and the State as a whole. As public officials, they realize that the actions they take may be subject to review by the public.

ADOPTIONS

OTHER AGENCIES

COMMENT: Newspapers talk about tolls constantly but they do not address how the elimination of tolls will affect the taxpayers of the State of New Jersey.

RESPONSE: The elimination of tolls on the three toll roads of the State would require appropriation to pay off existing indebtedness which would necessarily be financed from State tax revenues. In addition, taxpayers would be obliged to pay additional taxes to continue required maintenance or to construct necessary capital improvements.

COMMENT: Why are public officials allowed to speak first at these hearings?

RESPONSE: Public officials advised the Commissioners in advance of their desire to speak. The Authority merely recognized and responded to those requests.

COMMENT: The need for the increase in tolls by 10 cents cannot be and has not been substantiated. Why after 35 years is an additional 10 cents needed?

RESPONSE: The Authority believes the 10-cent increase in tolls has been substantiated. Traffic increases on the Parkway have historically been at very high levels, which have resulted in relatively high annual increases in revenues. These growth rates have moderated in the past few years, but operating costs have increased at a faster rate than traffic and revenue increases. Costs for motor fuel, insurance, health benefits, and construction are just a few of the types of expenses which are growing at a faster rate than the increase in revenue.

The State Treasurer has reviewed the Authority's records and concurs that costs have been contained as much as is reasonably possible, and the only alternative available to increase net revenue is to increase the toll rate. Without a toll increase, no money will be available for essential major repairs and capital improvements.

COMMENT: Over the 30 years from 1957 to 1987, the Highway Authority expended \$726 million with only 4.22 percent of that figure being spent in Atlantic and Cape May Counties. This is an inequitable distribution of capital construction.

RESPONSE: Since capital construction indicates expenditures for infrastructure expansion as well as major reconstruction and rehabilitation, the distribution of construction reflects the level of needs geographically. Traffic volumes are higher north of Atlantic County, thus wear and tear on the Parkway is greater. Development is both more intense and extensive north of Atlantic County, placing greater demands for expansion and modification of the Parkway. There are four times as many bridges per mile north of the Raritan River than in Atlantic and Cape May Counties and they cost far more to construct. Right-of-way costs are higher and to avoid right-of-way acquisition, much greater use of costly retaining walls is necessary. Labor costs are higher in the north than in the south, as is cost of materials.

The Authority's capital improvement program is not structured to satisfy geographical or political considerations. The work is scheduled where needed. From a financial point of view, Atlantic and Cape May Counties have not fared that badly. These two counties produce 7.5 percent of the Parkway revenue, yet they account for 10.3 percent of its traffic volume, and 16 percent of the Authority's operating expenses. The fact that the traffic volume percentage exceeds the revenue percentage reflects the fact that 35 percent of the traffic in Cape May County pays no toll, and 28 percent of the traffic in Atlantic County pays no toll.

It is only after operating expenses and debt service and payment to the State Transportation Fund are made, that any money becomes available for capital construction. Since Atlantic and Cape May Counties did not produce sufficient revenue to meet operating expenses, it is not inequitable that the share of capital construction expenditure in these two counties was somewhat less than in other counties, particularly in light of the fact that capital construction expenditures are allocated according to need.

Generally, there has not been an inequity in the distribution of capital expenditures when use differentials and cost differentials are considered.

COMMENT: Why is it not possible to get a breakdown of capital construction expenditures in Atlantic and Cape May Counties for the 30 year period?

RESPONSE: The Authority can and has provided a breakdown of capital construction expenditures by county. The information was provided to the Office of Legislative Services and to legislators who requested it. Between 1957 and 1987, \$10 million was expended from the Parkway Construction Fund in Cape May County, and \$22 million in Atlantic County. This is 1.4 percent and 3.0 percent of total Parkway Construction expenditures for this period, respectively.

Over the next five years, the Authority proposes \$5.1 million of improvements within Cape May County and \$51.2 million of improvements in Atlantic County. This translates into two percent of the total improvements proposed for the entire Parkway, over the next five years, taking place in Cape May County and 20 percent in Atlantic County.

COMMENT: What is Cape May County going to get for its increase in tolls and when? Can we expect better treatment in the next five, 10 or 30 years?

RESPONSE: The Authority has developed and included in its Capital Improvement Program a number of capital improvements in Cape May County. These were developed and prioritized together with an ad-hoc planning committee comprised of County and Municipal officials as well as NJDOT representatives. These projects were jointly developed following the Authority's assumption of jurisdiction over the former State section between Mileposts 8 and 12 on July 1, 1987.

Although the joint capital improvement committee examined individual potential projects from Mileposts 0 through 25, its primary objective was to upgrade the Parkway to freeway standards and improve its safety and serviceability throughout. In this regard, the highest priority area was the former State section between Mileposts 8 and 12. Within this area, a multi-stage plan was proposed which initially upgraded the traffic signals to permit variable capacity operations based on time of day and year and reduced the number of uncontrolled access locations to the Parkway. Access to Mechanic Street and Shell Bay Avenue, where the motor vehicle station is located, would be improved while other access locations would be eliminated. The County and municipality would design, acquire right-of-way and construct a parallel service road east of the Parkway.

Upon completion of these initial at-grade improvements, a second stage of improvements would be initiated. These include grade-separation at Shell Bay Avenue, Stone Harbor Road and Crest Haven Boulevard. Full interchanges would be built at Stone Harbor to serve Burdette Tomlin Hospital, at Crest Haven to service the County complex, and Interchange 6 (N. Wildwood Blvd.) would be completed to improve access both east and west, to the County Solid Waste Facility.

Outside the former State section, Interchange 13 is a high priority project for the elimination of the non-standard southbound entrance ramp which enters the Parkway in the left lane. A new southbound entrance ramp to the Parkway's right lane will provide a safer merge.

Other proposed improvements include new ramps at Interchange 17 (Sea Isle Blvd.) to and from the south to enhance local trips.

No improvements are proposed at Interchange 20 (Route 50) at this time. Upon resolution of the construction of the Route 55 Freeway, improvements at Interchange 20 will be reevaluated.

Due to current funding constraints, only at-grade improvements between Mileposts 8 and 12 are proposed for funding in the Authority's Five Year Program.

COMMENT: Exit 25 at Marmora needs a new exit ramp. It was promised in 1987 for the 1988 summer tourist season, but to date has not been built.

RESPONSE: A study conducted by the Authority indicated that the problems at Interchange 25 are directly related to insufficient gaps in Roosevelt Boulevard traffic to allow southbound exiting traffic to clear the ramp. The recommended solution is to signalize the intersection between Roosevelt Boulevard and the southbound ramps as part of Cape May County's upgrade of Roosevelt Boulevard. Plan reviews have been completed and the project awaits construction by the County. Resurfacing of the ramps themselves is being undertaken by the Authority.

COMMENT: At Sea Isle City Boulevard, Exit 17, there is a desperate need for a northbound exit which has not been provided.

RESPONSE: Based on joint planning meetings with County and municipal officials, additional ramps to and from the south are needed at Interchange 17. However, this need is not the top priority project in Cape May County and has not been included in the Authority's Five Year Capital Program.

COMMENT: The New Jersey Department of Transportation, through the Transportation Trust Fund, is about to construct a new Route 147 from the Parkway into the island into North Wildwood, with two new bridges. What plans does the Parkway have to improve the entrance and exit at Exit 6 in connection with this construction?

RESPONSE: The Authority has coordinated its planning for Interchange 6 with NJDOT's plans for Route 147. These plans include the ultimate completion of Interchange 6 adding an entrance to and exit from the south. Also, an alignment and reconstruction of Golf Club Road and

OTHER AGENCIES

the Parkway's northbound entrance is planned. Although NJDOT plans to commence construction on Route 147 soon, Interchange 6 improvements by the Authority are not included in the Authority's current five-year capital program.

COMMENT: Commercial vehicles should be charged greater tolls to relieve the burden on commuters who must use the Garden State Parkway to travel to work each day.

RESPONSE: The Authority is proposing to increase the toll rates for commercial vehicles by a greater amount than for cars. Authority rules classify vehicles on the basis of gross registered weight and number of axles. In this respect, larger vehicles and vehicles with more than two axles, when permitted on the Parkway, pay higher tolls than automobiles.

Trucks will be charged a rate of 35 cents per axle, as compared with the 35-cent rate charged for passenger cars, which is equivalent to 17.5 cents per axle. Thus, a two axle truck pays twice as much as a car, and a six axle truck pays six times as much as a car. Since trucks constitute only 1.5 percent of Parkway traffic, and buses only 0.6 percent charging commercial vehicles at even higher rates than proposed would not result in a significant increase in revenue. It should also be noted that commercial vehicles in excess of 6,999 pounds are only permitted on the Parkway south of Interchange 105.

COMMENT: The barrier toll in Atlantic County cannot be justified for four reasons:

1. Atlantic County motorists have been contributing tolls to the revenue of the Parkway for 35 years and, except for maintaining the roadways and certain safety upgrades, there have been no improvements to the Parkway in Atlantic County throughout that 35-year period. Millions of dollars collected in Atlantic County have been paid for construction or other improvements in North Jersey.

2. New tolls in Atlantic County must be directly tied to improvements that are not there now. New access or exit ramps should be built only where tolls are collected.

3. Atlantic County motorists, through property taxes, have already spent several million dollars on projects to improve Parkway access and safety including Atlantic County's commitment to the Parkway for improvements to Jimmie Leeds Road in Galloway Township.

4. The Rutgers University study indicates that barrier tolls are a major cause of traffic delays and accidents.

RESPONSE: By most measures used to view the equity of toll charges, Parkway users in Atlantic County do not pay an unfair share of the costs required to maintain the Garden State Parkway. For example, the 25 mile separation between Great Egg Toll Plaza and New Gretna Toll Plaza is the longest (toll-free) distance between mainline barriers on the Parkway. Typical trips on the Parkway in Atlantic County have costs substantially below trips elsewhere on the Parkway. There are substantially more free trips on the Parkway, especially local trips, in Atlantic County than other counties. Currently 28 percent of the Parkway users in Atlantic County ride toll-free.

New toll facilities in Atlantic County are proposed to redress inequity to northern section users and to fund a specific series of improvements in Atlantic County. Among these are the reconstruction of Interchange 36 in coordination with Atlantic County, the expansion of Interchanges 40 and 44, plus various safety and rehabilitation projects.

Property tax dollars are not expended to make the improvements to Parkway infrastructure or property. The Authority has consistently aided the counties and municipalities it serves by improving off Parkway roadways and intersections that access the Parkway. An example is the proposed improvement by the Authority to Route 9 and Laurel Drive in Atlantic County.

Even disregarding the inadequacies and erroneous assumptions in the Rutgers report, it contains conclusions which are not consistent with the calculated data presented. For example, the report states that all users of the Parkway collectively lose six million minutes per year while delayed at toll plazas. Since over 340 million vehicles used the Parkway last year, using the author's data, the time lost per vehicle amounts to a few seconds per year.

The Rutgers University study contains assumptions, methodologies and conclusions with which the Authority disagrees. The Authority feels that the study does not accurately reflect the traffic and accident realities on the Parkway.

COMMENT: Senior citizens who are on fixed incomes, casino workers and business interests in Atlantic County oppose the toll increase.

RESPONSE: Increased fees or tolls are rarely a popular proposal. However, the proposed toll increase on the Parkway is essential to the continued operation, maintenance and improvement of the Parkway. The

ADOPTIONS

Authority's proposal has undergone intensive scrutiny by the State's Treasury and Transportation Department and found to be reasonable.

By comparison, the cost of nearly everything purchased—newspapers, groceries, cars—has increased dramatically since 1959. This is the first time the Authority has increased the basic car toll. There is simply no "stretch" in the system to pay for needed repairs, maintenance and capacity improvements.

COMMENT: Analogies that have been used, that is, cost of loaf of bread in 1953, carton of milk in 1967, dozen eggs in 1972, automobile in 1977, as compared to no increase in tolls on the Garden State Parkway, are irritating.

RESPONSE: The purpose of such analogies is to illustrate that over the past 35 years the cost of producing and the price to the consumer of many basic items has risen. So too have the costs of maintaining and improving the Parkway. While the Authority has been able to avoid basic toll increases in the past because of traffic growth, it no longer can avoid a toll increase without significant degradation of services and deterioration of infrastructure.

COMMENT: Increase in tolls should have been imposed gradually over the years.

RESPONSE: From today's perspective, this may be true but the Authority for years was apparently of the opinion that it was best to delay any increase as long as possible. Commissioners in the past did not recommend toll increases as long as bonding covenants were met and sufficient capital funds were generated to satisfy capital improvement needs.

COMMENT: The increase in truck tolls will result in a severe financial hardship to businesses obliged to use the Garden State Parkway.

RESPONSE: The reason trucks use the Parkway now while paying tolls is to save travel time and operating expenses over alternate "free" routes. If this were not the case, truckers, managers and owners would not use the Parkway. The Parkway will continue to be a cost effective benefit to the trucking industry. It is doubtful whether any other portion of the industry's operating expenses has remained the same since the 1950's.

Proposed toll rate increases are set to reflect the disproportionate amount of wear to the roadway caused by truck traffic. Truck tolls reflect their fair share of the costs to operate, maintain and improve the Parkway.

COMMENT: Legislators should have been presented with reports of operating costs to justify the increase.

RESPONSE: Legislators were presented—in some cases, actually hand delivered—with reports of this nature by the Authority.

In February of 1988, Governor Kean requested that the Highway Authority present him, the State Treasurer and the Commissioner of the Department of Transportation with 10 reports covering such items as the major improvement and repair program, financial issues and the internal operations of the Authority. The Authority produced these reports—including a full management audit of the Authority by an independent firm—and submitted them to the officials who had requested them. Copies of all 10 reports were delivered to key legislators in Trenton by the Authority as well as to the editors of New Jersey's largest newspapers, radio stations and television stations.

Additionally, the Authority's Annual Report for 1987—a document that dealt with the financial health of the Authority as well as its operations—was distributed to the State Legislature, the Governor and other State officials as required by law in March of 1988. The same is true of the Report of the Authority's outside auditors.

The Authority conducts monthly meetings wherein it transacts its business. These meetings are open to the public and representatives of State legislators are often in attendance. The Authority has been the constant subject of news stories as well and the potential toll increase has been a topic that has been extensively dealt with for more than a year.

In December of 1988, the Authority conducted a series of public hearings on its major repairs and improvements program. During those hearings, the Authority's position was clearly and repeatedly articulated that the improvements and repairs discussed were the reason why the Authority had proposed a toll increase. The Authority's presentation was made using facts and figures from its reports and research. Several dozen public officials attended those hearings and thus heard the Authority's presentation.

COMMENT: No municipality along the entire Parkway is impacted as severely as Galloway Township by the New Jersey Highway Authority's toll increase proposal which includes the establishment of

ADOPTIONS

OTHER AGENCIES

ramp tolls at Mileposts 40 and 44, the creation of toll barriers between Mileposts 40 and 45, and the closure of the Jimmie Leeds Road exit ramp to the Parkway service area.

RESPONSE: It is true that a substantial number of changes in the Parkway are proposed for Galloway Township. It is because Galloway Township, as one of the highest growth areas of Atlantic County and the State, is recognized as an area in need of transportation improvements. Improvements proposed for Interchanges 40 and 44 and Jimmie Leeds Road are all intended to improve access to Galloway Township and the regional facilities located there. Municipal and county planning input was considered in developing these improvements.

The location of the proposed mainline barrier in Galloway is a product of equitable spacing of toll barriers along the Parkway right-of-way.

COMMENT: The proposed ramp and barrier increases in Galloway Township violate the provision of N.J.S.A. 27:12B-10 which states that the Authority provide for the largest possible toll-free use of the project by inter-county or short-haul distance.

RESPONSE: The proposed ramp and barrier increases in Galloway Township do not violate the provisions of N.J.S.A. 27:12B-10 providing for the largest possible toll-free use of the project by intra-county or short-haul distance. A study conducted by the Highway Authority, "Comprehensive Traffic Study—1986 AADT" indicates that 35.2 percent of the trips on the mainline of the Garden State Parkway in Cape May County are toll-free. The figures for Atlantic County indicate that 28.4 percent of the trips are toll-free. The overall figure for the entire length of the road indicates that 20 percent of trips on the mainline of the Garden State Parkway are toll-free.

COMMENT: The exit at Jimmie Leeds Road should not be closed.

RESPONSE: The Authority is continuing to look at a way to make the Jimmie Leeds Road connection a permanent part of the Parkway structure. It might be possible and feasible to maintain the exit onto Jimmie Leeds Road for the future. The present toll proposal contemplates the possibility of leaving this exit open with the possibility of a toll. However, if it is deemed necessary to close or restrict access at Jimmie Leeds Road, it will not be done until alternate access is operational, such as Interchange 44 to and from the south and/or Interchange 40 to and from the south.

COMMENT: Sufficient cost savings methods can be undertaken by the Parkway to prevent the need for a new toll increase and a new barrier while obtaining commitments to modernize and expand the highway.

RESPONSE: A recent internal review by an outside consulting firm, as mandated by the Governor, revealed no significant cost savings can be made. Therefore, monies needed for capital improvements can only be raised through a toll increase.

The State Treasurer has reviewed the Authority's records and concluded that additional cost containment is not possible, and that a toll increase is necessary to the continued safe and efficient operation of the Garden State Parkway.

COMMENT: Cape May County has no practical way in and out of the County other than the Garden State Parkway. There is certainly no other four-lane road to commute from Galloway Township to Atlantic City, which is an additional cost of \$100.00 per year.

RESPONSE: The Parkway currently constitutes the only four-lane highway that provides north-south access to the County. Route 9 provides a toll-free parallel continuous north-south route, although it is not at highway standards in all areas. Routes 47 and 50 provide only limited northwest to southeast access. The restrictions on accessibility to Cape May County are dictated by geography, not the presence of the Parkway. The use of the Parkway is optional for trips between Galloway Township and Atlantic City. There are alternate routes using State and county roads that are toll-free.

COMMENT: The New Jersey Highway Authority should hold its meetings in Ocean County.

RESPONSE: The Authority's enabling act, at N.J.S.A. 27:12B-14.1, requires the Authority to hold a single hearing on proposed toll increases. The Authority does not believe that a single hearing would present a sufficient opportunity for as wide a public comment as possible. Consequently, three hearings were held for the present proposed toll increase. One of the 1988 toll increase hearings was held in Toms River, Ocean County. It was the Authority's hope and belief that the locations established for the three hearings which are a part of this procedure afforded sufficient opportunity for all interested members of the public to attend, observe, listen and present their views.

COMMENT: Garden State Parkway maintenance costs should be paid out of fees assigned at the time driving licenses are applied for and received.

RESPONSE: This comment may or may not have merit but it is not a matter or issue which can be addressed or decided by the Commissioners. It is a suggestion for alternate funding of Garden State Parkway maintenance which must be effected by legislative action.

COMMENT: The State maintains certain portions of the Garden State Parkway.

RESPONSE: This observation is no longer accurate. As of July 1, 1987, the New Jersey Highway Authority assumed responsibility for maintenance of all portions of the Garden State Parkway.

COMMENT: What is the response to the Rutgers Professor's study which states that there are six million minutes delay occasioned by the Parkway toll barriers each year. Toll booths add half an hour to travel time.

RESPONSE: Assuming the professor's number of six million minutes a year is correct, this translates to approximately two seconds per vehicle per year for the 343 million vehicles which used the Parkway in 1988.

COMMENT: At the original construction of the Parkway, a promise was made to provide a safe crossing from Stone Harbor to Cape May County which was never fulfilled.

RESPONSE: The crossing from Stone Harbor to the rest of Cape May County is provided by a county road and bridge that traverses the coastal wetlands. This roadway, Stone Harbor Boulevard, is not under the Authority's jurisdiction.

Stone Harbor Road intersects the Parkway at-grade at a signalized intersection. This part of the Parkway was built and maintained by the State DOT until July 1, 1987, when the Authority assumed jurisdiction. The Authority proposed to improve the Stone Harbor Road signal, in fact, the entire former State section, as part of its five-year capital program. These improvements will measurably improve safety and capacity of the former State section of the Parkway.

Nothing in the legislation or the referendum presented to the people in the 1950's contained a promise concerning Stone Harbor or a new bridge.

COMMENT: Trucks should not be allowed on the Garden State Parkway.

RESPONSE: Trucks are allowed on the Parkway from Interchange 105 south to Cape May. The design criteria for this section of the Parkway provided for trucks to use the Parkway safely. Parkway accident experience over the last 30 years shows that trucks using the Parkway have not been a safety problem. The legislation creating the New Jersey Highway Authority provided that trucks would be permitted to use the southern part of the Parkway.

COMMENT: Cape May County does not have toll-free perimeter roads. Why not?

RESPONSE: Route 9, which is toll-free, can be used as an alternate to the Parkway in Cape May County. The Authority suggests that this question be referred to the New Jersey Department of Transportation, since the construction of toll-free perimeter roads in this area is not the responsibility of the Authority.

COMMENT: If the tolls are increased, fewer tourists will come to South Jersey and our economy will thereby suffer.

RESPONSE: The vast majority of the motorists that travel to South Jersey utilize the Garden State Parkway today as a toll road. They prefer the tolled Parkway over numerous "free" State highways because it offers an expressway type ride without traffic signals and significantly fewer delays than any other route.

The toll increase is necessary to continue the quality service now provided to Parkway patrons. It is felt the toll increase will not have a significant effect on the number of people visiting the Jersey Shore area.

COMMENT: The casinos in Atlantic City have brought millions and millions of dollars in revenues to the Parkway. Consequently, South Jersey should receive a discount on toll charges.

RESPONSE: The Highway Authority does not receive any direct revenue from the casinos in Atlantic City. Even the indirect effect of additional traffic on the Parkway, which obviously increases revenue, is greatly exaggerated. The exact value of the revenue that can be attributed to the casinos cannot be determined, but its upward limit can be demonstrated. If every vehicle which exits the southbound Parkway and goes east on the Atlantic City Expressway, and every vehicle traveling west on the Expressway which enters the northbound Parkway, and the resultant round trip represents vehicles bound to or from the casinos, this

OTHER AGENCIES

amounts to less than 12,000 per day, or less than 2.5 percent of total Parkway volume. Quite obviously, nothing like 100 percent of this traffic is destined to or from the casinos. More traffic than this crosses the Driscoll Bridge in the northbound direction between 7:00 and 8:00 A.M. each weekday.

COMMENT: There is enormous waste on the Garden State Parkway as evidenced by a sign in Wall Township and all it says is "thru traffic". That is wasteful.

RESPONSE: Two "Thru Traffic" signs are located on the mainline of the Garden State Parkway in the vicinity of Interchange 98, Wall Township as follows:

1. One sign is located northbound at Milepost 97.6 just prior to the 98 exit on a cantilever structure over the exit lane and the mainline because Exit 98 handles a high volume of traffic (8200 per day northbound) and the deceleration lane is long, motorists are alerted to the exit with appropriate signing over the deceleration lane with the supplemental message "EXIT ONLY". Through traffic motorists are warned to avoid possible exiting congestion by the message over the mainline that reads "THRU TRAFFIC KEEP LEFT".

2. The second sign is southbound south of Exit 98 where the roadway reduces in width from four lanes to three. The sign contemplates the possibility that motorists may not be aware of this potentially hazardous situation and for that reason they are warned of the loss of a lane by the over-the-road sign which reads "THRU TRAFFIC" (three down arrows) "LANE ENDS MERGE LEFT".

The Authority does not believe appropriate signing is wasteful. To the contrary, inadequate signing leads to accidents which are wasteful.

COMMENT: Beautification of the Garden State Parkway is unnecessary and wasteful.

RESPONSE: The five-year Capital Improvement Program does not contain any contracts specifically dedicated to beautification. Major widening contracts contain a small amount of money to landscape areas which have been disturbed during construction. This is similar to construction contracts funded by the Federal Highway Administration which mandates that a certain percentage of construction costs be set aside for landscaping. In addition, landscaping is usually the cheapest and most reliable method of controlling soil erosion and environmental damage to sensitive areas. Most of the past construction work on the Parkway classified as landscaping was to repair serious soil erosion, not beautification.

COMMENT: The proposed \$3 million expenditure to clean up the nine service areas is an outrageous fee and should be paid by the restaurant operators.

RESPONSE: The costs for the cleanup of the nine service areas are not related to the restaurant facilities. These funds are necessary to clean up fuel which spilled years ago which may endanger the environment—consequently, the need for a cleanup.

COMMENT: The proposed construction of the major Interchange at 74 will adversely affect social services and the quality of life and may mean a life and death situation, delaying ambulances.

RESPONSE: The proposed Interchange 74 will not only provide additional access for the areas by providing additional ramps to and from the south, but will also eliminate the afternoon congestion and severe traffic delays that occur on the southbound exit. This improvement will provide better service to all patrons in the area as well as those passing through. It will also greatly improve emergency response times in the area during times that the present interchange experiences traffic delays.

COMMENT: While a suggestion that hearings be held in public places was accepted and utilized, the added suggestion of having day and night meetings to accommodate senior citizens was not and should have been.

RESPONSE: An examination of the transcripts of the three public hearings will reveal that many speakers identified themselves as senior citizens and ably represented the views of senior citizens.

COMMENT: Something is drastically wrong with the way the Parkway is built. It puts people to sleep, causing accidents.

RESPONSE: The Garden State Parkway is very proud of its safety record. In comparison to other roads within the State and across the country, the Parkway has historically been and continues to be one of the safest roadways.

The Parkway is one of the few roadways in the State that provides both recreational rest areas and service rest areas at regular intervals. These are available to motorists to provide a safe and comfortable alternative to relieve driving stress and fatigue.

From a State Police point of view, the Authority is constantly reviewing the accidents it investigates that occur on the Garden State Parkway, especially serious and fatal accidents.

ADOPTIONS

Considering the volume of vehicles that travel the Garden State Parkway in any given year, it is still considered one of the safest roadways in the nation, which may well be attributed to its design.

As to the allegation that the roadway puts people to sleep, the largest percent of fatal accidents occur during evening hours and are usually related to alcohol. The Authority is constantly policing the roads with its programs specifically designed to identify fatigued or drinking drivers and to remove them from the roadway safely. It may well be that barrier plazas mitigate the problem while providing a safety driver checkpoint.

COMMENT: In locations where the Parkway's speed limit is posted at 35 or 40 miles an hour, everybody is doing 65 or 70 with little or no enforcement.

RESPONSE: 46,609 summonses were issued for speeding violations in 1988, an increase of 42 percent over 1987. An additional 11,625 summonses were issued for hazardous violations. Overall, a total of 87,143 summonses were issued by State Police on the Garden State Parkway for the year 1988—a 25 percent increase over 1987.

COMMENT: What use will tokens be put to if there is no toll increase?

RESPONSE: Tokens are already in use on the Parkway. Their use is independent of the toll increase. The new redesigned Parkway token has been ordered so that automatic coin machines can properly sense and distinguish Authority tokens from other gaming tokens, washers, etc. that are thrown into the coin machines. "TOKEN ONLY" lanes are in service to insure that people who buy tokens have a better level of service than alternate lanes.

COMMENT: The Parkway toll collection system should be split into a barrier collection system north of the Raritan and a ramp ticket system south of the Raritan if studies show that the average vehicle using the Parkway south of the Raritan goes through three or more toll booths and that there is sufficient room within the existing right of way to construct most or all of the needed toll booths.

RESPONSE: In addition to the unworkability of a ticket system south of the Raritan, there are serious ramifications for the overall toll collection system. There would be additional administrative costs to operate two separate toll collection systems. There would be the patron confusion in using two different toll collection systems on the same roadway, and there would be the up front costs of conversion of the barrier system south of Raritan to a ticket system.

The Parkway toll collection system should not be split into a closed or ticket system south of Raritan for a number of reasons. First, the Authority's recent studies indicate that 20 percent of the Parkway traffic does not pass through a toll plaza, 30 percent of the traffic passes through only one toll barrier or ramp toll plaza, 25 percent of the traffic stops to pay a toll at two plazas, and only 25 percent of the traffic stops more than twice to pay a toll. Switching to a ticket system insures that every vehicle will stop twice, once to pick up the ticket and once to pay the toll.

The average length of trip on the Parkway is 16 miles, and the average toll paid is 32 cents. It would be difficult to justify the increased cost of printing tickets, and hiring many additional toll collectors to handle the ticket system, for an average 32 cent fare.

The Authority would need approximately 90 toll booths at Raritan if it were to initiate a closed ticket system from Raritan Toll Plaza south. If the Authority could process fare collections at the rate of one every 15 seconds, it would collect 240 fares per hour in each lane. Thus, to handle 12,000 vehicles per hour northbound at Raritan as the Authority does now, it would need at least 50 toll booths. The Authority would need 40 toll booths to distribute toll tickets in the southbound direction.

Additionally, all of the interchange ramps south of Raritan would need major rehabilitation.

COMMENT: Since the potential travel distance available to the user of a ramp toll is no more than 50 percent of that available to the user of a barrier toll, what is the justification for having any ramp toll greater than 50 percent of the related barrier toll?

RESPONSE: The assumption that the potential travel distance available to the user of a ramp toll is no more than 50 percent of that available to the user of a barrier toll is incorrect. The Authority does not consider placing a toll plaza on a ramp unless that ramp is at least 50 percent of the distance between the barriers to the immediate north and south. In the case of five of the ramp toll plazas, they are located essentially 100 percent of the distance between the mainline barriers. Historically, ramp toll rates varied with distance. However, the May 1988 ramp toll increase erased all ramp toll differentials.

COMMENT: The current toll structure is inequitable because the charge at toll barriers is the same as is the case at ramps.

ADOPTIONS

OTHER AGENCIES

RESPONSE: The current toll structure, whereby both ramp and mainline barrier tolls are equal, is a temporary inequity caused by the grant of a partial toll increase in May 1988.

The proposed toll increase will correct any inequity which presently exists between ramps and mainline toll charges.

COMMENT: The proposed toll increase adversely impacts poor and minority residents and short-distance commuters, particularly in Essex and Passaic Counties, since those counties have a higher proportion of persons meeting those classifications.

RESPONSE: In the Essex and Passaic County areas of the Parkway, there are many parallel streets and highways that the short distance commuters can use if they choose. The proposed toll increase only impacts those people who choose to use the Garden State Parkway. The Authority's proposed toll schedule will increase rates uniformly over the one now being charged.

The average toll rate per mile is and will continue to be higher in northern New Jersey than the system-wide average rate. This is not necessarily disproportionate since costs are also higher in northern New Jersey.

As stated above, motorists who use the Parkway for a short distance generate a disproportionately high cost to the Authority and its patrons by forcing the Authority to provide additional lanes for this traffic. Unfortunately, these lanes often must be provided in very high cost areas where construction is difficult.

COMMENT: No volume or frequent-user discounts should be offered.

RESPONSE: No volume or frequent-user discounts, per se, are offered to Parkway patrons. Proposed discounts all relate to token use. The promotion of token use by automobile and bus operators constitutes an efficiency measure that offsets potential loss of revenue through the discount with the maintenance of revenue levels through sustained high traffic volumes. Bus discounts not only contribute to the efficiency of toll collection, but also contribute to the overall State goals of enhancing mass transit use and maximizing the Parkway's people moving capability.

COMMENT: The Authority should study and, if appropriate, implement a system of alternating one-way tolls.

RESPONSE: The Authority has given very serious consideration to a system of alternate toll collection; that is, collecting tolls only in the northbound direction or northbound at one barrier and southbound at the next. The fact is however, because of the more than 300 entrance and exit ramps on the Parkway, one-way toll collections just will not work.

Northbound and southbound in the Raritan area is a good example. Both Route 9 by way of the Edison Bridge and the Parkway over the Driscoll Bridge are extremely crowded during the peak hours. There is the strong likelihood that an alternate system of collecting tolls, changing according to peak-hour traffic at the Edison Bridge, could result in substantially increasing traffic on the Edison (Route 9) Bridge.

One way toll collection works only under one circumstance—where the toll facilities serve an island such as Manhattan Island. You cannot get into or out of New York City without crossing one of the Port Authority or Triborough Bridge collection points, hence one way fare works for passage into New York City.

COMMENT: Senior citizens who display proper identification or Medicare cards should be exempt from paying the 10 cent increase.

RESPONSE: The cost of administration of a special senior citizens' discount on the Parkway would be difficult as it could only be performed at an attended lane, thereby funneling all senior citizens into one or two lanes and thereby delaying all Parkway users. Furthermore, the cost to the Authority for administering the program and to other users of the Parkway in delay-related costs at attended lanes would far outweigh savings to senior citizens and would be prohibitively expensive. In spite of these problems, the Authority is and will continue to examine this question to determine if a senior citizen discount can be developed.

COMMENT: The plan to add a new barrier toll plaza at a location near Milepost 42 is appropriate since it is in logical numerical progression of NJHA's toll every 14 miles.

RESPONSE: The Authority agrees that the barrier toll in Atlantic County is an appropriate step to distribute toll costs over the length of the roadway.

COMMENT: The recent statement issued by the Authority that the Parkway tolls were among the lowest in the nation is incorrect. Examples: Northbound Union barrier toll 25 cents with an additional 25 cents next exit ramp. North through the Union toll plaza to access Route 78, 25 cents for one mile. Leaving Route 78 to gain access to Route 22, payment of 25-cent toll.

RESPONSE: The recent statement by the Authority that the Parkway tolls were among the lowest in the nation is based on the overall average toll per mile, and is true. Because of the close proximity of some tolled ramps to some toll barriers, some Parkway users may pay two tolls in rapid succession. However, as there are 70 free interchanges and only 19 tolled interchanges, it is also possible to drive relatively longer distances while only paying one toll. Consequently the statement that Parkway tolls are the lowest in the nation is accurate considering the entire roadway.

COMMENT: Does the motorist pay tolls for the mileage to be traveled or does he pay for the miles already traveled?

RESPONSE: The Authority believes the general thrust of this question is the issue of designing a toll structure which is as equitable as possible to all users. Generally, the Parkway's toll structure is equitable for the average or typical trip and longer trips, but is not equitable for a small number of certain short trips. Short trips that enter just before and exit just after a mainline barrier are an example. Generally, the structure contemplates payments for miles already traveled and miles to be traveled after the payment of toll.

COMMENT: The toll rate on the Garden State Parkway should be increased to 50 cents immediately, which would minimize delays at toll booths and would forestall future increases.

RESPONSE: The Authority believes that the proposed toll increase is sufficient at this time to meet its immediate pressing capital improvement needs.

COMMENT: "TOKEN ONLY" booths create confusion, are not being used and contribute to congestion at barrier tolls.

RESPONSE: Plans are presently being prepared to better distinguish "TOKEN ONLY" lanes. These include overhead signing, advanced signing, lighting, and painting the front of the toll booths in "TOKEN ONLY" lanes white.

The pilot program of "TOKEN ONLY" lanes has been successful and more lanes are planned. The processing of tokens, a one coin operation, is faster than processing exact change consisting of multiple coins and much faster than manual lanes. Therefore, the greater use of token and "TOKEN ONLY" lanes will relieve congestion at the barrier tolls, not create it.

The Authority considers the "TOKEN ONLY" lanes to be successful when the use of these lanes results in an increase in sales and usage of tokens, and an increase in the capacity of a particular toll plaza.

COMMENT: Since there is no discount for token purchase, there is no reason to purchase tokens.

RESPONSE: Initially, after a toll increase is implemented, there will be at least a two month period where tokens will be continued to be sold at the present 25 cent rate. After the initial period, tokens will continue to be sold at a modest discount (30 tokens for \$10, a 50 cent discount) to encourage the use of tokens. "TOKEN ONLY" lanes have been studied to insure that those patrons who buy tokens will have a better level of service than those with exact change, and in particular, those who continue to use the attended lanes.

COMMENT: The Parkway should consider removing all but two or three toll locations and raise the remaining tolls to 50 cents to \$1.00. This would maintain the revenue stream required while eliminating hazardous toll plazas. In the alternate, charge a 35 cent or 50 cent toll at each Parkway entrance, eliminating the need for toll plazas.

RESPONSE: This proposal is neither equitable nor capable of maintaining an adequate revenue stream to meet costs. Since the average Parkway trip (in 1988) is only 15 miles, the proposed reduction to two or three mainline barriers would capture relatively few vehicles. With 90 interchanges, most typical trips would be free with the consequence that revenues required for maintenance and capital improvements would not be available.

An entrance only toll collection system creates an inequity whereby short trips pay a disproportionate toll relative to longer trips. With an entrance only system, a 173 mile trip would have the same cost as a two or 10 mile trip.

COMMENT: There was inadequate publication of the fact that the meeting would be held in Galloway Township except for a little article in the ATLANTIC CITY PRESS.

RESPONSE: Notice of the hearing was published in 14 of the State's newspapers, some of which are published or distributed in Atlantic County. State legislators and municipal and county officials, including Galloway Township and Atlantic County officials, were provided with copies of the Notice. In its letter of transmittal, the Authority requested that local officials post the Notice of the hearing in a prominent location of their public facilities.

OTHER AGENCIES

ADOPTIONS

COMMENT: What has been the total collection of toll revenues over the years and the percentage of increase?
 RESPONSE:

**NEW JERSEY HIGHWAY AUTHORITY
 HISTORICAL TOLL REVENUE INCREASES**

YEAR	TOLL REVENUE	NET PERCENTAGE INCREASE OVER PREVIOUS YEAR
1954	\$ 1,800,432	N/A
1955	9,309,869	417.1%
1956	12,279,340	31.9%
1957	14,388,735	17.2%
1958	15,972,742	11.0%
1959	18,093,565	13.3%
1960	19,619,159	8.4%
1961	22,047,539	12.4%
1962	24,088,278	9.3%
1963	25,569,974	6.2%
1964	27,843,563	8.9%
1965	30,476,076	9.5%
1966	33,873,736	11.1%
1967	36,157,919	6.7%
1968	39,300,642	8.7%
1969	42,398,294	7.9%

1970	45,429,638	7.1%
1971	47,739,939	5.1%
1972	49,419,789	3.5%
1973	51,964,174	5.1%
1974	51,578,265	*
1975	55,539,339	7.7%
1976	59,178,846	6.6%
1977	61,865,957	4.5%
1978	65,441,544	5.8%
1979	65,285,415	*
1980	69,033,048	5.7%
1981	72,307,889	4.7%
1982	77,949,672	7.8%
1983	84,121,356	7.9%
1984	89,541,832	6.4%
1985	95,905,176	7.1%
1986	102,756,577	7.1%
1987	108,205,415	5.3%
	<u>\$1,626,483,734</u>	

*Less than 1% decrease.

Full text of the adoption follows.

AGENCY NOTE: The following table of toll locations and rates is to replace that table which presently appears at N.J.A.C. 19:8-3.1(b).

Toll Location	Barrier or Ramp	Car	Car with 1-axle Trailer; 2-axle, 6-Tire Camper; or 3-axle Camper	Car with 2-axle Trailer or 4-axle Camper	Car with 3-axle Trailer	Omnibus**	Heavy Truck***					
							2-axle, 4-tire truck 3½ tons or more	2-axle, 6-tire truck	3-axle Truck	4-axle Truck	5-axle Truck	6-axle Truck
Hillsdale	B	.35*	.50	.70	.90	2.00						
Paramus	R	.25	.35	.50	.60	2.00						
Bergen	B	.35*	.50	.70	.90	2.00						
Saddle Brook	R	.35*	.50	.70	.90	2.00						
Clifton	R	.25	.35	.50	.60	2.00						
Passaic	R	.25	.35	.50	.60	2.00						
Watchung	R	.35*	.50	.70	.90	2.00						
Essex	B	.35*	.50	.70	.90	2.00						
Bloomfield	R	.25	.35	.50	.60	2.00						
East Orange	R	.25	.35	.50	.60	2.00						
Irvington	R	.25	.35	.50	.60	2.00						
Union	R	.35*	.50	.70	.90	2.00						
Union	B	.35*	.50	.70	.90	2.00						
Raritan N & S	B	.35*	.50	.70	.90	2.00						
Matawan	R	.25	.35	.50	.60	2.00						
Keyport-Hazlet	R	.25	.35	.50	.60	2.00						
Holmdel	R	.25	.35	.50	.60	2.00						
Red Bank	R	.25	.35	.50	.60	2.00						
Eatontown	R	.35*	.50	.70	.90	2.00						
Asbury Park	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Belmar-Wall	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lakewood-Brick	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lakehurst	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Toms River	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Lacey	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Barneget	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
New Gretna	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 44 +	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Atlantic County +	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Int. 40 and/or 41 +	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Somers Point	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Great Egg	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Cape May	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Wildwood	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50

HEAVY TRUCKS PROHIBITED NORTH OF INTERCHANGE 105

*Car tokens available for use by cars in exact change or token only lanes.

**\$.50 bus token available for regularly scheduled buses and \$1.00 bus token available for all other buses for use in designated lanes.

***Heavy trucks (3½ tons or more, 6 tires, or 3-or-more-axes) prohibited north of Interchange 105.

+To be designated.

ADOPTIONS

19:8-1.1 Definitions

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

...
 "Car token" means the Authority's authorized car token for use by cars only at exact change and/or "TOKEN ONLY" toll lanes.

19:8-3.1 Tolls

- (a) (No change.)
- (b) Tolls shall be paid by currency, coin or authorized Authority token or scrip for the passage of all vehicles on the Parkway in amounts and at the locations designated in the following schedule.
- (c)-(f) (No change.)

(a)

**CASINO CONTROL COMMISSION
 Notice of Administrative Correction
 Slot Machines and Bill Changers; Identification;
 Signs; Meters**

N.J.A.C. 19:45-1.37

Take notice that the Casino Control Commission has requested, and the Office of Administrative Law has agreed, to an administrative correction to the text of N.J.A.C. 19:45-1.37(b)2 to provide consistent nomenclature between this paragraph and N.J.A.C. 19:46-1.26(c)2 and to correct an erroneous citation. With these technical corrections, the paragraphs will be identical. This administrative correction is made pursuant to N.J.A.C. 1:30-2.7(a)3.

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

19:45-1.37 Slot machines and bill changers; identification; signs; meters

- (a) (No change.)
- (b) Unless otherwise authorized by the Commission, each slot machine in a casino shall be equipped with the following:
 1. (No change.)
 2. A mechanical, electrical or electronic device, to be known as a "drop meter", that continuously and automatically counts the number of coins or slot tokens dropped into the machine's drop bucket, provided, however, for machines equipped to accept slot tokens issued pursuant to N.J.A.C. 19:46-1.33(c)2, a separate "drop meter" shall count the number of such [gaming] slot tokens dropped into the separate drop bucket required by N.J.A.C. 19:45-1.36(i) and 19:46-1.25[(f)(h)]:
 - 3.-4. (No change.)
- (c)-(i) (No change.)

(b)

**CASINO CONTROL COMMISSION
 General Provisions and Junkets
 Junket Reporting Requirements; Licensure
 Standards and Junket Representative Definition
 Adopted Amendments: N.J.A.C. 19:40-1.2;
 19:45-1.9; 19:49-1.1, 1.2, 1.3, 2.1, 3.1, 3.2, 3.3, 3.5
 and 3.6**

Proposed: November 7, 1988 at 20 N.J.R. 2644(a).
 Adopted: March 8, 1989 by the Casino Control Commission, Walter N. Read, Chairman.
 Filed: March 9, 1989 as R.1989 d.187, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3) and with portions not adopted.
 Authority: N.J.S.A. 5:12-63(c), 69, 70(1) and 102.
 Effective Date: April 3, 1989.
 Expiration Date: March 24, 1993.

OTHER AGENCIES

Summary of Public Comments and Agency Responses:

COMMENT: The Vice President and Corporate Counsel of Sands Hotel, Casino & Country Club ("Sands") states that the Sands has no objections to the proposed regulatory amendments.

RESPONSE: The Commission acknowledges the Sands' favorable comment.

COMMENT: Boardwalk Regency Corporation ("BRC") and Resorts International Hotel, Inc. ("Resorts") object to the Division's proposed amendment to N.J.A.C. 19:40-1.2 (expanding definition of "junket representative") stating that there is no need to recodify statutory provisions into administrative regulations.

RESPONSE: The Commission has rejected this comment. There is a need to conform the rule to the statutory amendments recently made to N.J.S.A. 5:12-29.2. The inclusion of the definition of "junket representative" in the rules provides a structure and point of reference for the supplemental junket rules contained in the chapter.

COMMENT: BRC and Resorts object to the Division's proposed revision to N.J.A.C. 19:45-1.9(c)2, which would require casino licensees to report entertainment expenses as a separate category on quarterly complimentary reports. BRC and Resorts assert that the information is already provided on the daily complimentary reports, and, since the Division has provided no explanation for the proposed revision, it should be rejected.

RESPONSE: The Commission agrees that the Division has failed to establish a need at this time for this amendment; therefore, this amendment was not adopted.

COMMENT: BRC and Resorts object to the Division's proposed amendment to N.J.A.C. 19:49-1.2(d)2 redefining the scope of activities creating rebuttable presumption with respect to junkets as "complimentary food, entertainment or transportation" (instead of "complimentary services or items") which have a value of \$200.00 or more. Counsel for BRC and Resorts have asserted that the amendment is confusing, adds nothing to the rule, and is not explained by the Division.

RESPONSE: The Commission rejected these comments. The amendment simply conforms the rule to the statutory amendment.

COMMENT: BRC and Resorts object to the Division's proposed new rule N.J.A.C. 19:49-2.4 (requiring the display of license credential). Counsel for BRC and Resorts submit that the rule is overbroad and onerous in that it would require junket representatives to display licenses at all times and in all places while in Atlantic City.

RESPONSE: The Commission has rejected this comment. The proposed rule would only require a junket representative to wear the license credential while acting as a junket representative in Atlantic City. The Commission notes, however, that various practical problems are raised by requiring junket representatives who come from outside the state of New Jersey to obtain and wear credentials. Therefore, the Commission is not taking any action to adopt the proposed new rule at this time, but is instead looking into the matter further; appropriate amendments, if necessary, will be presented in the future.

COMMENT: BRC and Resorts oppose the Division's proposal to amend N.J.A.C. 19:49-3.1 (requiring a less detailed monthly junket schedule to replace the current junket prearrival reports). Counsel for BRC and Resorts submit that consolidating the three existing junket reports into one arrival report would better address the problem from a regulatory and economy standpoint.

RESPONSE: The Commission has rejected these comments. The Division's amendment tailors the junket reporting requirements in an appropriate fashion.

As a change upon adoption, the Commission is amending N.J.A.C. 19:49-3.3(a) to delete reference to a "prearrival" report and replace it with a "junket schedule," to conform this rule to the terminology now adopted elsewhere in the chapter.

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

19:40-1.2 Definitions

All words and terms which are defined in the New Jersey Casino Control Act (P.L. 1977, c.110, as amended) are used in these rules as defined in that Act. The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise.

...

OTHER AGENCIES

“Junket representative” means any natural person who negotiates the terms of, engages in the referral, procurement or selection of persons who may participate in, or accompanies for purposes of monitoring or evaluating the participants in, any junket to a licensed casino regardless of whether or not those activities occur within the State of New Jersey.

...

19:45-1.9 Complimentary services or items

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

(c) The licensee shall accumulate both the dollar amount of and number of persons provided with each category of complimentary services.

1. (No change.)

2. The complimentary services shall, at a minimum, be separated into categories for rooms, food, beverage, travel*[, entertainment]* and other services.

19:49-1.1 Definitions

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

“Agent” means any person, including a junket representative, junket enterprise or casino key employee acting as a junket representative, acting directly or indirectly on behalf of a casino licensee.

...

19:49-1.2 Definition of junket: scope of activities included

(a) A junket, as defined in N.J.S.A. 5:12-29, is an arrangement the purpose of which is to induce any person, selected or approved for participation therein on the basis of his or her ability to satisfy a financial qualification obligation related to his or her ability or willingness to gamble or on any other basis related to his or her propensity to gamble, to come to a licensed casino hotel for the purpose of gambling and pursuant to which, and as consideration for which, any or all of the cost of transportation, food, lodging and entertainment for said person is directly or indirectly paid by a casino licensee or employee or agent thereof.

(b)-(c) (No change.)

(d) For purposes of (a) above, but without limitation of (c) above, a rebuttable presumption that a person has been selected or approved for participation in an arrangement on a basis related to his or her propensity to gamble shall be created whenever said person is provided with:

1. (No change.)

2. Complimentary food, entertainment or transportation which has a value of \$200.00 or more calculated in accordance with the provisions of N.J.A.C. 19:45-1.9.

19:49-1.3 Open-ended or conditional complimentary offers

An offer by a casino licensee to pay for the cost of transportation, food, lodging and entertainment for a person in an amount to be determined by the actual gaming activities of that person after his or her arrival at the casino hotel shall be deemed to be an offer of complimentary services or items for the purposes of determining whether an arrangement involving such an offer is a junket within the meaning of Section 29 of the Act and this chapter.

19:49-2.1 Junket representative licensure

(a) A junket representative, as defined in the Act, is any natural person who negotiates the terms of, engages in the referral, procurement or selection of persons who may participate in, or accompanies for purposes of monitoring or evaluating the participants on, any junket to a licensed casino, regardless of whether or not those activities occur within the State of New Jersey. If a person performs any one of these functions in connection with a junket to a licensed casino, that person is a junket representative for the purposes of the Act and this chapter.

(b) The fact that a person licensed as a casino key employee may, pursuant to N.J.S.A. 5:12-102 and (c)3 below, act as a junket representative while employed by a casino licensee without further endorsement of his or her license does not excuse the casino licensee

ADOPTIONS

or any other person from meeting any other licensing or reporting obligation which may exist as a result of the conduct of the junket activity.

(c) Except as otherwise provided by N.J.S.A. 5:12-102o, no person shall act as a junket representative in connection with a junket to a licensed casino unless:

1. He or she has been licensed as a junket representative in accordance with the provisions of the Act and is employed by either: i-ii. (No change.)

2. He or she has been licensed as a sole owner/operator junket enterprise in accordance with the provisions of the Act and this chapter; or

3. He or she is the holder of a current and valid casino key employee license and is currently employed by the casino licensee for whom such junket representative services are being rendered.

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

*[19:49-2.4 Displaying licenses

A junket representative or a sole owner/operator junket enterprise, while acting as a junket representative as that term is defined by the Act, must prominently display on his or her person the license credential issued by the Commission from the time he or she arrives in Atlantic City until departure therefrom.]*

19:49-3.1 Junket schedules

(a) A junket schedule shall be prepared by a casino licensee for each junket which involves either:

1.-2. (No change.)

(b) A junket schedule shall be filed with the Division by the casino licensee by the 15th day of the month preceding the month in which the junket is scheduled. If a junket for which a junket schedule is required by (a) above is arranged after the 15th day of the month preceding the arrival of the junket, an amended junket schedule shall be immediately filed with the Division by the casino licensee.

(c) Junket schedules shall be certified by an authorized agent of the casino licensee and shall include:

1. The origin of the junket;

2. The number of participants in the junket;

3. The arrival time and date of the junket;

4. The departure time and date of the junket; and

5. The name and license number of all junket representatives and junket enterprises involved in the junket.

(d) Any change in the information required by (c)3 or 5 above which occurs after the filing of a junket schedule or amended junket schedule with the Division shall be immediately reported in writing to the Division by the casino licensee. These changes, plus any other material change in the information provided in a junket schedule, shall also be noted on the arrival report maintained pursuant to N.J.A.C. 19:49-3.2.

(e) (No change.)

19:49-3.2 Junket arrival reports

(a) (No change.)

(b) Arrival reports shall be prepared and maintained by the casino licensee on the premises of its casino hotel in accordance with the following:

1. An arrival report on a junket involving complimentary guest room accommodations shall be prepared within 12 hours of the registration of the junket participant.

2. An arrival report on a junket required by (a)1 through 3 above shall be prepared by 5:00 P.M. of the next calendar business day following arrival. A junket arrival which occurs after 12:00 A.M. but before the close of gaming operations shall be deemed to have occurred on the preceding calendar day. For the purposes of this section, a business day shall be defined as any day except a Saturday, Sunday or State and Federal holiday.

(c) Arrival reports shall be certified by an authorized agent of the casino licensee and shall include:

1. (No change.)

2. Any information required by N.J.A.C. 19:49-3.1(c) which has not been previously provided to the Division in a junket schedule pertaining to that particular junket, or an amendment thereto filed pursuant to N.J.A.C. 19:49-3.1(d).

ADOPTIONS

OTHER AGENCIES

19:49-3.3 Junket final reports

(a) A final report shall be prepared by a casino licensee for each junket engaged in or on its premises for which the casino licensee was required to prepare either a *[prearrival]* ***junket schedule*** or an arrival report pursuant to N.J.A.C. 19:49-3.1(a) or 3.2(a).

(b)-(d) (No change.)

19:49-3.5 Purchases of patron lists

(a) Each casino licensee, junket representative or junket enterprise shall prepare and maintain a report with respect to each list of names of junket patrons or potential junket patrons purchased from any source whatsoever.

(b)-(d) (No change.)

19:49-3.6 Monthly reports: employee junket activities

Each casino licensee shall, on or before the 15th day of the month, prepare and maintain a report listing the name and license number of each person employed by that casino licensee who performed the services of a junket representative during the preceding month, but whose license was not endorsed as such. The report shall be maintained by the casino licensee on the premises of its casino hotel and made available to the Division for inspection.

(a)

**DELAWARE RIVER BASIN COMMISSION
Amendments to Comprehensive Plan and Water
Code of the Delaware River Basin**

Adopted: February 22, 1989 by the Delaware River Basin Commission, Harold G. Budka, Acting Chairman pro tem.

Filed: March 2, 1989 as R.1989 d.179.

Effective Date: February 22, 1989.

Full text of the adoption follows.

NO. 89-5

A RESOLUTION to amend the Comprehensive Plan to modify the provisions of Resolution No. 83-13 relating to diversions, releases and flow objectives during the drought period of 1989.

WHEREAS, the Commission adopted Resolution No. 83-13 on June 29, 1983 establishing a schedule of phased reductions and diversions, releases and flow objectives during periods of drought warning and drought conditions; and

WHEREAS, the Basin entered a drought warning, upper half, on January 16, 1989, based upon conditions in the basin's storage facilities; and

WHEREAS, the Basin entered a drought warning, lower half, on February 5, 1989 based upon conditions in the basin's storage facilities; and

WHEREAS, Parties to the U.S. Supreme Court Decree have determined that it is prudent to take additional steps to maximize storage in the New York City Delaware River Basin reservoirs

beyond the schedule of phased reductions in diversions, releases and flow objectives set forth in Resolution No. 83-13; and

WHEREAS, on February 8, 1989, the Executive Director, in response to the unanimous request of the Parties to the 1954 Supreme Court Decree, has taken emergency action pursuant to Section 2-3.9 of the Administrative Manual, Part II, Rules of Practice and Procedure, pending further review, hearing and determination by the Commission at its next Commission meeting; and

WHEREAS, the Commission has held a public hearing on February 22, 1989 on a proposed modification of the schedule of phased reductions and diversions, releases and flow objectives set forth in Resolution 83-13; and

WHEREAS, the Commission has determined that the proposed modifications are in the public interest and required under the conditions in existence as of the date of this resolution; and

WHEREAS, the Parties have agreed to meet at least monthly and more frequently, as appropriate; now therefore

BE IT RESOLVED by the Delaware River Basin Commission: The Comprehensive Plan and Article 2 of the Water Code of the Delaware River Basin are hereby amended by the following addition:

1. The schedule of phased reductions, diversions, and releases and flow objectives set forth in Resolution No. 83-13, during periods of drought warning, are modified as follows:

a. Diversions from the New York City reservoirs to the City of New York shall be limited to a running average of 560 mgd, minus an amount equivalent to the amount that would normally be released to meet the Montague flow objective set forth in Resolution No. 83-13, above and beyond the basic conservation releases.

b. The obligation of the City of New York to release from the three New York City reservoirs to meet the Montague flow objective shall be suspended during the present period of drought warning but the City of New York shall continue to make basic conservation releases as required.

c. During the present period of drought warning, releases to meet the Trenton flow objectives shall be made from down basin reservoirs as required by the Executive Director.

d. The provisions concerning out-of-basin diversions to New Jersey during this period of drought warning shall remain at the present 70 mgd level.

2. Except as modified herein, the provisions of Resolution No. 83-13 shall remain in full force and effect.

3. The modified schedule of diversions, releases and flow objectives set forth in this resolution shall remain in effect during the current period of drought warning and shall terminate at such time as the Basin shall enter a drought condition as defined in Resolution No. 83-13, at the termination of the existing drought warning condition as provided in Resolution No. 83-13 or on April 30, 1989, whichever comes first, or by further order of the Commission.

4. When and if the Basin enters a drought condition, the Parties will meet to review the possibility of continuing a similar savings program.

OAL NOTE: These rules are not subject to codification and will not appear in the New Jersey Administrative Code.

PUBLIC NOTICES

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF ENVIRONMENTAL QUALITY Notice of Action on Petition for Rulemaking N.J.A.C. 7:27-18

Petitioner: Richard E. Shapiro, Director, Department of the Public Advocate.

Take notice that on February 2, 1989, the Department of Environmental Protection (the Department) received a petition for rulemaking concerning N.J.A.C. 7:27-18, the Department's rules on the control and prohibition of air pollution from new or altered sources affecting ambient air quality (emission offset rules). Public notice of this petition was published in the March 20, 1989 New Jersey Register at 21 N.J.R. 795(b).

In accordance with N.J.A.C. 1:30-3.6 and after thorough review of the petition, the Department has determined that the matter will receive further deliberations. Further actions by the Department include the possibility of a full hearing to gather public comment on the issues presented in the petition.

Upon the conclusion of the Department's deliberations, the decision will be mailed to the petitioners and published in a future New Jersey Register.

A copy of this notice has been mailed to the petitioner, as required by N.J.A.C. 1:30-3.6.

(b)

DIVISION OF WATER RESOURCES Public Hearing on the Proposed Amendment to the Monmouth County Water Quality Management Plan

Public Notice

An amendment to the Monmouth County Water Quality Management (WQM) Plan has been submitted for approval. A Wastewater Management Plan (WMP) for Holmdel Township has been prepared. In the northern part of the township, the WMP provides for the expansion of the sewer service area of the Bayshore Regional Sewerage Authority within their facilities planning area. The southern portion of the township will continue to be served by individual septic tanks and, in designated areas, on-site wastewater treatment plants. The township agrees to be co-permittee for these on-site facilities. Environmentally sensitive areas are excluded from service.

This notice is being given to inform the public that a nonadversarial public hearing will be held by the New Jersey Department of Environmental Protection (NJDEP) on the above mentioned plan amendment. The hearing will be held on Thursday, May 18, 1989 at 7:00 P.M. at the Holmdel Municipal Building, 4 Crawford's Corner Road. All information dealing with the aforesaid WQM Plan and the proposed amendment is located at the office of NJDEP, Division of Water Resources, Bureau of Water Quality Planning, 401 East State Street, 3rd Floor, CN-029, Trenton, New Jersey 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday.

Interested persons may submit written comments on the amendment to George Horzempa, Bureau of Water Quality Planning, at the NJDEP address cited above. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEP with respect to the amendment request.

INSURANCE

(c)

THE COMMISSIONER

Public Notice

Listing of New Jersey Municipalities that have Adopted Ordinances Pursuant to P.L. 1978, c.184, as Amended by P.L. 1979, c.369

Take notice that Kenneth D. Merin, Commissioner of Insurance, in accordance with the provisions of N.J.S.A. 17:36-9, announces the publication of New Jersey municipalities that have adopted ordinances pursuant to the aforementioned statute. Those municipalities, if any, which have adopted said ordinances since the previous date of publication shall be designated by an asterisk.

LIST OF MUNICIPALITIES REQUIRING PAYMENT OF LIENS BY COMPANIES WRITING FIRE INSURANCE

The following is a list of municipalities that have passed an ordinance requiring companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of \$2,500.

	Date Filed with the Department of Insurance
Aberdeen, Township of 07747 (Monmouth County)	September 8, 1980
Absecon, City of 08201 (Atlantic County)	July 5, 1983
Alloway, Township of 08079 (Salem County)	December 20, 1984
Asbury Park, City of 07712 (Monmouth County)	May 25, 1979
Atlantic City, City of 08401 (Atlantic County)	March 19, 1979
Barrington, Borough of 08007 (Camden County)	September 17, 1982
Bayonne, City of 07002 (Hudson County)	March 12, 1979
Belmar, Borough of 07719 (Monmouth County)	March 5, 1982
Berkeley, Township of 08721 (Ocean County)	May 22, 1979
Berlin, Borough of 08009 (Camden County)	October 18, 1979
Berlin, Township of 08091 (Camden County)	March 20, 1980
Bloomfield, Town of 07003 (Essex County)	March 26, 1979
Brick, Township of 08723 (Ocean County)	May 2, 1980
Bridgeton, City of 08302 (Cumberland County)	April 30, 1979
Brigantine, City of 08203 (Atlantic County)	October 14, 1982
Buena, Borough of 08341 (Atlantic County)	November 1, 1982
Burlington, City of 08016 (Burlington County)	December 9, 1986
Butler, Borough of 07405 (Morris County)	November 14, 1980
Byram, Township of 07860 (Sussex County)	October 9, 1980
Camden, City of 08101 (Camden County)	May 4, 1979
Cape May, City of 08204 (Cape May County)	May 22, 1979
Carneys Point, Township of 08069 (Salem County)	July 2, 1979
Cedar Grove, Township of 07009 (Essex County)	August 10, 1979
Chatham, Township of 07928 (Morris County)	June 4, 1986
Cinnaminson, Township of 08077 (Burlington County)	August 30, 1979
Clinton, Township of 08801 (Hunterdon County)	December 10, 1981
Delran, Township of 08075 (Burlington County)	August 30, 1979
Dover, Town of 07801 (Morris County)	April 16, 1980
Dover, Township of 08753 (Ocean County)	September 26, 1979
East Orange, City of 07019 (Essex County)	February 20, 1979
Eatontown, Borough of 07724 (Monmouth County)	March 23, 1979
Edgewater Park, Township of 08010 (Burlington County)	July 24, 1979
Egg Harbor, Township of 08221 (Atlantic County)	September 24, 1979
Egg Harbor, City of 08215 (Atlantic County)	May 21, 1981
Elizabeth, City of 07201 (Union County)	April 30, 1979
Ewing, Township of 08618 (Mercer County)	November 10, 1981
Fairfield, Township of 07006 (Essex County)	August 21, 1980
Fair View, Borough of 07022 (Bergen County)	September 5, 1979
Fanwood, Borough of 07023 (Union County)	June 29, 1979
Farmingdale, Borough of 07727 (Union County)	May 18, 1981
Florham Park, Borough of 07932 (Morris County)	April 25, 1979
Fort Lee, Borough of 07024 (Bergen County)	August 27, 1979
Franklin, Township of 07826 (Somerset County)	June 20, 1980
Fredon, Township of 07860 (Sussex County)	October 28, 1980
Gloucester, City of 08030 (Camden County)*	January 24, 1989
Green, Township of 07821 (Sussex County)	July 20, 1982

PUBLIC NOTICES

LAW AND PUBLIC SAFETY

Hackensack, City of 07602 (Bergen County)	April 22, 1980	Somerdale, Borough of 08083 (Camden County)	July 28, 1982
Hamilton, Township of 08330 (Atlantic County)	November 18, 1982	Somerville, Borough of 08876 (Somerset County)	March 23, 1979
Hammonton, Town of 08037 (Atlantic County)	August 3, 1979	South Amboy, City of 08879 (Middlesex County)	July 12, 1984
Hanover, Township of 07981 (Morris County)	January 7, 1986	South Harrison, Township of 08039 (Gloucester County)*	December 29, 1988
Hightstown, Borough of 08520 (Mercer County)	September 3, 1980	South Orange Village, Township of 07079 (Essex County)	August 19, 1980
Hillside, Township of 07205 (Union County)	June 4, 1979	South Plainfield, Borough of 07080 (Middlesex County)	September 26, 1980
Hoboken, City of 07030 (Hudson County)	October 15, 1979	South River, Borough of 08882 (Middlesex County)	March 16, 1979
Holmdel, Township of 07733 (Monmouth County)	October 20, 1987	Spotswood, Borough of 08884 (Middlesex County)	June 19, 1981
Hopewell, Township of 08302 (Cumberland County)	September 26, 1979	Stafford, Township of 08050 (Ocean County)	May 2, 1985
Howell, Township of 07731 (Monmouth County)	March 23, 1979	Sussex, Borough of 07461 (Sussex County)	October 24, 1979
Irvington, Town of 07111 (Essex County)	March 20, 1979	Tenafly, Borough of 07670 (Bergen County)	June 17, 1980
Irvington, Township of 07111 (Essex County)	July 1, 1985	Tinton Falls, Township of 07724 (Monmouth County)	June 20, 1980
Jackson, Township of 08257 (Ocean County)	March 7, 1979	Trenton, City of 08608 (Mercer County)	June 12, 1980
Jamesburg, Borough of 08831 (Middlesex County)	March 2, 1983	Tuckerton, Borough of 08087 (Ocean County)*	February 2, 1989
Jefferson, Township of 07981 (Morris County)	April 19, 1983	Union City, City of 07087 (Hudson County)	April 23, 1979
Jersey City, City of 07302 (Hudson County)	February 23, 1979	Upper Pittsgrove, Township of 08318 (Salem County)	October 15, 1979
Keansburg, Township of 07734 (Monmouth County)	April 5, 1984	Ventnor City, City of 08401 (Atlantic County)	March 30, 1982
Keary, Town of 07032 (Hudson County)	August 26, 1980	Verona, Borough of 07044 (Essex County)	February 23, 1984
Keyport, Borough of 07735 (Monmouth County)	August 15, 1979	Victory Gardens, Borough of 07801 (Morris County)	August 15, 1979
Kinnelon, Borough of 07405 (Morris County)	June 4, 1986	Vineland, City of 08360 (Cumberland County)	July 6, 1979
Lacey, Township of 08731 (Ocean County)	August 18, 1981	Washington, Borough of 07882 (Warren County)	June 24, 1986
Lavallette, Borough of 08735 (Ocean County)	December 11, 1979	Washington, Township of 08214 (Burlington County)	March 12, 1979
Lawrence, Township of 08648 (Mercer County)	April 24, 1979	Washington, Township of 07853 (Morris County)	May 30, 1979
Little Silver, Borough of 07739 (Monmouth County)	April 5, 1984	Waterford, Township of 08004 (Camden County)	July 9, 1984
Long Branch, City of 07740 (Monmouth County)	December 4, 1987	Wayne, Township of 07470 (Passaic County)	October 6, 1986
Lopatcong, Township of 08865 (Warren County)	August 30, 1979	Weehawken, Township of 07087 (Hudson County)	August 14, 1986
Lower, Township of 08024 (Cape May County)	June 5, 1979	Wenonah, Borough of 08090 (Gloucester County)	July 1, 1985
Manchester, Township of 08733 (Ocean County)	September 21, 1982	West Deptford, Township of 08086 (Gloucester County)	November 14, 1988
Mannington, Township of 08079 (Salem County)	May 17, 1979	Westhampton, Township of 08060 (Burlington County)	June 4, 1979
Maple Shade, Township of 08052 (Burlington County)	July 18, 1980	West New York, Town of 07093 (Hudson County)	March 16, 1979
Maplewood, Township of 07040 (Essex County)	April 4, 1979	Westville, Borough of 08093 (Gloucester County)	March 18, 1988
Matawan, Borough of 07747 (Monmouth County)	June 19, 1981	West Orange, Town of 07052 (Essex County)	February 26, 1979
Maurice River, Township of 08332 (Cumberland County)	September 26, 1980	Wildwood, City of 08260 (Cape May County)	December 5, 1984
Mendham, Township of 07949 (Morris County)	January 16, 1985	Willingboro, Township of 08046 (Burlington County)	April 17, 1980
Millburn, Township of 07041 (Essex County)	May 19, 1981	Winslow, Township of 08037 (Camden County)	November 13, 1980
Millville, City of 08332 (Cumberland County)	April 10, 1979	Woodbury, City of 08086 (Gloucester County)	January 7, 1986
Millstone, Township of 07726 (Monmouth County)	January 14, 1988	Woodlynne, Borough of 08107 (Camden County)	June 7, 1982
Montclair, Town of 07042 (Essex County)	April 5, 1979	Woodridge, Borough of 07075 (Bergen County)	July 9, 1984
Mount Holly, Township of 08060 (Burlington County)	January 29, 1980	Woodstown, Borough of 08079 (Salem County)	September 8, 1983
Mount Laurel, Township of 08054 (Burlington County)	May 27, 1980		
Neptune, Township of 07753 (Monmouth County)	January 4, 1982		
Neptune City, Borough of 07712 (Monmouth County)	December 2, 1982		
Newark, City of 07102 (Essex County)	March 16, 1979		
New Brunswick, City of 08903 (Middlesex County)	January 30, 1986		
North Plainfield, Borough of 07060 (Somerset County)	July 1, 1985		
North Wildwood, City of 08260 (Cape May County)	August 24, 1979		
Ocean, Township of 07755 (Monmouth County)	November 27, 1979		
Ocean, Township of 08758 (Ocean County)	May 29, 1985		
Orange, City of 07050 (Essex County)	July 2, 1979		
Passaic, City of 07055 (Passaic County)	September 4, 1980		
Paterson, City of 07050 (Passaic County)	February 16, 1979		
Paulsboro, Borough of 08066 (Gloucester County)	May 7, 1981		
Penns Grove, Borough of 08069 (Salem County)	July 9, 1979		
Phillipsburg, Town of 08865 (Warren County)	July 13, 1979		
Pine Hill, Borough of 08021 (Camden County)	March 2, 1982		
Piscataway, Township of 08854 (Middlesex County)	March 20, 1981		
Plainfield, City of 07061 (Union County)	April 5, 1979		
Pleasantville, City of 08232 (Atlantic County)	December 27, 1979		
Pohatcong, Township of 08865 (Warren County)	July 20, 1979		
Princeton, Borough of 08540 (Mercer County)	July 16, 1980		
Princeton, Township of 08540 (Mercer County)	September 25, 1980		
Rahway, City of 07065 (Union County)	December 18, 1979		
Randolph, Township of 07801 (Morris County)	May 10, 1979		
Readington, Township of 08889 (Hunterdon County)	June 23, 1980		
Red Bank, Borough of 07701 (Monmouth County)	September 9, 1980		
Riverside, Township of 08075 (Burlington County)	May 10, 1979		
Roselle, Borough of 07203 (Union County)	August 8, 1979		
Roselle Park, Borough of 07204 (Union County)	March 5, 1981		
Runnemede, Borough of 08078 (Camden County)	May 6, 1982		
Salem, City of 08079 (Salem County)	June 20, 1979		
Sayreville, Borough of 08872 (Middlesex County)	September 19, 1979		
Scotch Plains, Township of 07076 (Union County)	August 22, 1979		
Sea Bright, Borough of 07760 (Monmouth County)	April 10, 1979		
Secaucus, Town of 07094 (Hudson County)	March 5, 1980		

LAW AND PUBLIC SAFETY

(a)

STATE BOARD OF MEDICAL EXAMINERS

Notice of Withdrawal of Pre-Proposal and Cancellation of Informal Conference Relating to Pre-proposed Repeal of N.J.A.C. 13:35-1A, Standards for New Jersey Clinical Training Programs Sponsored by Medical Schools Not Eligible For Evaluation and Not Approved by the L.C.M.E., the A.O.A. or Other Agency Recognized by the New Jersey State Board of Medical Examiners

Authority: N.J.S.A. 45A:9-2.

Pre-Proposal Number: PPR 1989-1.

Take notice that the Board of Medical Examiners officially withdrew the above-cited pre-proposal, published in the March 20, 1989 New Jersey Register at 21 N.J.R. 697(a), at its regular meeting on Wednesday, March 8, 1989. The **informal conference** relating to this pre-proposal, scheduled for April 19, 1989, is therefore **cancelled**.

TREASURY-GENERAL

(a)

**DIVISION OF BUILDING AND CONSTRUCTION
CN 235—TRENTON, NEW JERSEY 08625**

**Architect-Engineer Selection
Notice of Assignments—Month of January 1989**

Solicitations of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, pre-qualified New Jersey consulting firms. For information on DBC's pre-qualification and assignment procedures, call (609) 984-6979.

Last list dated January 3, 1989.

The following assignments have been made:

DBC#	PROJECT	A E	CCE
P590	Sprinkler System Terminal Building Liberty State Park Jersey City, NJ	Jeffrey & Kallaur, Inc.	\$250,000
M1004	Installation of Air Conditioning Schley & Ellis Buildings North Princeton Developmental Ctr. Skillman, NJ	Edward A. Sears Assoc.	\$255,000
M1008	Sanitary Sewer Relocation Marlboro Psychiatric Hospital Marlboro, NJ	T & M Associates	\$60,000
Z816	Facility Consultant—FY 1989 Office of Leasing Operations	Thomas E. Torricelli, AIA	\$25,000 Services
P582	Fire Engine Museum Complex Allaire State Park Wall Township Monmouth Co., NJ	Kehrt Shatken Sharon, Architects	\$2,500,000

COMPETITIVE PROPOSALS

Kehrt Shatken Sharon, Architects	\$312,500 Lump Sum
Tonetti Associates, Architects	\$285,233 Lump Sum
Beyer Blinder Belle	294,100 Lump Sum

(b)

**DIVISION OF BUILDING AND CONSTRUCTION
Architect-Engineer Selection**

Notice of Assignments—Month of February 1989

Solicitations of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, pre-qualified New Jersey consulting firms. For information on DBC's pre-qualification and assignment procedures, call (609) 984-6979.

Last list dated February 3, 1989.

The following assignments have been made:

DBC#	PROJECT	A E	CCE
T210	Dechlorination System & Environmental Improvements DOT Rest Area Springfield Twp., NJ	Richard A. Alaimo Assoc.	\$110,000
P589	Surface Water Drainage System Washington Crossing State Park Hopewell, NJ	Maser, Sosinski & Assoc.	\$50,000
E191	Remedial Structural Repairs Jersey City Regional Day School Jersey City, NJ	Louis Berger & Assoc., Inc.	CCE Unknown

P548-01	Roof Repairs Skylands Manor Ringwood State Park Passaic County, NJ	Vincent Paolicelli	\$200,000
1044	Lighting Study Ramapo College of NJ Mahwah, NJ	Turek Associates	\$4,800 Services
A566	Master Plan War Memorial Trenton, NJ	Geddes, Brecher, Qualls, Cunningham	\$95,915 Services
C233	Replacement of Wastewater Treatment Plant Annandale Stokes Forest Unit Sussex County, NJ	Storch Engineers	\$662,000

COMPETITIVE PROPOSALS

Storch Engineers	\$114,022	Lump Sum	
Applied Wastewater Technology, Inc.	146,680	Lump Sum	
Maguire Group, Inc.	155,280	Lump Sum	
P591	Asbestos Removal-Terminal Bldg. Liberty State Park Jersey City, NJ	The Environmental Connection, Inc.	\$7,050 Services

COMPETITIVE PROPOSALS

The Environmental Connection, Inc.	\$7,050	Lump Sum	
Environmental Health Inspection, Inc.	8,693	Lump Sum	
Contamination Control Engineering, Inc.	13,376	Lump Sum	
T177	CPM Scheduling Services Renovation of Thiokol Building Dept. of Transportation Trenton, NJ	Heery Program Management, Inc.	\$59,600 Services

COMPETITIVE PROPOSALS

Heery Program Management, Inc.	\$59,600	Lump Sum	
Wagner Hohns Inglis, Inc.	74,710	Lump Sum	
Day & Zimmermann, Inc.	91,850	Lump Sum	
M789-01	Asbestos Removal Power House Greystone Psychiatric Hospital Greystone Park, NJ	Contamination Control Engineering, Inc.	\$30,353 Services

COMPETITIVE PROPOSALS

Contamination Control Eng., Inc.	\$30,353	Lump Sum
Alternative Ways, Inc.	31,500	Lump Sum
Gaudet Assoc., Inc.	32,240	Lump Sum
Northeastern Analytical Corp.	34,157	Lump Sum

OTHER AGENCIES

(c)

ELECTION LAW ENFORCEMENT COMMISSION

Notice of Administrative Correction

Public Hearings

Political Communications; Cost Reporting

**Proposed New Rules: N.J.A.C. 19:25-11.10 and 11.11
Proposed Amendment: N.J.A.C. 19:25-16.34**

Take notice that the public hearing times listed for the Election Law Enforcement Commission's proposed new rules and proposed amendment regarding political communications and cost reporting, published in the March 20, 1989 New Jersey Register at 21 N.J.R. 703(b) are incorrect, due to typographical error. The two public hearings will take place on the published dates, at the published locations, but at **10:00 A.M.**, not at 10:00 P.M., as published.

EXECUTIVE ORDER NO. 66(1978) EXPIRATION DATES

Pursuant to N.J.A.C. 1:30-4.4, all expiration dates are now affixed at the chapter level. The following table is a complete listing of all current New Jersey Administrative Code expiration dates by **Title** and **Chapter**. If a chapter is not cited, then it does not have an expiration date. In some instances, however, exceptions occur to the chapter-level assignment. These variations do appear in the listing along with the appropriate chapter citation, and are noted either as an exemption from Executive Order No. 66(1978) or as a subchapter-level date differing from the chapter date.

Current expiration dates may also be found in the loose-leaf volumes of the Administrative Code under the **Title Table of Contents** for each executive department or agency and on the **Subtitle** page for each group of chapters in a Title. Please disregard all expiration dates appearing elsewhere in a Title volume.

This listing is revised monthly and appears in the first issue of each month.

OFFICE OF ADMINISTRATIVE LAW—TITLE 1

N.J.A.C.	Expiration Date
1:1	5/4/92
1:5	10/20/91
1:6	5/4/92
1:6A	5/4/92
1:7	5/4/92
1:10	5/4/92
1:10A	5/4/92
1:10B	10/6/91
1:11	5/4/92
1:13	5/4/92
1:13A	4/3/94
1:20	5/4/92
1:21	5/4/92
1:30	2/14/91
1:31	6/17/92

N.J.A.C.	Expiration Date
3:21	2/2/92
3:22	5/21/89
3:23	7/6/92
3:24	8/20/89
3:25	8/17/92
3:26	12/31/90
3:27	9/16/90
3:28	12/17/89
3:30	10/17/88
3:32	10/1/93
3:38	10/5/92
3:41	10/16/90
3:42	4/4/93

PERSONNEL (CIVIL SERVICE)—TITLE 4/4A

N.J.A.C.	Expiration Date
4:1	1/28/90
4:2	1/28/90
4:3	6/4/89
4:4	12/5/91
4:6	5/5/91
4A:1	10/5/92
4A:2	10/5/92
4A:3	9/6/93
4A:4	6/6/93
4A:5	10/5/92
4A:6	1/4/93
4A:7	10/5/92
4A:9	10/5/92
4A:10	11/2/92

AGRICULTURE—TITLE 2

N.J.A.C.	Expiration Date
2:1	9/3/90
2:2	1/17/94
2:3	6/18/89
2:5	6/18/89
2:6	9/3/90
2:9	7/7/91
2:16	5/7/90
2:22	7/6/92
2:23	7/18/93
2:24	2/11/90
2:32	6/1/92
2:33	3/6/94
2:48	11/27/90
2:50	5/1/92
2:52	6/7/90
2:53	3/3/91
2:54	Exempt (7 U.S.C. 601 et seq. 7 C.F.R. 1004)
2:68	11/7/93
2:69	11/7/93
2:70	5/7/90
2:71	7/8/93
2:72	7/8/93
2:73	7/8/93
2:74	7/8/93
2:76	8/29/89
2:90	6/24/90

COMMUNITY AFFAIRS—TITLE 5

N.J.A.C.	Expiration Date
5:2	9/1/93
5:3	9/1/93
5:4	10/5/92
5:10	11/17/93
5:11	3/10/94
5:12	1/1/90
5:13	12/24/92
5:14	12/1/90
5:17	6/1/89
5:18	2/1/90
5:18A	2/1/90
5:18B	2/1/90
5:19	2/1/93
5:22	12/1/90
5:23	3/1/93
5:24	9/1/90
5:25	3/1/91
5:26	3/1/91
5:27	6/1/90
5:28	12/20/90
5:29	6/18/91
5:30	6/29/93
5:31	12/1/89
5:37	11/18/90
5:38	10/27/93
5:70	7/9/92
5:71	3/1/90

BANKING—TITLE 3

N.J.A.C.	Expiration Date
3:1	1/6/91
3:2	4/15/90
3:6	3/3/91
3:7	9/16/90
3:11	3/19/89
3:13	11/17/91
3:17	6/18/91
3:18	1/19/93
3:19	3/17/91

N.J.A.C.
5:80
5:91
5:92
5:100

Expiration Date
5/20/90
6/16/91
6/16/91
5/7/89

N.J.A.C.
7:20
7:20A
7:22
7:23
7:24
7:25
7:25A
7:26
7:26B
7:27
7:27B-3
7:28
7:29
7:29B
7:30
7:31
7:36
7:37
7:38
7:45

Expiration Date
5/6/90
12/16/93
1/5/92
6/18/89
5/19/91
2/18/91
5/6/90
11/4/90
12/21/92
Exempt
Exempt
10/7/90
3/18/90
2/1/93
12/4/92
6/20/93
11/21/93
Exempt
9/18/90
2/6/94

**DEPARTMENT OF MILITARY AND
VETERANS' AFFAIRS—TITLE 5A**

N.J.A.C.
5A:2

Expiration Date
5/20/90

EDUCATION—TITLE 6

N.J.A.C.
6:2
6:3
6:8
6:11
6:12
6:20
6:21
6:22
6:22A
6:24
6:26
6:27
6:28
6:29
6:30
6:31
6:39
6:43
6:46
6:53
6:64
6:68
6:69
6:70
6:78
6:79

Expiration Date
2/6/94
7/8/93
1/5/92
12/12/90
4/2/91
8/9/90
8/9/90
9/3/90
12/19/93
4/2/91
1/24/90
1/24/90
6/1/89
3/25/90
7/5/93
1/24/90
10/18/89
4/7/91
10/5/92
7/7/92
1/11/93
4/12/90
6/4/91
1/25/90
11/7/93
11/25/92

HEALTH—TITLE 8

N.J.A.C.
8:7
8:8
8:9
8:13
8:19
8:20
8:21
8:21A
8:22
8:23
8:24
8:25
8:26
8:31
8:31A
8:31B
8:33
8:33A
8:33B
8:33C
8:33E
8:33F
8:33G
8:33H
8:33I
8:33J
8:33K
8:34
8:39
8:40
8:41
8:42
8:42A
8:42B
8:43
8:43A
8:43B
8:43E
8:43F
8:43G
8:43I
8:44
8:45
8:48
8:51
8:52
8:53
8:57
8:59
8:60
8:61
8:65

Expiration Date
9/16/90
5/21/89
2/18/91
9/8/92
6/28/90
3/4/90
11/18/90
4/1/90
8/4/91
12/17/89
5/2/93
5/19/93
8/4/91
11/5/89
3/18/90
10/15/90
10/7/90
4/15/90
10/7/90
8/20/89
6/23/92
1/14/90
7/20/89
7/19/90
9/15/91
5/7/89
4/16/89
11/15/93
6/20/93
4/15/90
2/17/92
8/17/92
6/12/91
7/18/93
1/21/91
9/3/90
1/21/91
12/11/92
3/18/90
9/8/91
3/21/93
11/2/93
5/20/90
8/20/89
9/16/90
12/15/91
8/4/91
6/18/90
10/1/89
5/3/90
10/6/91
12/2/90

ENVIRONMENTAL PROTECTION—TITLE 7

N.J.A.C.
7:1
7:1A
7:1C
7:1D
7:1E
7:1F
7:1G
7:1H
7:1I
7:2
7:3
7:6
7:7
7:7A
7:7E
7:7F
7:8
7:9
7:10
7:11
7:12
7:13
7:14
7:14A
7:14B
7:15
7:17
7:18
7:19
7:19A
7:19B

Expiration Date
9/16/90
6/5/92
6/17/90
11/28/93
7/15/90
4/20/92
10/1/89
7/24/90
7/18/93
6/24/93
3/21/93
12/19/88
5/7/89
6/6/93
7/24/90
1/19/93
2/5/93
1/21/91
9/4/89
5/13/93
4/11/93
5/4/89
4/27/89
6/4/89
12/21/92
4/2/89
4/7/91
8/6/91
4/15/90
2/19/90
2/19/90

N.J.A.C.	Expiration Date	N.J.A.C.	Expiration Date
8:70	8/19/93	10:83	1/19/94
8:71	2/17/94	10:85	1/30/90

HIGHER EDUCATION—TITLE 9

N.J.A.C.	Expiration Date	N.J.A.C.	Expiration Date
9:1	2/21/94	10:87	1/27/94
9:2	6/17/90	10:89	9/11/90
9:3	9/27/93	10:90	10/14/92
9:4	10/30/91	10:94	1/6/91
9:5	1/21/91	10:95	8/23/89
9:6	5/20/90	10:97	4/16/89
9:6A	1/4/93	10:99	2/19/90
9:7	2/28/93	10:109	3/17/91
9:8	11/4/90	10:112	2/17/89
9:9	10/3/93	10:120	9/26/88
9:11	1/17/89	10:121	3/13/89
9:12	1/17/89	10:121A	12/7/92
9:14	5/20/90	10:122	8/6/89
9:15	10/25/88	10:122A	Exempt
		10:122B	9/10/89
		10:123	7/20/90
		10:124	12/7/92
		10:125	7/16/89
		10:126	11/7/93
		10:127	8/26/93
		10:129	10/11/89
		10:130	9/19/88
		10:131	12/7/92
		10:132	1/5/92
		10:141	2/7/94

HUMAN SERVICES—TITLE 10

N.J.A.C.	Expiration Date	N.J.A.C.	Expiration Date
10:1	11/7/93	10A:1	7/6/92
10:2	1/5/92	10A:3	10/6/91
10:3	11/21/93	10A:4	7/21/91
10:4	1/3/88	10A:5	10/6/91
10:6	2/21/89	10A:6	11/2/92
10:12	1/5/92	10A:8	11/16/92
10:13	7/18/93	10A:9	1/20/92
10:14	5/16/93	10A:10-6	8/17/92
10:36	8/18/91	10A:16	4/6/92
10:37	11/4/90	10A:17	12/15/91
10:38	5/28/91	10A:18	7/6/92
10:39	2/21/94	10A:22	7/5/93
10:40	3/15/89	10A:31	2/4/90
10:41	3/20/94	10A:32	3/4/90
10:42	8/18/91	10A:33	7/16/89
10:43	9/1/88	10A:34	4/6/92
10:44	10/3/88	10A:70	Exempt
10:44A	11/21/93	10A:71	4/15/90
10:44B	4/15/90		
10:45	9/19/88		
10:47	11/4/90		
10:48	1/21/91		
10:49	8/12/90		
10:50	3/3/91		
10:51	10/28/90		
10:52	2/19/90		
10:53	4/29/90		
10:54	3/3/91		
10:55	3/11/90		
10:56	8/26/91		
10:57	3/3/91		
10:58	3/3/91		
10:59	3/3/91		
10:60	8/27/90		
10:61	3/3/91		
10:62	3/3/91		
10:63	11/29/89		
10:64	3/3/91		
10:65	11/5/89		
10:66	12/15/93		
10:67	3/3/91		
10:68	7/7/91		
10:69	6/6/93		
10:69A	4/20/93		
10:69B	11/21/93		
10:70	6/16/91		
10:71	1/6/91		
10:72	8/27/92		
10:80	8/23/89		
10:81	10/15/89		
10:82	10/29/89		

CORRECTIONS—TITLE 10A

INSURANCE—TITLE 11

LABOR—TITLE 12

N.J.A.C.	Expiration Date	N.J.A.C.	Expiration Date
12:15	8/19/90	13:36	11/19/89
12:16	4/1/90	13:37	2/11/90
12:17	1/6/91	13:38	10/7/90
12:18	3/7/93	13:39	1/6/91
12:20	11/5/89	13:39A	7/7/91
12:35	8/5/90	13:40	9/3/90
12:41	1/17/94	13:41	9/3/90
12:45	5/2/93	13:42	10/31/93
12:46	5/2/93	13:43	9/1/93
12:47	5/2/93	13:44	8/20/89
12:48	5/2/93	13:44B	11/2/92
12:49	5/2/93	13:44C	7/18/93
12:51	6/30/91	13:45A	12/16/90
12:56	9/26/90	13:46	6/3/90
12:57	9/26/90	13:47	2/2/92
12:58	9/26/90	13:47A	10/5/92
12:60	3/21/93	13:47B	2/21/94
12:90	12/17/89	13:47C	8/20/89
12:100	11/5/89	13:48	1/21/91
12:105	1/21/91	13:49	12/16/93
12:110	1/19/93	13:51	4/27/92
12:112	9/6/93	13:54	10/5/91
12:120	5/3/90	13:58	9/7/89
12:175	11/28/93	13:59	9/16/90
12:190	1/4/93	13:60	1/20/92
12:195	6/24/93	13:70	2/25/90
12:200	8/5/90	13:71	2/25/90
12:210	9/6/93	13:75	8/20/89
12:235	5/5/91	13:76	6/27/93
		13:77	2/1/93
		13:78	3/20/94

COMMERCE, ENERGY, AND ECONOMIC DEVELOPMENT—TITLE 12A

N.J.A.C.	Expiration Date
12A:9	3/7/93
12A:10-1	8/15/89
12A:11	9/21/92
12A:12	9/21/92
12A:50	8/15/93
12A:54	8/15/93
12A:60	11/21/93
12A:80	2/6/94
12A:81	2/6/94
12A:82	2/6/94
12A:100-1	9/8/91
12A:120	9/6/93
12A:121	12/5/93

LAW AND PUBLIC SAFETY—TITLE 13

N.J.A.C.	Expiration Date
13:1	7/5/93
13:2	8/5/90
13:3	4/25/93
13:4	1/21/91
13:10	5/27/89
13:13	6/17/90
13:18	4/1/90
13:19	8/23/89
13:20	12/18/90
13:21	12/16/90
13:22	1/7/90
13:23	6/4/89
13:24	11/5/89
13:25	3/18/90
13:26	9/26/93
13:27	4/1/90
13:28	5/16/93
13:29	6/3/90
13:30	4/15/90
13:31	12/12/91
13:32	10/23/92
13:33	3/18/90
13:34	10/26/93
13:35	11/19/89

PUBLIC UTILITIES—TITLE 14

N.J.A.C.	Expiration Date
14:1	12/16/90
14:3	5/6/90
14:5	12/16/90
14:6	3/3/91
14:9	4/15/90
14:10	9/8/91
14:11	1/27/92
14:17	5/7/89
14:18	7/29/90

ENERGY—TITLE 14A

N.J.A.C.	Expiration Date
14A:2	4/17/89
14A:3	10/7/90
14A:5	10/19/88
14A:6	8/6/89
14A:7	9/16/90
14A:8	9/20/89
14A:11	9/20/89
14A:13	2/2/92
14A:14	1/30/94
14A:20	2/3/91
14A:21	11/21/90
14A:22	6/4/89

STATE—TITLE 15

N.J.A.C.	Expiration Date
15:2	5/2/93
15:3	7/7/91
15:5	2/17/92
15:10	2/18/91

TRANSPORTATION—TITLE 16

N.J.A.C.	Expiration Date
16:1	8/5/90
16:5	3/6/94

N.J.A.C.	Expiration Date
16:6	9/3/90
16:6	3/6/94
16:13	5/7/89
16:20A	12/17/89
16:20B	12/17/89
16:21	9/3/90
16:21A	8/20/89
16:22	2/3/91
16:25	8/15/93
16:25A	7/18/93
16:26	8/6/89
16:27	9/8/91
16:28	6/1/93
16:28A	6/1/93
16:29	6/1/93
16:30	6/1/93
16:31	6/1/93
16:31A	6/1/93
16:32	4/15/90
16:33	9/3/90
16:41	7/28/92
16:41A	2/19/90
16:41B	3/4/90
16:43	9/3/90
16:44	5/25/93
16:49	3/18/90
16:51	4/6/92
16:53	3/19/89
16:53A	4/15/90
16:53C	6/16/93
16:53D	5/7/89
16:54	4/7/91
16:55	6/14/93
16:56	6/4/89
16:60	6/14/93
16:61	6/14/93
16:62	4/15/90
16:72	3/31/91
16:73	1/30/92
16:75	5/13/93
16:76	2/6/94
16:77	1/21/90
16:78	10/7/90
16:79	10/20/91
16:80	11/7/93
16:81	11/7/93

TREASURY-GENERAL—TITLE 17

N.J.A.C.	Expiration Date
17:1	5/6/93
17:2	12/17/89
17:3	8/15/93
17:4	7/1/90
17:5	12/2/90
17:6	11/22/93
17:7	12/19/93
17:8	6/27/90
17:9	10/3/93
17:10	5/6/93
17:12	8/15/89
17:16	12/2/90
17:19	3/18/90
17:20	9/26/93
17:25	6/18/89
17:27	10/7/93
17:28	9/13/90
17:29	10/18/90

N.J.A.C.	Expiration Date
17:30	5/4/92
17:32	3/21/93

TREASURY-TAXATION—TITLE 18

N.J.A.C.	Expiration Date
18:2	9/6/93
18:3	4/23/89
18:5	4/16/89
18:6	4/2/89
18:7	4/2/89
18:8	2/24/94
18:9	6/7/93
18:12	7/29/93
18:12A	7/29/93
18:14	7/29/93
18:15	7/29/93
18:16	7/29/93
18:17	7/29/93
18:18	4/2/89
18:19	4/6/89
18:22	2/24/94
18:23	2/24/94
18:23A	8/5/90
18:24	6/7/93
18:25	1/6/91
18:26	6/7/93
18:30	4/2/89
18:35	6/7/93
18:36	2/4/90
18:37	8/5/90
18:38	2/16/93
18:39	9/8/92

OTHER AGENCIES—TITLE 19

N.J.A.C.	Expiration Date
19:3	5/26/93
19:3B	Exempt (N.J.S.A. 13:17-1)
19:4	5/26/93
19:4A	6/20/93
19:8	7/5/93
19:9	10/17/93
19:12	8/7/91
19:16	8/7/91
19:17	6/8/93
19:25	1/9/91
19:30	10/7/90
19:40	9/26/89
19:41	5/12/93
19:42	5/12/93
19:43	4/27/89
19:44	9/29/93
19:45	3/24/93
19:46	4/28/93
19:47	4/28/93
19:48	10/13/93
19:49	3/24/93
19:50	5/12/93
19:51	8/14/91
19:52	9/25/91
19:53	4/28/93
19:54	3/24/93
19:61	7/7/91
19:65	7/7/91
19:75	1/13/94

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the February 6, 1989 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(c).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1989 d.1 means the first rule adopted in 1989.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A series number and supplement date certifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: SUPPLEMENT JANUARY 17, 1989

NEXT UPDATE: SUPPLEMENT FEBRUARY 21, 1989

Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.

N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
20 N.J.R. 693 and 842	April 4, 1988	20 N.J.R. 2499 and 2610	October 17, 1988
20 N.J.R. 843 and 950	April 18, 1988	20 N.J.R. 2611 and 2842	November 7, 1988
20 N.J.R. 951 and 1018	May 2, 1988	20 N.J.R. 2843 and 2948	November 21, 1988
20 N.J.R. 1019 and 1126	May 16, 1988	20 N.J.R. 2949 and 3046	December 5, 1988
20 N.J.R. 1127 and 1316	June 6, 1988	20 N.J.R. 3047 and 3182	December 19, 1988
20 N.J.R. 1317 and 1500	June 20, 1988	21 N.J.R. 1 and 88	January 3, 1989
20 N.J.R. 1501 and 1594	July 5, 1988	21 N.J.R. 89 and 224	January 17, 1989
20 N.J.R. 1595 and 1758	July 18, 1988	21 N.J.R. 225 and 364	February 6, 1989
20 N.J.R. 1759 and 1976	August 1, 1988	21 N.J.R. 365 and 588	February 21, 1989
20 N.J.R. 1977 and 2122	August 15, 1988	21 N.J.R. 589 and 658	March 6, 1989
20 N.J.R. 2123 and 2350	September 6, 1988	21 N.J.R. 659 and 810	March 20, 1989
20 N.J.R. 2351 and 2416	September 19, 1988	21 N.J.R. 811 and 954	April 3, 1989
20 N.J.R. 2417 and 2498	October 3, 1988		

N.J.A.C. CITATION	ADMINISTRATIVE LAW—TITLE 1	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
1:1-5.5	Non-lawyer representatives: consent orders and stipulations	20 N.J.R. 2845(a)	R.1989 d.158	21 N.J.R. 749(a)
1:1-10.4	Discovery: requests for admissions	20 N.J.R. 2845(b)	R.1989 d.190	21 N.J.R. 889(a)
1:1-14.3	Interpreters for hearing impaired	20 N.J.R. 2845(c)	R.1989 d.159	21 N.J.R. 749(b)
1:10-12.2	Emergency fair hearings concerning AFDC and General Assistance: transmittal of notices and initial decisions	20 N.J.R. 3049(a)	R.1989 d.160	21 N.J.R. 749(c)
1:13A	Lemon Law hearings	21 N.J.R. 91(a)	R.1989 d.189	21 N.J.R. 889(b)

Most recent update to Title 1: TRANSMITTAL 1989-1 (supplement January 17, 1989)

N.J.A.C. CITATION	AGRICULTURE—TITLE 2	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
2:5-2.1, 2.3, 2.5, 2.6, 2.8	Equine infectious anemia	21 N.J.R. 92(a)		
2:24-2, 3	Registration and transportation of bees	20 N.J.R. 2951(a)	R.1989 d.128	21 N.J.R. 633(a)
2:24-2.1	Over-wintering of bees	20 N.J.R. 2951(a)		
2:32-2.2, 2.3, 2.10, 2.11, 2.13, 2.20, 2.22, 2.27, 2.28	Sire Stakes conditions	20 N.J.R. 2952(a)	R.1989 d.95	21 N.J.R. 443(a)
2:33	Agricultural fairs	20 N.J.R. 2954(a)	R.1989 d.129	21 N.J.R. 633(b)
2:52-1.6	Reporting by small milk dealers	20 N.J.R. 2955(a)	R.1989 d.127	21 N.J.R. 634(a)
2:71-2.2, 2.4	"Jersey Fresh" logo program	21 N.J.R. 591(a)		
2:71-2.4, 2.5, 2.6	"Jersey Fresh" logo program	21 N.J.R. 227(a)		
2:76-5.3	Soil and water conservation projects: cost sharing	21 N.J.R. 230(a)		
2:76-9.1, 9.2	Emergency acquisition of development easements on farmland	21 N.J.R. 231(a)		

Most recent update to Title 2: TRANSMITTAL 1989-1 (supplement January 17, 1989)

N.J.A.C. CITATION	BANKING—TITLE 3	PROPOSAL NOTICE (N.J.R. CITATION)
3:1-16	Mortgage loan practices	20 N.J.R. 1021(b)
3:11	Lending and investments by State banks	21 N.J.R. 367(a)
3:22-1	Insurance premium finance agreements	21 N.J.R. 661(a)
3:24-5.1	Licensed check cashing	20 N.J.R. 2353(a)
3:38-5	Repeal (see 3:1-16)	20 N.J.R. 1021(b)

Most recent update to Title 3: TRANSMITTAL 1988-7 (supplement November 21, 1988)

N.J.A.C. CITATION	CIVIL SERVICE—TITLE 4	PROPOSAL NOTICE (N.J.R. CITATION)
4:1-16.1-16.6, 24.2	Repeal (see 4A:8)	20 N.J.R. 2955(b)
4:2-16.1, 16.2	Repeal (see 4A:8)	20 N.J.R. 2955(b)
4:3-16.1, 16.2	Repeal (see 4A:8)	20 N.J.R. 2955(b)

Most recent update to Title 4: TRANSMITTAL 1988-3 (supplement September 19, 1988)

N.J.A.C. CITATION	PERSONNEL—TITLE 4A	PROPOSAL NOTICE (N.J.R. CITATION)
A:8	Layoffs	20 N.J.R. 2955(b)
A:8	Layoffs: change of public hearing dates	20 N.J.R. 3171(a)

Most recent update to Title 4A: TRANSMITTAL 1989-1 (supplement January 17, 1989)

N.J.A.C. CITATION	COMMUNITY AFFAIRS—TITLE 5	PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
5:11	Relocation assistance and eviction	21 N.J.R. 231(b)	R.1989 d.188	21 N.J.R. 891(a)
5:11	Relocation Assistance and Eviction rules: waiver of Executive Order No. 66(1978) expiration provision	21 N.J.R. 592(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
5:14-1.2	Neighborhood Preservation Balanced Housing Program: eligibility	21 N.J.R. 3(a)	R.1989 d.143	21 N.J.R. 750(a)
5:23-2.18A	Utility load management devices: installation programs	21 N.J.R. 233(a)		
5:23-3.15	Uniform Construction Code: plumbing subcode	20 N.J.R. 2846(a)	R.1989 d.66	21 N.J.R. 288(a)
5:23-4.3	Uniform Construction Code: assumption of local enforcement powers	20 N.J.R. 1764(a)		
5:23-8	Asbestos Hazard Abatement Subcode	20 N.J.R. 1130(b)		
5:27-3.3	Rooming and boarding houses: emergency eviction of a resident	21 N.J.R. 93(a)		
5:50	Administration of funds received under Higher Education Act of 1965	21 N.J.R. 367(b)		
5:80-3.3	Housing and Mortgage Finance Agency: return on housing sponsors' equity	21 N.J.R. 94(a)		
5:91-5.2, 6.2, 7.1, 7.3	Council on Affordable Housing: mediation process	20 N.J.R. 3050(a)		
5:92-1.3, 11.2, 14.3	Council on Affordable Housing: alternative living arrangements	21 N.J.R. 595(a)		
5:92-1.3, 12	Council on Affordable Housing: controls on affordability	21 N.J.R. 592(b)		
5:92-12.4	Council on Affordable Housing: initial pricing of units	20 N.J.R. 3051(a)	R.1989 d.125	21 N.J.R. 635(a)
5:92-14.4	Council on Affordable Housing: rental unit credit	21 N.J.R. 234(a)		
5:100	Ombudsman for the institutionalized elderly	21 N.J.R. 368(a)		

Most recent update to Title 5: TRANSMITTAL 1989-1 (supplement January 17, 1989)

MILITARY AND VETERANS' AFFAIRS (formerly DEFENSE)—TITLE 5A

Most recent update to Title 5A: TRANSMITTAL 1 (supplement May 20, 1985)

EDUCATION—TITLE 6

6:2	Appeals to State Board	20 N.J.R. 2615(a)	R.1989 d.67	21 N.J.R. 288(b)
6:3-5	Reporting of allegations of child abuse	21 N.J.R. 3(b)	R.1989 d.193	21 N.J.R. 892(a)
6:8-1.1, 4.3, 7.1	High school core proficiencies	21 N.J.R. 235(a)		
6:11-3	Bilingual/ESL certification: basic communication skills certification	21 N.J.R. 95(a)		
6:20-2	Bookkeeping and accounting in local districts	20 N.J.R. 2502(a)	R.1989 d.86	21 N.J.R. 292(a)
6:20-5.7	Reimbursement to nonpublic schools for asbestos removal and encapsulation	20 N.J.R. 2505(a)	R.1989 d.93	21 N.J.R. 635(b)
6:28	Special education	21 N.J.R. 239(a)		
6:39	High school core proficiencies	21 N.J.R. 235(a)		
6:46-4.1, 4.4-4.20, 5.2	Private vocational schools and correspondence schools	21 N.J.R. 262(a)		

Most recent update to Title 6: TRANSMITTAL 1989-1 (supplement January 17, 1989)

ENVIRONMENTAL PROTECTION—TITLE 7

7:1-1.2	Petition for rulemaking procedure	21 N.J.R. 102(a)		
7:7	Coastal Permit Program	21 N.J.R. 369(a)		
7:7-2.2	Coastal wetlands boundaries in Salem County	20 N.J.R. 349(b)	R.1989 d.137	21 N.J.R. 750(b)
7:7-2.3	Waterfront development	21 N.J.R. 4(a)		
7:7-2.3	Waterfront development: extension of comment period	21 N.J.R. 267(a)		
7:7A-1.4, 2.5, 6, 7	Freshwater wetlands transition areas	21 N.J.R. 596(a)		
7:7A-9.2, 9.4	Freshwater wetlands protection: Statewide general permits for certain activities	20 N.J.R. 1327(a)		
7:7E-3.46	Hudson River waterfront development	20 N.J.R. 1982(a)		
7:9-2	Repeal (see 7:9A)	20 N.J.R. 1790(a)		
7:9-4	Surface water quality standards: public hearings	20 N.J.R. 1865(a)		
7:9-4	Surface water quality standards: extension of comment period	20 N.J.R. 2427(a)		
7:9-4.4, 4.5, 4.6, 4.14, 4.15, Indexes A-G	Surface water quality standards	20 N.J.R. 1597(a)		
7:9A	Individual subsurface sewage disposal systems	20 N.J.R. 1790(a)		
7:9A	Individual subsurface sewage disposal systems: extension of comment period	20 N.J.R. 2427(b)		
7:10-13.2, 13.10, 13.13	Industrial wastewater treatment systems: licensing of operators	20 N.J.R. 1141(b)	R.1989 d.170	21 N.J.R. 750(c)
7:11-2.1-2.5, 2.8-2.14	Sale of water from Delaware and Raritan Canal, Spruce Run/Round Valley system	21 N.J.R. 103(a)		
7:13	Flood hazard area control	21 N.J.R. 371(a)		
7:13-7.1(d)	Redelineation of Bound Brook within South Plainfield and Edison	20 N.J.R. 3051(b)		
7:13-7.1(d)	Redelineation of West Branch Rahway River, West Orange	21 N.J.R. 605(a)		
7:14	Water pollution control	21 N.J.R. 373(a)		
7:14A	New Jersey Pollutant Discharge Elimination System (NJPDES)	21 N.J.R. 707(a)		
7:14A-5.12	Closure of hazardous waste facilities	20 N.J.R. 2650(a)		
7:15	Statewide water quality management planning	20 N.J.R. 2198(a)		
7:15-3.4	Correction to proposed new rule	20 N.J.R. 2478(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
7:25-2.18	New Sweden and Oyster Creek wildlife management areas	21 N.J.R. 267(b)		
7:25-7.13	Taking of blue crabs	21 N.J.R. 268(a)		
7:25-15.1	Relay of hard clams: correction to text			21 N.J.R. 751(a)
7:25-22.1-22.4	Harvesting Atlantic menhaden	21 N.J.R. 107(a)		
7:26-1.1, 1.4, 2.7, 2.11, 2.12, 2.13, 2A.8, 2B.4, 2B.8, 3.1-3.5, 3.7, 4.1-4.5, 4.7-4.10, 16.2, 16.3, 16.13	Solid waste facility and transporter registration fees	20 N.J.R. 2668(a)		
7:26-1.4, 9.8, 9.9, 9.10, 9.11, 9.13, App. A, 12.3, 12.5	Closure of hazardous waste facilities	20 N.J.R. 2650(a)		
7:26-6.5	Interdistrict and intradistrict solid waste flow: Essex County	20 N.J.R. 1048(a)		
7:26-7.3, 7.4, 7.5, 7.6	Hazardous waste management	20 N.J.R. 867(a)	R.1989 d.173	21 N.J.R. 893(a)
7:26-7.4, 9.1, 12.1	Hazardous waste stored for reuse	20 N.J.R. 1329(a)	R.1989 d.141	21 N.J.R. 752(a)
7:26-12.4	Hazardous waste management: permit standards	21 N.J.R. 108(a)		
7:26B-1.3, 1.5, 1.6, 1.7, 1.8, 1.9, 3.3, 5.2, 7.5, 9.2, 10.1, 13.1	Environmental Cleanup Responsibility Act rules	21 N.J.R. 402(a)		
7:27-16.1, 16.2, 16.5, 16.6	Volatile organic substance emissions and ozone concentrations	20 N.J.R. 3052(a)		
7:27-16.1, 16.3	Marine transfer of gasoline: vapor recovery program	20 N.J.R. 1866(a)	R.1989 d.62	21 N.J.R. 321(a)
7:27-23	Volatile organic substances in consumer products	20 N.J.R. 2002(a)	R.1989 d.119	21 N.J.R. 462(a)
7:27-25	Control and prohibition of air pollution by vehicular fuels	20 N.J.R. 1631(a)	R.1989 d.123	21 N.J.R. 483(a)
7:27A-3	Air pollution control: civil administrative penalties and adjudicatory hearings	21 N.J.R. 729(a)		
7:45	Delaware and Raritan Canal: State Park review zone	20 N.J.R. 23(a)	R.1989 d.61	21 N.J.R. 324(a)

Most recent update to Title 7: TRANSMITTAL 1989-1 (supplement January 17, 1989)

HEALTH—TITLE 8

8:8	Collection, processing, storage and distribution of blood	21 N.J.R. 407(a)		
8:31B-2.2, 2.4	Hospital reimbursement: DRG classification of newborns	20 N.J.R. 3057(a)	R.1989 d.154	21 N.J.R. 752(a)
8:31B-3.16	Hospital reimbursement: labor cost component	21 N.J.R. 661(b)		
8:31B-3.16, 3.22, 3.24, 3.26, 3.38, 3.51-3.55, 3.58, 3.59, 3.73, App. II, IX, 5.1-5.3	Hospital reimbursement: extension of comment period for proposed changes published January 17, 1989	21 N.J.R. 606(a)		
8:31B-3.16, 3.22, 3.24, 3.26, 3.38, 3.73, App. II, IX	Hospital reimbursement: 1989 rate setting	21 N.J.R. 135(a)		
8:31B-3.16, 3.22, 3.24, 3.26, 3.38, 3.73, App. II, IX	1989 hospital rate setting: correction to Summary statement	21 N.J.R. 413(a)		
8:31B-3.19	Hospital reimbursement: burn care unit reporting	20 N.J.R. 2541(a)	R.1989 d.77	21 N.J.R. 295(a)
8:31B-3.19, 3.38, 3.45	Hospital reimbursement: newborn DRGs: outlier categories	20 N.J.R. 3057(b)	R.1989 d.153	21 N.J.R. 753(a)
8:31B-3.43	General acute care hospitals: implementation of proposed schedule of rates	20 N.J.R. 2542(a)	R.1989 d.79	21 N.J.R. 296(a)
8:31B-3.44	Hospital reimbursement: DRG outliers	20 N.J.R. 2542(b)	R.1989 d.80	21 N.J.R. 296(b)
8:31B-3.51-3.55, 3.58, 3.59	Hospital reimbursement: appeals	21 N.J.R. 131(a)		
8:31B-3, App. II	Hospital reimbursement: laundry and linen cost center	20 N.J.R. 2543(a)	R.1989 d.78	21 N.J.R. 297(a)
8:31B-4.41	Hospital reimbursement: uncompensated care audit functions	20 N.J.R. 2959(a)	R.1989 d.152	21 N.J.R. 754(a)
8:31B-5.1, 5.2, 5.3	Hospital reimbursement: Diagnosis Related Groups	21 N.J.R. 138(a)		
8:31C	Residential alcoholism treatment: facility rate setting	20 N.J.R. 2960(a)		
8:33-1.5, 2.8	Applications to convert licensed acute care beds to non-acute categories	21 N.J.R. 272(a)		
8:33E-1.2, 1.11	Cardiac diagnostic facilities: pediatric patients: new facilities	20 N.J.R. 2847(a)	R.1989 d.102	21 N.J.R. 498(a)
8:33E-2.3, 2.4	Cardiac surgery centers: pediatric patients: surgery teams	20 N.J.R. 2848(a)	R.1989 d.105	21 N.J.R. 499(a)
8:33J	Nuclear magnetic resonance services	21 N.J.R. 416(a)		
8:33J-1.1-1.2	Magnetic resonance imaging services	21 N.J.R. 413(b)		
8:33K	Residential alcoholism treatment facilities: bed standards	21 N.J.R. 150(a)		
8:33N	Advanced life support programs: mobile intensive care units and critical care transport units	21 N.J.R. 268(a)		
8:38-1.1, 1.4	HMOs and vision care services	21 N.J.R. 6(a)	R.1989 d.180	21 N.J.R. 895(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
8:39-19.7	Hot water temperature in long-term care facilities	21 N.J.R. 417(a)		
8:39-41.3, 42.2	Long-term care facilities: excessive heat emergency plan	20 N.J.R. 2543(b)	R.1989 d.104	21 N.J.R. 500(a)
8:42A	Licensure of alcoholism treatment facilities	20 N.J.R. 3059(a)		
8:43B-1.10	Hospital facilities: confidentiality of patient information	20 N.J.R. 2221(b)	R.1989 d.87	21 N.J.R. 297(b)
8:43B-18	Hospital anesthesiology standards	20 N.J.R. 2544(a)	R.1989 d.103	21 N.J.R. 501(a)
8:60-2.1 (12:120-2.1)	Asbestos removal defined	20 N.J.R. 1049(a)		
8:60-2.1 (12:120-2.1)	Asbestos removal defined: extension of comment period	20 N.J.R. 1507(b)		
8:61-2.4	Retrovir reimbursement program	21 N.J.R. 606(b)		
8:70-1.5	Interchangeable drug products: substitution of unlisted generics	20 N.J.R. 2623(a)		
8:71	Interchangeable drug products (see 20 N.J.R. 1710(b), 2376(d), 2768(b); 21 N.J.R. 63(a))	20 N.J.R. 871(a)	R.1989 d.166	21 N.J.R. 757(a)
8:71	Interchangeable drug products (see 20 N.J.R. 2769(a); 21 N.J.R. 63(b))	20 N.J.R. 1766(a)	R.1989 d.165	21 N.J.R. 756(b)
8:71	Interchangeable drug products (see 21 N.J.R. 63(c))	20 N.J.R. 2356(a)	R.1989 d.164	21 N.J.R. 756(a)
8:71	Interchangeable drug products	20 N.J.R. 3078(a)	R.1989 d.163	21 N.J.R. 755(b)
8:71	List of Interchangeable Drug Products	21 N.J.R. 7(a)	R.1989 d.142	21 N.J.R. 755(a)
8:71	Interchangeable drug products	21 N.J.R. 662(a)		

Most recent update to Title 8: TRANSMITTAL 1989-1 (supplement January 17, 1989)

HIGHER EDUCATION—TITLE 9

9:1	Licensing and degree approval standards	20 N.J.R. 2965(a)	R.1989 d.118	21 N.J.R. 444(a)
9:6A-4.3	Managerial employees at State colleges: annual salary increases	20 N.J.R. 3079(a)		
9:7-3.2	1989-90 Tuition Aid Grant Award Table	21 N.J.R. 109(a)	R.1989 d.185	21 N.J.R. 897(a)
9:7-4.4	Garden State Scholarships supplemental awards eligibility	21 N.J.R. 110(a)	R.1989 d.186	21 N.J.R. 898(a)
9:7-6.4	Garden State Graduate Fellowships: approved programs	20 N.J.R. 2624(a)	R.1989 d.184	21 N.J.R. 898(b)
9:7-8.1	Vietnam Veterans Tuition Aid: eligibility	20 N.J.R. 2625(a)	R.1989 d.183	21 N.J.R. 899(a)
9:11	Educational Opportunity Fund Program	20 N.J.R. 2506(a)		
9:11-1.1	Educational Opportunity Fund grants: student eligibility	20 N.J.R. 1768(b)		
9:11-1.6, 1.8, 1.9, 1.20	EOF grants: eligibility procedure; refunds	20 N.J.R. 1769(a)		
9:11-1.7	EOF grants: award amounts	20 N.J.R. 1770(a)		
9:12	Educational Opportunity Fund Program	20 N.J.R. 2506(a)		
9:12-2.6, 2.9	EOF grants: eligibility procedure; refunds	20 N.J.R. 1769(a)		

Most recent update to Title 9: TRANSMITTAL 1988-7 (supplement November 21, 1988)

HUMAN SERVICES—TITLE 10

10:3-1.14	Contract administration: prohibited vendor activity	20 N.J.R. 2849(a)		
10:31	Mental illness screening and screening outreach programs	20 N.J.R. 2427(d)		
10:37-5.6-5.11, 5.16-5.24	Repeal (see 10:31)	21 N.J.R. 273(a)		
10:39	Group homes for mentally ill: operating standards	20 N.J.R. 2547(a)	R.1989 d.120	21 N.J.R. 504(a)
10:41-2	Services to developmentally disabled: confidentiality of client records	20 N.J.R. 2435(a)	R.1989 d.134	21 N.J.R. 757(b)
10:41-4	Human rights committees for developmentally disabled persons	20 N.J.R. 2552(a)		
10:43	Guardians for developmentally disabled persons: determination of need	20 N.J.R. 2850(a)		
10:45	Guardianship services for developmentally disabled persons	21 N.J.R. 607(a)		
10:46	Services for developmentally disabled: determination of eligibility	20 N.J.R. 2008(a)		
10:48-2	Control of viral hepatitis B among developmentally disabled	20 N.J.R. 2437(a)		
10:48-3	Lead toxicity control among developmentally disabled	20 N.J.R. 2555(a)		
10:48-3	Lead Toxicity Control Program: comment period	20 N.J.R. 2688(a)		
10:49-1.1, 1.7-1.10, 1.14, 1.17, 1.19, 1.20, 1.22, 1.24, 1.26	Medicaid Administration Manual	21 N.J.R. 417(b)		
10:54-4	Medicaid coverage for postpartum services	20 N.J.R. 1052(a)	R.1989 d.162	21 N.J.R. 761(a)
10:54-4.5	Medicaid reimbursement for physician's services	20 N.J.R. 2558(a)	R.1989 d.135	21 N.J.R. 760(a)
10:56-3.7, 3.10	Medicaid reimbursement for dental services	20 N.J.R. 2558(a)	R.1989 d.135	21 N.J.R. 760(a)
10:58-1.2, 3	Medicaid coverage for postpartum services	20 N.J.R. 1052(a)	R.1989 d.162	21 N.J.R. 761(a)
10:61-3.2	Medicaid reimbursement for independent laboratory services	20 N.J.R. 2558(a)	R.1989 d.135	21 N.J.R. 760(a)
10:63-3.9-3.12	Reimbursement of long-term care facilities: fixed property and movable equipment	20 N.J.R. 2560(a)		
10:63-3.10	Reimbursement of long-term care facilities under CARE Guidelines: correction	20 N.J.R. 2968(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
10:66-1.6, 3	Medicaid coverage for postpartum services	20 N.J.R. 1052(a)	R. 1989 d.162	21 N.J.R. 761(a)
10:66-3.2	Medicaid reimbursement for independent clinic services	20 N.J.R. 2558(a)	R. 1989 d.135	21 N.J.R. 760(a)
10:71-5.4, 5.5, 5.6, 5.7	Medicaid Only: eligibility computation amounts	21 N.J.R. 207(a)	R. 1989 d.174	21 N.J.R. 763(a)
10:81-4.5	AFDC program: voluntary restricted payments	21 N.J.R. 7(b)		
10:81-11.4	Direct child support payments to AFDC clients	21 N.J.R. 423(a)		
10:81-11.6	Child Support Program: incentive payment methodology	21 N.J.R. 663(a)		
10:82-5.10	Emergency Assistance in AFDC: temporary shelter allowances	20 N.J.R. 1147(a)		
10:83-1	Special Payments Handbook for SSI recipients	20 N.J.R. 2563(a)	R. 1989 d.98	21 N.J.R. 511(a)
10:85-3.2	General Assistance: residency in therapeutic care facility	20 N.J.R. 2968(b)	R. 1989 d.161	21 N.J.R. 764(b)
10:85-3.3	Medically Needy eligibility	20 N.J.R. 2688(b)	R. 1989 d.138	21 N.J.R. 765(a)
10:87	Food Stamp Program	20 N.J.R. 2689(a)	R. 1989 d.121	21 N.J.R. 511(b)
10:97	Vending Facility Program for blind and visually impaired	21 N.J.R. 424(a)		
10:100-App. A	Supplemental Security Income (SSI) payment levels (Recodified to 10:83-1.11)	21 N.J.R. 208(a)	R. 1989 d.172	21 N.J.R. 764(a)
10:100-3. App. A	Special Payments Handbook for SSI recipients (Recodified to 10:83-1)	20 N.J.R. 2563(a)	R. 1989 d.98	21 N.J.R. 511(a)
10:120	Youth and Family Services hearings	20 N.J.R. 2742(a)		
10:121-1.1	Approval of adoption agencies: correction to text			21 N.J.R. 765(b)
10:122	Requirements for child care centers	20 N.J.R. 3079(b)		
10:123-3.2	Residential health care facilities/boarding homes: personal needs allowance	Emergency (expires 4-29-89)	R. 1989 d.171	21 N.J.R. 788(a)
10:133	Personal Attendant Services Program	21 N.J.R. 273(b)		
10:141	Charity Racing Days for Developmentally Disabled: distribution of proceeds	21 N.J.R. 8(a)	R. 1989 d.132	21 N.J.R. 636(a)
10:141-1.4	Charity Racing Days for Developmentally Disabled: distribution of proceeds	21 N.J.R. 610(a)		

Most recent update to Title 10: TRANSMITTAL 1989-1 (supplement January 17, 1989)

CORRECTIONS—TITLE 10A

10A	Names of correctional institutions: administrative change			21 N.J.R. 558(a)
10A:3-5.10	Collection of urine samples from inmates	21 N.J.R. 10(a)	R. 1989 d.140	21 N.J.R. 765(c)
10A:4-6.1, 6.3, 6.4	Chronic violator units	21 N.J.R. 10(b)	R. 1989 d.136	21 N.J.R. 766(a)
10A:4-11.9, 12	Inmate appeals to Office of Administrative Law: public hearing	20 N.J.R. 880(b)		
10A:6-3.2	Notification of inmate's change of name	21 N.J.R. 11(a)	R. 1989 d.139	21 N.J.R. 766(a)
10A:9-1.3, 5.2	Application of time credits to mandatory minimum term	21 N.J.R. 664(a)		
10A:9-4.6	Open charges and reduced custody status	20 N.J.R. 880(a)		
10A:16-2.9	Infirmity care	20 N.J.R. 2969(a)		
10A:16-6.6	Infants born to female inmates	20 N.J.R. 2747(a)	R. 1989 d.68	21 N.J.R. 299(a)
10A:16-11	Special Medical Units	21 N.J.R. 111(a)		
10A:17-8	Recreation and leisure time activities	21 N.J.R. 665(a)		
10A:18-2.6, 2.19, 2.20, 2.22	Inmate correspondence	20 N.J.R. 2854(a)		
10A:18-2.7	Inspection of outgoing correspondence	21 N.J.R. 277(a)		
10A:18-4.7	Inspection of outgoing publications	21 N.J.R. 277(b)		
10A:33	Juvenile Detention Commitment Programs	21 N.J.R. 667(a)		
10A:71-2.1, 3.4, 3.28	Parole Board rules	20 N.J.R. 2129(a)	R. 1989 d.151	21 N.J.R. 767(a)
10A:71-3.21, 6.4	State Parole Board: juvenile inmates; conditions of parole	20 N.J.R. 2747(b)	R. 1989 d.145	21 N.J.R. 768(a)

Most recent update to Title 10A: TRANSMITTAL 1989-1 (supplement January 17, 1989)

INSURANCE—TITLE 11

11:1-5.1	FAIR plan surcharge: repeal rule	20 N.J.R. 2507(a)		
11:1-10	Foreign and alien property and casualty insurers: admission requirements	21 N.J.R. 426(a)		
11:2-1, 19	Repeal (see 11:17-3, 5.7)	20 N.J.R. 1152(a)	R. 1989 d.192	21 N.J.R. 899(b)
11:2-3	Credit life and credit accident and health insurance: preproposal	20 N.J.R. 2969(b)		
11:3-13.5, 14.1, 14.3, 14.5, 14.6, 14.7, 15.1-15.8	Private passenger automobile coverage: standards for written notice to buyers	20 N.J.R. 2984(a)	R. 1989 d.117	21 N.J.R. 558(b)
11:3-16	Private passenger automobile rate filings	21 N.J.R. 611(a)		
11:3-20	Private passenger automobile insurers: financial disclosure and excess profits reporting	21 N.J.R. 667(b)		
11:3-22.1, 22.3, Forms A, B	Automobile coverage option survey: PIP and tort threshold	21 N.J.R. 619(a)		
11:3-24	Automobile coverage: policy constants	20 N.J.R. 3104(a)		
11:3-25	Automobile coverage: residual market equalization charges	21 N.J.R. 278(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
11:3-26, 27, 28	Unsatisfied Claim and Judgment Fund rules	21 N.J.R. 688(a)		
11:4-30	Hospital preadmission certification programs (HPCPs)	20 N.J.R. 880(c)		
11:4-30	Hospital preadmission certification programs: withdrawal of proposal	21 N.J.R. 689(a)		
11:4-31	Term life insurance comparison survey	20 N.J.R. 2990(a)	R.1989 d.122	21 N.J.R. 566(a)
11:5-1.16	Real estate listing agreements	20 N.J.R. 2185(a)		
11:5-1.18	Supervision of real estate offices	20 N.J.R. 1160(a)		
11:5-1.23	Real estate offers and broker's obligations	20 N.J.R. 2186(a)		
11:5-1.34	Discriminatory commission—split policies	20 N.J.R. 1163(a)		
11:14	Auto body repair facilities: licensure rules	21 N.J.R. 280(a)	R.1989 d.195	21 N.J.R. 908(a)
11:17-2.1	Term of insurance producer license: administrative correction			21 N.J.R. 637(a)
11:17-3, 5.7	Insurance producer licensing: professional qualifications	20 N.J.R. 1152(a)	R.1989 d.192	21 N.J.R. 899(b)
11:18	Medical Malpractice Reinsurance Recovery Fund surcharge	20 N.J.R. 2010(a)		
11:18	Medical Malpractice Reinsurance Recovery Fund surcharge: correction	20 N.J.R. 2186(b)		
11:18	Medical Malpractice Reinsurance Recovery Fund surcharge: public hearing	20 N.J.R. 2478(d)		
11:18	Medical Malpractice Reinsurance Recovery Fund surcharge: extension of open hearing record	20 N.J.R. 2855(a)		

Most recent update to Title 11: TRANSMITTAL 1989-1 (supplement January 17, 1989)

LABOR—TITLE 12

12:16-4.7, 10, 13.4, 13.7, 22	Employer wage reporting, penalty abatement requests, hearings	21 N.J.R. 281(a)		
12:16-4.8	Employee remuneration for lodging and meals, room and board	21 N.J.R. 689(b)		
12:17-1.6	Unemployment insurance benefits: temporary separation from work	20 N.J.R. 1333(a)		
12:17-2.4, 2.5	Requalification for unemployment insurance benefits	20 N.J.R. 1522(a)		
12:45-1	Vocational rehabilitation services	20 N.J.R. 3107(a)		
12:45-2	Transportation for employees of sheltered workshops	21 N.J.R. 690(a)		
12:46-12:49	Repeal (see 12:45-1)	20 N.J.R. 3107(a)		
12:56-2.1	Wage and hour compliance: trainees in company programs	21 N.J.R. 692(a)		
12:100-4.2	Public employee safety and health: access to exposure and medical records	20 N.J.R. 2995(a)	R.1989 d.82	21 N.J.R. 299(b)
12:100-4.2, 5.2, 6.2, 7	Public employee safety and health: toxic and hazardous substances	20 N.J.R. 2013(a)		
12:100-9.18	Public employee safety and health: work in confined spaces	20 N.J.R. 2855(b)	R.1989 d.83	21 N.J.R. 299(c)
12:100-11	Public employee safety and health: control of hazardous energy sources	21 N.J.R. 620(a)		
12:120-2.1 (8:60-2.1)	Asbestos removal defined	20 N.J.R. 1049(a)		
12:120-2.1 (8:60-2.1)	Asbestos removal defined: extension of comment period	20 N.J.R. 1507(b)		

Most recent update to Title 12: TRANSMITTAL 1989-1 (supplement January 17, 1989)

COMMERCE, ENERGY, AND ECONOMIC DEVELOPMENT—TITLE 12A

12A:12-3.9	Tourism matching grants: purchases by grantee	21 N.J.R. 114(a)	R.1989 d.175	21 N.J.R. 908(b)
12A:55	Solar energy systems: criteria for sales and use tax exemption	21 N.J.R. 282(a)		
12A:80-1	Urban Small Business Incubator Program	20 N.J.R. 2524(b)	R.1989 d.91	21 N.J.R. 299(d)
12A:81-1	Urban Development Program	20 N.J.R. 2527(a)	R.1989 d.92	21 N.J.R. 302(a)
12A:82-1	Neighborhood Development Corporation	20 N.J.R. 2530(a)	R.1989 d.90	21 N.J.R. 304(a)
12A:100-1.2, 1.3, 1.4	Commission on Science and Technology: Innovation/Partnership program	21 N.J.R. 433(a)		
12A:120-2	Urban Enterprise Zone Program: certification for zone business benefits	21 N.J.R. 693(a)		

Most recent update to Title 12A: TRANSMITTAL 1989-1 (supplement January 17, 1989)

LAW AND PUBLIC SAFETY—TITLE 13

13:1-1.1, 4.6, 5.1	Police Training Commission: training of corrections and juvenile detention officers	21 N.J.R. 695(a)		
13:10	Multiple dwelling reports concerning racial composition	21 N.J.R. 11(b)		
13:21-22	Certificates of title for salvage motor vehicles	20 N.J.R. 2675(a)	R.1989 d.157	21 N.J.R. 768(a)
13:27-4.5, 4.6, 4.7, 4.8, 4.10, 4.12, 4.13	Architectural practice and responsibility	21 N.J.R. 433(b)		
13:27-8.16, 9.5	Architects and certified landscape architects: change of address; service of process	21 N.J.R. 114(b)		
13:29-6	Practice of accountancy: continuing education	20 N.J.R. 2532(a)	R.1989 d.194	21 N.J.R. 908(c)
13:29-6	Continuing professional education for accountants: public hearing and comment period	20 N.J.R. 3114(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
13:30-8.5	Board of Dentistry: access to complaint history of licensees	20 N.J.R. 2680(a)	R.1989 d.63	21 N.J.R. 338(a)
13:35-6.10	Advertising and solicitation by physicians	21 N.J.R. 696(a)		
13:35-1A	Board of Medical Examiners: pre-proposed repeal	21 N.J.R. 697(a)		
13:38-1, 2.1, 2.3, 2.5, 2.7, 6.1	Practice of optometry: advertising; access to optometrist; patient records	20 N.J.R. 2361(b)		
13:38-2.11	Practice of optometry: delegation of duties to ancillary personnel	20 N.J.R. 2363(a)		
13:38-2.11	Practice of optometry: public hearing on delegation of duties to ancillary personnel	20 N.J.R. 2995(b)		
13:38-2.11	Practice of optometry: public hearing on delegation of duties to ancillary personnel	21 N.J.R. 284(a)		
13:39	Board of Pharmacy rules	20 N.J.R. 1648(a)		
13:39A-3.2	Unlawful practices and arrangements by physical therapists: preproposal	20 N.J.R. 2242(a)		
13:39A-5.1	Educational requirements for licensure as physical therapist	20 N.J.R. 2243(a)		
13:40-10.1	Professional engineers and land surveyors: contract to provide services	20 N.J.R. 2243(b)	R.1989 d.64	21 N.J.R. 339(a)
13:44-1.1	Qualified graduate of veterinary medicine	20 N.J.R. 2680(b)	R.1989 d.111	21 N.J.R. 446(a)
13:44D	Public movers and warehousemen	20 N.J.R. 2364(a)		
13:44D	Public movers and warehousemen: public hearing and extension of comment period	20 N.J.R. 2681(a)		
13:45A-2	Motor vehicle advertising practices	21 N.J.R. 115(a)		
13:45A-11.1	Advertising and sale of new merchandise	20 N.J.R. 2247(a)		
13:45A-26	Automotive dispute resolution: Lemon Law implementation	20 N.J.R. 2681(b)	R.1989 d.65	21 N.J.R. 339(b)
13:45B-4, 5	Temporary help service firms; booking agencies	20 N.J.R. 2684(a)		
13:47-2.8	Legalized games of chance: organization ID numbers	21 N.J.R. 698(a)		
13:47-7.1	Bingo games	21 N.J.R. 698(b)		
13:47A-2.10	Investment advisory contracts: performance fee compensation	21 N.J.R. 12(a)		
13:47B	Commercial weighing and measuring devices	20 N.J.R. 2856(a)	R.1989 d.112	21 N.J.R. 446(b)
13:49	State Medical Examiner: standards and procedures	20 N.J.R. 2856(b)	R.1989 d.110	21 N.J.R. 447(a)
13:70-1.30	Thoroughbred racing: horsemen's associations and surplus funds	20 N.J.R. 2995(c)	R.1989 d.106	21 N.J.R. 451(a)
13:70-5	Thoroughbred racing: registration of colors	20 N.J.R. 2536(a)	R.1989 d.74	21 N.J.R. 344(a)
13:70-9.29	Thoroughbred racing: apprentice jockey weight allowance	20 N.J.R. 2996(a)	R.1989 d.108	21 N.J.R. 451(b)
13:70-9.30	Thoroughbred racing: apprentice jockey contracts	20 N.J.R. 2996(b)	R.1989 d.107	21 N.J.R. 451(c)
13:70-14.5	Thoroughbred racing: testing for illegal devices	20 N.J.R. 3114(b)	R.1989 d.155	21 N.J.R. 774(a)
13:71-1.25	Harness racing: horsemen's associations and surplus funds	20 N.J.R. 2997(a)	R.1989 d.109	21 N.J.R. 451(d)
3:75-1.7	Violent crimes compensation: prosecution of offender	20 N.J.R. 736(b)		
3:78	Advocacy fund for crime victims and witnesses	20 N.J.R. 2997(b)	R.1989 d.156	21 N.J.R. 774(b)

Most recent update to Title 13: TRANSMITTAL 1989-1 (supplement January 17, 1989)

PUBLIC UTILITIES—TITLE 14

4:3-7.14	Discontinuance of residential service to tenants	20 N.J.R. 1668(a)		
4:3-9.6	Solid waste: filing contracts for service (preproposal)	20 N.J.R. 1669(a)		
4:3-10.3, 10.5, 10.15	Solid waste: out-of-state solid waste collectors (preproposal)	20 N.J.R. 1669(c)		
4:3-10.15	Annual filing of customer lists by solid waste collectors: annual reports	20 N.J.R. 2629(a)		
4:3-10.20	Solid waste: itemized billing (preproposal)	20 N.J.R. 1670(a)		
4:3-10.21	Solid waste: violations, penalties (preproposal)	20 N.J.R. 1670(b)		
4:3-10.22	Solid waste: contracts (preproposal)	20 N.J.R. 1669(b)		
4:9-4.3	Solid waste: decals for vehicles (preproposal)	20 N.J.R. 1671(a)		
4:9-4.4	Solid waste: container identification (preproposal)	20 N.J.R. 1671(b)		
4:10-6	Telecommunications: Alternative Operator Service (AOS) providers	20 N.J.R. 3115(a)		
4:17	Office of Cable Television: practice and procedure	21 N.J.R. 440(a)		
4:18-14.6	Alteration of channel allocation: correction to text			21 N.J.R. 775(a)
4:18-15.1	Preproposal: Statewide cable TV access channel for educational and public affairs programming	20 N.J.R. 1063(a)		

Most recent update to Title 14: TRANSMITTAL 1988-2 (supplement December 19, 1988)

ENERGY—TITLE 14A

4A:14	Certificate of need for electrical facilities	20 N.J.R. 2188(b)	R.1989 d.124	21 N.J.R. 573(a)
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Most recent update to Title 14A: TRANSMITTAL 1988-3 (supplement November 21, 1988)

STATE—TITLE 15

5:2-2, 3	Preclearance of corporation documents and adoption of corporation name	20 N.J.R. 2998(a)	R.1989 d.89	21 N.J.R. 452(a)
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Most recent update to Title 15: TRANSMITTAL 1988-2 (supplement September 19, 1988)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
PUBLIC ADVOCATE—TITLE 15A				
Most recent update to Title 15A: TRANSMITTAL 1987-1 (supplement April 20, 1987)				
TRANSPORTATION—TITLE 16				
16:5-2.2, 3.1	Property acquisitions: appraisal: payments	21 N.J.R. 13(a)	R.1989 d.130	21 N.J.R. 637(b)
16:7-1.3	Auctions of buildings and excess land parcels	21 N.J.R. 13(b)	R.1989 d.131	21 N.J.R. 638(a)
16:20A-1.1, 1.3-1.5, 2.1, 2.2, 2.4, 3.1, 4.1-4.4, App. I, II	New Jersey Transportation Trust Fund: county and municipal aid	21 N.J.R. 623(a)		
16:20B-1.1-1.4, 2.1, 3.1, 3.2, 4.1-4.3, 5.1, App. I, II	New Jersey Transportation Trust Fund: municipal aid	21 N.J.R. 626(a)		
16:21-1.2, 3.1	State aid to counties and municipalities	20 N.J.R. 2999(a)	R.1989 d.71	21 N.J.R. 307(a)
16:21A-1.3, 3.1	State aid for bridge rehabilitation	20 N.J.R. 3000(a)	R.1989 d.70	21 N.J.R. 307(b)
16:22-1.3, 3.1	State aid for urban revitalization, special demonstration and emergency projects	20 N.J.R. 3000(b)	R.1989 d.69	21 N.J.R. 307(c)
16:26-3	Reimbursed highway safety lighting	21 N.J.R. 628(a)		
16:28-1.17	Speed limit zones along Route 147 in Cape May County	21 N.J.R. 119(a)	R.1989 d.178	21 N.J.R. 913(a)
16:28-1.25	Speed limit zones along Route 23 in Sussex County	21 N.J.R. 119(b)	R.1989 d.177	21 N.J.R. 913(b)
16:28-1.49	Speed limits on Route 35 in Monmouth County	21 N.J.R. 698(c)		
16:28-1.72, 1.75	Speed limit zones along U.S. 206 in Atlantic and Burlington counties, and Route 36 in Monmouth County	21 N.J.R. 435(a)		
16:28-1.76	Speed limit zones along Route 15 in Sussex County	21 N.J.R. 699(a)		
16:28-1.79	Speed limits along Route 94 in Sussex County	20 N.J.R. 3116(a)	R.1989 d.114	21 N.J.R. 453(a)
16:28A-1.18	No parking zones along Route 27 in South Brunswick and Franklin Township	21 N.J.R. 700(a)		
16:28A-1.19, 1.109	Restricted parking along Route 28 in Elizabeth, and no stopping or standing zones along Route 324 in Logan Township	21 N.J.R. 701(a)		
16:28A-1.20	Parking restrictions along Route 29 in Lambertville	20 N.J.R. 3001(a)	R.1989 d.76	21 N.J.R. 308(a)
16:28A-1.21, 1.51, 1.53, 1.68	Parking restrictions along U.S. 30 and Route 168 in Camden County, Route 179 in Lambertville, and Route 93 in Leonia	20 N.J.R. 3001(b)	R.1989 d.75	21 N.J.R. 308(b)
16:28A-1.31, 1.46	Bus stop zones along Route 45 in Mannington Township and U.S. 130 in Delran Township	21 N.J.R. 701(b)		
16:28A-1.53	Parking along Route 179 in Lambertville	20 N.J.R. 3117(a)	R.1989 d.115	21 N.J.R. 453(b)
16:28A-1.55	Time limit parking zones along U.S. 202 in Bernardsville	21 N.J.R. 436(a)		
16:28A-1.105	Bus stop zones along Route 54 in Atlantic County	21 N.J.R. 120(a)	R.1989 d.176	21 N.J.R. 914(a)
16:30-3.6	Exclusive bus and HOV lanes along Routes 3 and 495 into Manhattan	20 N.J.R. 737(b)		
16:30-9	Use restrictions on bridges along highway system	20 N.J.R. 3117(b)	R.1989 d.113	21 N.J.R. 453(c)
16:30-9.1	Use of Route 35 bridge over Manasquan River in Point Pleasant and Brielle	21 N.J.R. 437(a)		
16:31-1.11	Turn restrictions along Route 21 in Newark	20 N.J.R. 3120(a)	R.1989 d.116	21 N.J.R. 455(a)
16:31-1.26	No left turn from Route 27 in Metuchen	21 N.J.R. 702(a)		
16:41-2.4	Permits for highway access: correction to text			21 N.J.R. 775(b)
16:44-1.2	Classification of prospective bidders for department projects	20 N.J.R. 3004(a)	R.1989 d.88	21 N.J.R. 309(a)
16:49-1.3, 1.5, 1.6, 2.1, App.	Transportation of hazardous materials: intrastate shipments of combustible liquids	20 N.J.R. 3005(a)	R.1989 d.101	21 N.J.R. 456(a)
16:51-1.3, 1.4, 1.6, 3.1, 4.3-4.7	Practice and procedure before Office of Regulatory Affairs concerning autobus operations, companies, and services	20 N.J.R. 2635(b)	R.1989 d.144	21 N.J.R. 776(a)
16:53D	Regular route autobus carriers: zone of rate freedom	20 N.J.R. 2374(b)	R.1989 d.56	21 N.J.R. 310(a)
16:53D	Bus carrier zone of rate freedom	21 N.J.R. 703(a)		
19:25-11.10, 11.11, 16.34	Political communications and reporting of expenditures	21 N.J.R. 703(b)		
16:62-1.1, 1.2, 3.2, 3.5, 5.1, 9.1, 10.1	Land use within airport hazard areas	20 N.J.R. 3007(a)		
16:62-5.1, 9.1	Land uses within airport hazard areas: preproposal	20 N.J.R. 1534(a)		
16:76	NJ TRANSIT: private carrier capital improvement	20 N.J.R. 2638(b)	R.1989 d.73	21 N.J.R. 310(b)
16:77-1.1, 1.4, 1.5	NJ TRANSIT: fees charged to municipalities	21 N.J.R. 13(c)	R.1989 d.133	21 N.J.R. 688(b)
16:82	NJ TRANSIT: availability of public records	21 N.J.R. 284(b)		

Most recent update to Title 16: TRANSMITTAL 1989-1 (supplement January 17, 1989)**TREASURY-GENERAL—TITLE 17**

17:2-2.3	Public Employees' Retirement System: eligibility	21 N.J.R. 437(b)		
17:2-6.4	Public Employees' Retirement System: outstanding loans at retirement	21 N.J.R. 629(a)		
17:4-6.4	Police and Firemen's Retirement System: outstanding loans at retirement	21 N.J.R. 630(a)		
17:6-1.4	Consolidated Police and Firemen's Pension Fund: candidates for commission membership	21 N.J.R. 438(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
17:9-1.8	State Health Benefits Program: enrollment policy	20 N.J.R. 2863(a)	R.1989 d.126	21 N.J.R. 638(c)
17:20-5.3, 6.1, 8.1	Lottery Commission rules: corrections to text			21 N.J.R. 347(a)
17:20-8.1	Lottery vendors' code of ethics	21 N.J.R. 631(a)		
17:33	Catastrophic Illness in Children Relief Fund: surcharge collection	21 N.J.R. 121(a)		

Most recent update to Title 17: TRANSMITTAL 1989-1 (supplement January 17, 1989)

TREASURY-TAXATION—TITLE 18

18:3	Alcoholic Beverage Tax	21 N.J.R. 122(a)		
18:3-2.1	Alcoholic Beverage Tax rates: correction to text			21 N.J.R. 778(a)
18:5	Cigarette Tax	21 N.J.R. 123(a)		
18:6	Unfair Cigarette Sales Act rules	21 N.J.R. 124(a)		
18:6-7.13	Wholesaling of prepackaged cigarettes	20 N.J.R. 2192(b)	R.1989 d.84	21 N.J.R. 311(a)
18:7	Corporation Business Tax	21 N.J.R. 14(a)		
18:7-8.8	Corporation Business Tax: allocable receipts	21 N.J.R. 438(b)		
18:8	Financial Business Tax	21 N.J.R. 16(a)	R.1989 d.149	21 N.J.R. 778(b)
18:12-7.1, 7.12	Homestead tax rebate: extension of filing time	21 N.J.R. 16(b)	R.1989 d.146	21 N.J.R. 778(c)
18:15-2.15	Farmland assessment of woodland: filing of applications	21 N.J.R. 125(a)	R.1989 d.150	21 N.J.R. 779(a)
18:18	Motor Fuels Tax	21 N.J.R. 125(b)		
18:19	Motor fuels retail sales	21 N.J.R. 126(a)		
18:22	Public utility taxes	21 N.J.R. 17(a)	R.1989 d.148	21 N.J.R. 779(b)
18:23	Railroad Property Tax	21 N.J.R. 18(a)	R.1989 d.147	21 N.J.R. 779(c)
18:24-5.11	Fabricator/contractor sales and use tax liability	21 N.J.R. 439(a)		
18:26-2.5, 2.7, 5.9, 5.17, 5.19, 6.1, 6.2, 6.3, 7.10, 8.1, 8.6, 8.7, 8.12, 9.4, 9.10, 12.2, App. A	Transfer inheritance tax rules	20 N.J.R. 2193(a)	R.1989 d.85	21 N.J.R. 311(b)
18:26-32, 11.1, 12.11	Transfer inheritance and estate tax	21 N.J.R. 285(a)		
18:35-1.24	Gross income tax: investment fund distributions	20 N.J.R. 742(b)	R.1989 d.94	21 N.J.R. 457(a)

Most recent update to Title 18: TRANSMITTAL 1988-5 (supplement December 19, 1988)

TITLE 19—OTHER AGENCIES

19:8-1.1, 3.1	Tolls on Garden State Parkway	21 N.J.R. 127(a)	R.1989 d.182	21 N.J.R. 914(b)
19:8-1.1, 3.1	Tolls on Garden State Parkway: extension of comment period	21 N.J.R. 287(a)		
19:9-1.2	Speed limitation on constructor vehicles	20 N.J.R. 2864(b)	R.1989 d.60	21 N.J.R. 314(a)
19:25-1.7, 4.6, 6.1, 8.1, 9.8, 10.6, 10.8, 11.6, 11.8, 12.4, 15.14, 16.11	Election Law Enforcement: reporting and record keeping	20 N.J.R. 2640(a)	R.1989 d.99	21 N.J.R. 458(a)
19:25-1.7, 4.7, 8.3, 9.6, 10.4, 11.9, 12.2	Campaign reporting	20 N.J.R. 3009(a)	R.1989 d.100	21 N.J.R. 459(a)
19:25-11.10, 11.11, 16.34	Political communications and reporting of expenditures	21 N.J.R. 703(b)		
19:25-16.3, 16.6-16.12, 16.14, 16.18, 16.22, 16.30, 16.32, 16.34, 16.37-16.47	Public financing of gubernatorial primary: political communications of all candidates	Emergency (expires 5-5-89)	R.1989 d.181	21 N.J.R. 788(b)
19:25-16.30	Communication expenditures by non-gubernatorial candidates	21 N.J.R. 704(a)		
19:30-5.2	Vendor activities representing conflict of interest	21 N.J.R. 129(a)		
19:75	Atlantic County Transportation Authority: rules of operation	20 N.J.R. 1680(b)	R.1989 d.81	21 N.J.R. 314(c)

Most recent update to Title 19: TRANSMITTAL 1989-1 (supplement January 17, 1989)

TITLE 19 SUBTITLE K—CASINO CONTROL COMMISSION/CASINO REINVESTMENT DEVELOPMENT AUTHORITY

19:40-1.2	Junket activities and representatives	20 N.J.R. 2644(a)	R.1989 d.187	21 N.J.R. 933(b)
19:40-2	Access to information maintained by casino licensees	20 N.J.R. 1068(a)		
19:40-2	Access to information maintained by casino licensees: public hearing	20 N.J.R. 2049(b)		
19:41-7.2B	Reporting of proposed foreign gaming operations	21 N.J.R. 129(b)		
19:41-8.6	Withdrawal of application for licensure	21 N.J.R. 130(a)		
19:43	Casino service industries: qualification and licensure	21 N.J.R. 705(a)		
19:45-1.1, 1.15, 1.24, 1.24A, 1.24B	Wire transfers of funds	20 N.J.R. 3012(a)		
19:45-1.9	Junket activities and representatives	20 N.J.R. 2644(a)	R.1989 d.187	21 N.J.R. 933(b)
19:45-1.11A, 1.12	Jobs compendium information: assistant casino manager position	20 N.J.R. 3120(b)	R.1989 d.169	21 N.J.R. 780(a)
19:45-1.20	Marking baccarat vigorish	20 N.J.R. 2647(b)	R.1989 d.97	21 N.J.R. 460(a)
19:45-1.25	Verification of cash equivalents	20 N.J.R. 1789(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
19:45-1.37	Slot machines and bill changers: administrative correction			21 N.J.R. 933(a)
19:45-1.40B	Inspection of slot machine jackpots	20 N.J.R. 2648(a)	R.1989 d.72	21 N.J.R. 314(b)
19:46-1.7, 1.9	Roulette wheels	20 N.J.R. 2445(a)	R.1989 d.96	21 N.J.R. 461(a)
19:47-2.8	Late surrender blackjack wagers: 90-day experiment			21 N.J.R. 640(a)
19:47-2.15	Blackjack irregularities	20 N.J.R. 3014(a)		
19:47-3.3	Marking baccarat vigorish	20 N.J.R. 2647(b)	R.1989 d.97	21 N.J.R. 460(a)
19:47-5.6	Big Six: spin of wheel and wagers	21 N.J.R. 131(a)		
19:49-1.1, 1.2, 1.3, 2.1, 2.4, 3.1, 3.2, 3.3, 3.5, 3.6	Junket activities and representatives	20 N.J.R. 2644(a)	R.1989 d.187	21 N.J.R. 933(b)
19:49-3.1, 3.2, 3.3	Junket reporting requirements	20 N.J.R. 2648(b)		
19:52-1.3	Musical entertainment	20 N.J.R. 2649(a)		
19:53-1.16	Repeal procedural rule concerning affirmative action	21 N.J.R. 18(b)	R.1989 d.168	21 N.J.R. 781(a)
19:53-2	Set-aside goals for minority and women's business enterprises	20 N.J.R. 2446(a)	R.1989 d.167	21 N.J.R. 781(b)

Most recent update to Title 19K: TRANSMITTAL 1989-1 (supplement January 17, 1989)