

NEW JERSEY REGISTER



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BRENDAN T. BYRNE, Governor
George W. Lee, Assistant Secretary of State
G. Duncan Fletcher, Director of Administrative Procedure
John K. Barnes, Editor
Peter J. Gorman, Rules Analyst

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(a)

(Joint Adoption)

AGRICULTURE

THE SECRETARY

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Farmland Preservation Demonstration Project

The Departments of Environmental Protection and of Agriculture, pursuant to the authority of N.J.S.A. 4:1B-1 et seq. and acting jointly, have amended a rule concerning the farmland demonstration project designated as N.J.A.C. 7:1D-1.5, it being one of the rules known within the Department of Environmental Protection as Docket No. DEP 022-76-10 and cited as N.J.A.C. 7:1D-1 et seq., and within the Department of Agriculture as N.J.A.C. 2:85-1.1 et seq.

Full text of the rule, as amended, using only the Department of Environmental Protection's citation but also intending to include the Department of Agriculture's citation (that is, N.J.A.C. 2:85-1.5), follows (additions indicated in boldface thus):

7:1D-1.5 Type of land to be protected; **time and place of offerings**

(a) The intent of the Act is to preserve prime farmland; and, therefore, no more than 35 per cent in any single offer shall be on woodland, except in the case of cranberry bogs where the percentage of woodland included may be exceeded to the extent that the Department of Agriculture determines woodland as necessary for the cranberry production. No more than 20 per cent of the total lands to be protected via purchase of development easements may be woodland. No offer which represents less than 80 per cent of the total farm acreage of the particular parcel will be accepted.

(b) All offers must be made before August 1, 1977, after which time no further offers will be accepted. Offers will be accepted at the Department of Agriculture field office, 29 Main Street, Lumberton, New Jersey 08625 and at the office of the Secretary, Department of Agriculture, John Fitch Plaza, Trenton, New Jersey 08625.

An order adopting these amendments was filed and became effective on June 22, 1977, as R.1977 d.218 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revised Minimum Milk Prices

On June 6, 1977, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions concerning minimum milk prices which delete the current text of N.J.A.C. 2:53-1.1(b) and adopt new text therein.

Take notice that, the rule on minimum milk prices was previously cited as N.J.A.C. 2:49-1.1 but is currently cited as N.J.A.C. 2:53-1.1.

2:53-1.1(b) Effective July 1, 1977, minimum milk prices under Order 69-1 will be 39½ cents per quart, 74 cents per half-gallon and \$1.42 per gallon. This amendment shall be effective from and after July 1, 1977.

An order adopting these revisions was filed on June 8, 1977, as R.1977 d.204 (Exempt, Procedure Rule) to become effective on July 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revisions on Milk Handling Order

On June 14, 1977, Woodson W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-25 and

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(In this issue, Departmental Titles and prices are listed in back-page story.)

in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions concerning the handling of milk in various New Jersey marketing areas which deleted in its entirety the current text of N.J.A.C. 2:54-3.7 and adopted new text therein.

Full text of the revised rule follows:

2:54-3.7 Handling of milk in various New Jersey milk marketing areas; concurrent suspension to Federal Order No. 4

(a) In conformance with a memorandum of agreement with the United States Department of Agriculture and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the Director, Division of Dairy Industry, has considered a request for the suspension of certain provisions of the joint Federal-State milk marketing order, commonly designated as Federal Order No. 4. Notice of intent and opportunity to submit written data, views and oral arguments was distributed to all licensees affected thereby and published in the Federal Register at page 27106 of Volume 42, dated May 26, 1977.

(b) The Director, Division of Dairy Industry concurs with the findings and determinations of the United States Department of Agriculture as contained at pages 29848 ff. of Volume 42 of the Federal Register for June 10, 1977. Also, pursuant to the provisions of N.J.A.C. 15:15-5.3, the director hereby adopts by reference the aforesaid findings and determinations insofar as such findings pertain to the marketing of milk in the State of New Jersey under 7 CFR 1004, the same being commonly referred to as Federal Order No. 4.

(c) Now therefore, it is hereby ordered that so much of section 1004.7(a) of CFR 1004 that reads "not less than 50 per cent be suspended for the months of May, June, July and August, 1977.

An order adopting these revisions was filed on June 16, 1977, as R.1977 d.209 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

BANKING

THE COMMISSIONER

Proposed Rules on Unsuitability of Terms Or Denial of Alternative Financing

Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-54, proposes to adopt new rules concerning the unsuitability of the terms or the denial of alternative financing concerning secondary mortgage loans.

Full text of the proposed rules follows:

SUBCHAPTER 10. UNSUITABILITY OF THE TERMS OR THE DENIAL OF ALTERNATIVE FINANCING

3:18-10.1 General provisions

(a) No licensee shall make a secondary mortgage loan unless it has first obtained a signed statement by the borrower that the holder of every other existing mortgage on the real property offered as security for the secondary mortgage loan has either declined to make a

loan in the desired amount or that the terms offered are not acceptable to the borrower.

(b) No licensee shall make a secondary mortgage loan unless the signed statement required by N.J.S.A. 17:11A-46f(1) or (2) has attached thereto a copy of either the written denial to make a loan in the desired amount or the written offer or commitment which contains the terms which the borrower finds unacceptable, whichever is applicable.

Authority: N.J.S.A. 17:11A-54

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

Virginia Long
Commissioner
Department of Banking
36 West State Street
Trenton, N.J. 08625

The Department of Banking upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Virginia Long
Commissioner
Department of Banking

(b)

BANKING

THE COMMISSIONER

Notice of License Revocation

Take notice that Roger F. Wagner, Acting Commissioner of Banking, revoked the home repair contractor license of Ajax Construction Company, Inc. T/A Adam Construction, 631 Morris Avenue, Springfield, New Jersey 07081, on March 7, 1977.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 3 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF ADMINISTRATION AND OPERATIONS

Proposed Rules on Home Mortgage Disclosures

Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:16F-11, proposes to adopt new rules, to be cited as N.J.A.C. 3:1-9.1 et seq. if adopted, concerning home mortgage disclosures.

Take notice that, the Department of Banking has withdrawn the proposed rules on the disclosure and anti-discrimination provisions of P.L. 1977, c. 1 and these new proposed rules are intended to replace those previously proposed April 7, 1977, at 9 N.J.R. 159(b).

The proposed new rules concern authority, scope, enforcement, exemptions, definitions, compilation of mortgage and home improvement loan data, a loan disclosure statement data form for loans in New Jersey SMSA or approved counties, mortgage and home improvement loan disclosure data for out-of-State forms, disclosure to the public, filing requirements, processing fee, violation of the Act, powers of the Commissioner, cease and desist orders, grounds, contents, hearings, service, hearing presiding officers, hearing officer's powers, hearing procedures, report of hearing officer, exceptions to report of hearing officer, decision by the Commissioner, continued violation of the Act, penalties, notice of hearing, content of notice of hearing and the Administrative Procedure Act.

Copies of the 18 pages of the full text of the proposed rules may be obtained from or made available for review by contacting:

Clifford F. Blaze
Deputy Commissioner
Administration and Operations
Department of Banking
36 West State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 7, 1977, to the Department of Banking at the above address.

The Department of Banking, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Virginia Long
Commissioner
Department of Banking

(a)

BANKING

THE COMMISSIONER

Revisions on Limitations and Excludable Loans

On June 20, 1977, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-168 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 3:27-5.1 and 3:27-5.3 concerning limitations and excludable loans regarding real estate loans and investments, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 207(a).

An order adopting these revisions was filed and became effective on June 22, 1977, as R.1977 d.220.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Repeal Rules on Solicitation of Business

On June 15, 1977, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-21, the hold-

ing in the cases of Approved Finance Company, et als v. Schaub, et al and Majestic Finance and Discount Corporation, et als v. Schaub, et al, S. Ct. 1976, Docket No. A-108/109, and in accordance with applicable provisions of the Administrative Procedure Act, repealed the current text of N.J.A.C. 3:18-6.1 through 3:18-6.3, concerning solicitation of business and reserving those sections for future use.

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

**SUBCHAPTER 6. [SOLICITATION OF BUSINESS]
(Reserved)**

3:18-6.1 [Solicitation of business for another lender prohibited] (Reserved)

[A licensee is hereby prohibited from soliciting secondary mortgage loans for and on behalf of some other lender and any such solicitation of secondary mortgage loans by a licensee shall be deemed to be in violation of N.J.S.A. 17:11A-46k.]

3:18-6.2 [Definitions] (Reserved)

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

"Lender" means and includes a secondary mortgage loan licensee or any in or out-of-State bank or other financial institution which, by prior agreement and in the normal course of business, acquires individual secondary mortgage loans which have been solicited by a licensee.

"Solicit" means and includes any and all types of advertising or any other form of communication with prospective borrowers which results in the origination of secondary mortgage loans in the name of a licensee which, by prior agreement and in the normal course of business, are subsequently negotiated to a lender.]

3:18-6.3 [Exemption for bulk assignment] (Reserved)

[The provisions of N.J.A.C. 3:18-6.1 shall not apply to the bulk assignment of any or all of a licensee's secondary mortgage loan portfolio as collateral security for a bona fide commercial loan.]

An order repealing these rules was filed and became effective on June 22, 1977, as R.1977 d.221 (Exempt, Mandatory Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Revisions on Order of Layoff or Demotion

S. Howard Woodson Jr., President of the New Jersey Civil Service Commission, pursuant to authority of N.J. S.A. 11:5-1 et seq., proposes to revise N.J.A.C. 4:1-16.3 concerning the order of layoffs or demotions.

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

4:1-16.3 Order of layoff or demotion

(a) Whenever there are two or more permanent employees in the class from which layoff or demotion in lieu of layoff is to be made, employees in that class with an unsatisfactory performance rating for the 12 month period immediately preceding the layoff or demotion shall be the first laid off or demoted.

(b) Layoff or demotion for all other employees in that class shall be [in the inverse order of performance ratings provided that:] as follows:

[1. In computing the performance ratings to determine the order of layoff or demotion, seniority credits to the extent of one point for each of the past five years of service and one-half point for each additional year of service up to ten years shall be added to the average rating for the year preceding the date of layoff or demotion;]

[2.] 1. [In the absence of an approved system of performance ratings by the Department of Civil Service,] Layoff or demotion of permanent employees shall be in the order of seniority in the class, the person or persons last appointed will be the first laid off or demoted.

[(c)] 2. In all cases where there are employees who are veterans, a disabled veteran or a veteran shall be retained in that order, [regardless of his performance rating] in preference to a non-veteran having equal seniority in his or her class.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

Joseph Lavery
Chief, Hearings and Regulations
Department of Civil Service
201 East State St.
Trenton, N.J. 08625

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

S. Howard Woodson Jr.
President, Civil Service Commission
Department of Civil Service

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Revisions on Verification of Sick Leave

S. Howard Woodson Jr., President of the New Jersey Civil Service Commission, pursuant to authority of N.J. S.A. 11:5-1 et seq., proposes to adopt revisions to N.J.A.C. 4:1-17.18 concerning the verification of sick leave.

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

4:1-17.18 Verification of sick leave

(a) An employee who has been [shall be] absent on sick leave for five or more consecutive work days may [shall] be required to submit acceptable medical evidence substantiating the illness:

1. An employee who has been absent on sick leave for periods totaling more than 15 [ten] days in one calendar year consisting of periods of less than five days shall have his or her sick leave record reviewed

by the respective appointing authority and thereafter may be required to submit acceptable medical evidence for any additional sick leave in that year. In cases where an illness is of a chronic or recurring nature causing recurring absences of one day or less, only one submission of such proof shall be necessary for a period of six months. [Shall submit acceptable evidence for any additional sick leave in that year unless such illness is of a chronic or recurring nature requiring recurring absences of one day or less in which case only one certificate shall be necessary for a period of six months.]

(2) The appointing authority may require proof of illness of an employee on sick leave, whenever such requirement appears reasonable. Abuse of sick leave shall be cause for disciplinary action.

(b) In case of leave of absence due to exposure to contagious disease a certification from the Department of Health shall be required.

(c) In the case of death in the immediate family, reasonable proof shall be required.

(d) The appointing authority may require an employee who has been absent because of personal illness, as a condition of his return to duty, to be examined, at the expense of the agency, by a physician designated by the appointing authority. Such examination shall establish whether the employee is capable of performing his normal duties and that his return will not jeopardize the health of other employees.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

Joseph Lavery
Chief, Hearings and Regulations
Department of Civil Service
201 East State St.
Trenton, N.J. 08625

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

S. Howard Woodson Jr.
President, Civil Service Commission
Department of Civil Service

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revised Rules on Awards Programs

On May 27, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subparts 22-1.101 through 22-1.106 in the Civil Service Personnel Manual (State Service) concerning awards programs.

The revisions concern awards programs established, administration and organization of the awards program, awards for suggestions, awards for heroism, awards for professional accomplishment, and awards for service.

Copies of the 22 pages of full text of the revised rules may be obtained from or made available for review by contacting:

Joseph Lavery
Chief, Hearings and Regulations
Department of Civil Service
201 East State Street
Trenton, New Jersey 08625

An order adopting these revisions was filed on June 6, 1977, as R.1977 d.201 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manuals On Convention Leave with Pay

On May 27, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subpart 17-4.101 in both the Civil Service State Service and Local Jurisdictions Personnel Manuals concerning convention leave with pay.

The revised text, as it now appears in both manuals, follows:

PART 17-4 CONVENTION LEAVE WITH PAY

Subpart 17-4.101 Leave of Absence to Attend State or National Conventions

17-4.101 Subject:

This subpart describes the regulations of the Department of Civil Service governing the granting and use of leaves of absence to attend State and national conventions pursuant to N.J.S.A. 38:23-2.

17-4.101b Procedure:

1. Every employee, upon request, shall be granted a leave of absence with pay for an aggregate period not to exceed five days in any calendar year, for the purpose of traveling to and from and attending, as a duly authorized representative, any State or national convention of any one or more of the following organizations:

American Gold Star Mothers
American Legion
American Legion Auxiliary
American Veterans World War II
Army and Air National Guard Association of New Jersey
Army and Navy Legion of Valor
Blind Veterans Association of New Jersey
Catholic War Veterans of the United States
Council of State Employees
Disabled American Veterans Auxiliary
Disabled American Veterans of the World Wars
Grand Army of the Republic
Indian War Veterans
Italian American War Veterans of the United States,
Incorporated
Jewish War Veterans of the United States
Ladies Auxiliary, American Legion

Ladies Auxiliary, Department of New Jersey, Jewish War Veterans of the U.S.A.
Ladies Auxiliary, Italian American War Veterans of the United States, Incorporated
Ladies Auxiliary of New Jersey State Department, Catholic War Veterans
Ladies Auxiliary, Polish Legion of American Veterans
Ladies Auxiliaries of Veterans of Foreign Wars
Ladies Auxiliary, Veterans of World War I of the U.S.A.
Marine Corps League of the United States
National Guard Association of the United States
Navy League
New Jersey Civil Service Association
New Jersey Firemen's Association
New Jersey State Exempt Firemen's Association
Polish Legion of American Veterans
Polish Legion of American Veterans, Ladies Auxiliary
Reserve Officers Association of the United States
369th Veterans Association, Incorporated
Twenty-Ninth Division Association
United Spanish-American War Veterans
United States Coast Guard Auxiliary
Veterans of Foreign Wars
Veterans of World War I of the United States of America
War Veteran Public Employees Association
Women's Overseas Service League

2. Written notice from the appropriate organization, indicating that the employee is a duly authorized delegate shall be submitted to the appointing authority prior to the convention.

A certificate of attendance shall be submitted to the appointing authority after the convention indicating the delegate's attendance.

An order adopting the revisions to the State Service Personnel Manual was filed on June 6, 1977, as R.1977 d.202 (Exempt, Procedure Rule). An order adopting the revisions to the Local Jurisdictions Personnel Manual was filed on June 6, 1977, as R.1977 d.203 (Exempt, Procedure Rule).

Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Notice of Status of Proposed Revisions To Uniform Construction Code

Take notice that, the proposed revisions to the Uniform Construction Code published April 7, 1977, at 9 N.J.R. 164(a) will not become effective on July 1, 1977, as was indicated in that Notice of Proposal.

The Department of Community Affairs is still considering this proposed action and may adopt such revisions at a later date.

This Notice is published as a matter of public information.
G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS CONSTRUCTION CODE ENFORCEMENT OFFICE

Notice Concerning Applications for Electrical Inspectors License Examination

Take notice that, the Department of Community Affairs has issued the following Notice regarding applications for the New Jersey State Electrical Inspectors License Examination:

Applications are being accepted by the Department of Community Affairs, Construction Code Enforcement Office, from electricians who desire to take the New Jersey State Electrical Inspectors examination.

Persons meeting the general requirements of the above New Jersey statute may forward examination applications to:

Department of Community Affairs
Construction Code Enforcement Office
Training and Certification
363 West State Street
Trenton, New Jersey 08625
(609) 292-6364

Closing date for receipt of applications is July 20, 1977 and all applicants may request applications for this examination by writing or phoning the above address. (An applicant for the examination shall have been employed or engaged in the business of electrical construction and installation or have equivalent practical experience equating to a period of not less than seven years preceding the time of such application or shall otherwise establish that he has the necessary education-background and experience to qualify him to take the examination for a license.)

It is projected that the examination will be held in July or August, 1977. The Department will notify all qualified candidates of the exact time, date and location for the examination.

A license issued as a result of this examination announcement will be effective until January 1, 1978. It is anticipated that the Department's training and certification regulations will become effective prior to that date.

This Notice is published only as a matter of public information, is not subject to codification and will not appear in Title 5 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION STATE BOARD OF EDUCATION

Proposed Revisions on School And Classroom Practices

The State Board of Education, pursuant to authority of N.J.S.A. 18A:36-20, proposes to revise portions of N.J.A.C. 6:4-1.5 concerning school and classroom practices.

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

6:4-1.5 (d) Public school students shall not be segregated on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

1. A local school district shall provide for separate restroom, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

(e) No course [offering], including but not limited to physical education, health, industrial arts, business, vocational or technical courses, home economics, music and adult education shall be [limited] offered separately on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

1. Portions of classes which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls, provided that the course content for such separately conducted sessions is the same.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

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

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

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

(c)

EDUCATION STATE BOARD OF EDUCATION

Proposed Revisions on Final Plans Approval

The State Board of Education, pursuant to authority of N.J.S.A. 18A:18-2, proposes to revise certain rules concerning final plans approvals.

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

6:22-2.5(e) The Commissioner of Education or his designee is charged by the State Board of Education with the responsibility for granting approval of plans and specifications, addenda, change orders, and bids for all public school capital improvements as well as inspecting partially completed and completed projects and issuing occupancy permits when such work is found to be in compliance with the "Guide for Schoolhouse Planning and Construction". The Commissioner shall make quarterly reports to the State Board of Education regarding public construction in New Jersey.

6:22-3.27 Final plans: approval [recommended]

If the final plans and specifications are found to comply with the rules and regulations as set forth in the Guide for Schoolhouse Planning and Construction, the architect, the local chief school administrator, [superintendent] the board of education, and the county superintendent of schools [are] shall be so advised [that approval of the same has been recommended to the State Board of Education].

6:22-3.28 [Final plans formal approval] (Reserved)

[Formal approval of the final plans and specifications is made by the State Board of Education at its regular monthly meeting and official notice of such approval is sent to the local board of education, the architect, and the county superintendent.]

6:22-7.6(c) When the plans and specifications have been reviewed and approval has been granted [by the State Board of Education], formal notice will be sent to the architects, local chief school administrator, county superintendent of schools and the board of education advising of the approval.

1. One set of the plans and specifications will be retained by the State Department of Education, and the duplicate set, stamped with the State Board of Education's seal of approval, including the official notice of approval signed by the [President and] Secretary of the State Board, will be forwarded to the secretary of the local board of education. A copy of the official notice of approval signed by the Secretary of the State Board will be forwarded to the architect, local chief school administrator and the county superintendent of schools.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions on Testing for Tuberculosis

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

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

6:29-4.2 Testing for tuberculosis

(a) The following are rules of the State Department

of Education concerning testing for tuberculosis infection by school districts for implementation of N.J.S.A. 18A:16-2 and 40-16. [which reads as follows: "The Board of Education of every school district shall periodically determine or cause to be determined the presence or absence of active or communicable tuberculosis in any or all pupils in public schools, and, with respect to frequency, procedure and selection of pupils, shall comply with rules and regulations of the State Board of Education":]

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

2. Intradermal tuberculin test rules include:

i. An intradermal tuberculin test shall be given to the following pupils enrolled in elementary and secondary schools, and in the New Jersey School for the Deaf. (These are minimum requirements.)

(1) All pupils in the eighth grade;

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

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

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

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

3. Rules concerning the Mantoux test include:

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

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

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

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

4. Rules concerning chest X-ray[s] include:

i. A chest X-ray shall be administered to:

(1) All pupils who are positive reactors to an intradermal tuberculin test as defined in paragraph 3. ii. and iii. of this subsection.

(2) All pupils exempted from the tuberculin test by paragraph 2.ii. of this subsection at the time a tuberculin test would otherwise be done.

ii. All pupils required to have a chest X-ray shall be

referred to their family physician or other medical facility for the necessary medical examination, which must include a chest X-ray. If the family physician's report is not received by the school physician within four weeks, or if the school physician does not agree with the family physician's findings, the pupil shall have a chest X-ray examination in the manner prescribed by the school district.

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

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

5. Rules concerning employees include:

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

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

iii. All positive tuberculin reactors ([Mantoux confirmed,] as defined in paragraph 3.ii. and iii. of this subsection) shall be required to have [a] an initial chest X-ray. If the chest X-ray is negative for evidence of [active] tuberculosis, the employee shall be strongly urged to take preventive treatment with isoniazid (INH) for one year. [If unable or unwilling to do so, or if failing to complete the year of chemoprophylaxis, the employee shall be required to have an annual chest X-ray.] An employee documented as a positive tuberculin reactor, whose initial chest X-ray was negative for evidence of tuberculosis, requires no further chest X-ray.

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

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

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

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

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

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Rule on Minimum Levels of Pupil Proficiency

On June 1, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:7A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning the minimum levels of pupil proficiency.

Full text of the adopted rule follows:

6:39-1.4 Minimum levels of pupil proficiency

(a) The State Board of Education, after consultation with the Commissioner, shall establish uniform statewide standards of pupil proficiency in basic communication and computational skills on the statewide assessment instruments pursuant to N.J.S.A. 18A:7A-6.

(b) For those grades not administered the statewide assessment instruments, the Department of Education shall establish equivalent standards of pupil proficiency on tests which measure performance in basic communication and computational skills and meet State criteria.

(c) All pupils performing below the established minimum levels of pupil proficiency in basic communication skills, as determined under N.J.A.C. 6:39-1.4(a) and (b), shall be provided appropriate instructional services according to the district's basic skills improvement plan, pursuant to N.J.S.A. 18A:7A-6, with the following exceptions:

1. The needs assessment conducted pursuant to N.J.A.C. 6:8-3.4(a) clearly demonstrates such enrollment is unnecessary; or

2. The needs assessment conducted pursuant to N.J.A.C. 6:8-3.4(a) clearly demonstrates enrollment of a pupil above minimum levels of pupil proficiency is necessary.

An order adopting this rule was filed and became effective on June 1, 1977, as R.1977 d.198 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions on Thorough and Efficient System of Free Public Schools

On June 1, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:7A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions to several rules concerning the thorough and efficient system of free public schools.

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

6:8-1.1 Words and phrases defined

(Editor's Note: The following definitions are to be inserted alphabetically within the current text in N.J.A.C. 6:8-1.1. The existing text of that Section is not changed by this adoption.)

"Minimum levels of pupil proficiency" means standards established pursuant to N.J.S.A. 18A:7A-6 in grades where Statewide testing takes place; and State approved uniform levels of achievement in grades where State testing does not take place.

"Preventive program" means programs designed to prevent regression in the basic areas of communication and computational skills.

"Regular school program" means curriculum content and materials, instructional activities, services and staff training designed to address the learning needs of all students adopted annually by each district board of education funded by local resources and State equalization aid.

"Remedial program" means programs designed to improve the level of pupil proficiency in the basic areas of communication and computational skills.

"Supplemental program for State compensatory education" means instructional or related services provided over and above the regular school program which are funded in whole or in part by State compensatory education funds.

6:8-3.4(a) Pupil needs shall be assessed by teaching staff members to determine pupil attainment of educational objectives. Procedures for such assessment shall include but not be limited to teacher observation, parental or guardian interview, formal and informal evaluation techniques, cumulative pupil records, student performance data collected through local testing programs which meet State criteria, [and] State testing results and visual, auditory, and/or medical examination. Pupil identification required by N.J.A.C. 6:8-3.8 (Pupil minimum proficiency levels and preventive and remedial programs in communication and computational skills) shall be determined as part of this assessment of pupil needs.

6:8-3.8 Pupil minimum proficiency levels and preventive and remedial programs in communication and computational skills

[(a) The district board of education, after consultation with the chief school administrator and teaching staff members, shall establish reasonable pupil minimum pro-

ficiency levels in the basic communication and computational skills.]

[(b)] (a) Each pupil shall be assessed, upon entrance into the educational system and annually thereafter, to identify pupils not meeting minimum proficiency levels. Such assessment shall be part of the total assessment procedure set forth in Section 4 of this Subchapter. In instances of student transfers, assessment records shall be forwarded from the previous school or district to the school or district in which the student is newly enrolled.

[(c)] (b) Preventive and remedial programs, supplemental to the regular school program, shall be established. Application for and approval of [these] State compensatory education programs shall [include] be based upon the following:

1. [Programs to assist those] Enrollment of all pupils [(defined as a "State compensatory education pupil") performing below the established minimum levels of pupil proficiency in the basic areas of communication and computational skills] who have academic, social, economic, or environmental needs that prevent them from succeeding in the regular school program in appropriate preventive or remedial programs up to eligibility levels determined by the Department of Education, based upon the severity of academic need as measured by student performance on the Statewide assessment instruments and those students provided for in N.J.A.C. 6:39-1.4(b), and based upon the severity of socio-economic need as measured by appropriate income and related indicators, and, documented by the needs assessment conducted pursuant to N.J.A.C. 6:8-3.4(a);

2. Procedures for the screening of currently and newly enrolled pupils in order to determine whether or not they should be enrolled in preventive [and] or remedial programs. These procedures should include those diagnostic measures which [could be] are used to predict the relevant learning difficulties and needs;

3. Instructional and related activities and services, supplemental to the regular school program [to meet] and based upon identified priority pupil needs;

4. Procedures to provide [O]n-going communication between teaching staff members and parents or guardians of [compensatory] pupils participating in State compensatory preventive and remedial [educational] programs;

5. Evaluation procedures which measure [compensatory] pupil [achievement] gains in basic skills proficiency related to preventive and remedial [educational] program objectives and standards and to Statewide standards in communication and computational skills;

6. Evaluation of the effectiveness of State compensatory preventive and remedial educational programs in terms of pupil gains in basic skills proficiency and other relevant indicators;

7. A detailed budget explaining expenditures for administration, instructional, paraprofessional and clerical personnel, instructional materials and supplies, equipment, attendance, staff training, health and community services;

8. Assurance of maintenance of effort in the provision of the regular school program.

(c) Annually, on or before August 15, the Commissioner shall determine which applications for compensatory education programs are approved and so notify each local board of education.

(d) State compensatory education funds shall be calculated and distributed in accordance with N.J.S.A. 18A:7A-17 and N.J.S.A. 18A:7A-20, on the basis of actual enrollment in approved programs as of the last school day of September.

[(d)] (e) As part of the annual district and school classification procedure, the State Department of Education shall monitor the district board of education's [pupil minimum proficiency levels] programs and the rate of pupil growth in achievement with particular attention to services and preventive and remedial educational programs for the basic communication and computational skills.

[(e)] (f) The Department of Education shall conduct studies and evaluate findings biennially after the effective date of this Chapter in order to report the status of progress toward the attainment of pupil minimum proficiency levels [established by the district board of education] in basic communication and computational skills.

An order adopting these revisions was filed and became effective on June 1, 1977, as R.1977 d.199 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions Designating Pine Barrens as a Critical Area Regarding Installation of Sewerage

Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 58:11-23 et seq., proposes to revise the rules designating certain regions of the Pine Barrens within Atlantic, Burlington, Camden and Ocean Counties as a critical area regarding the installation of sewerage facilities.

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

7:9-10.1 The critical area

(a) The critical area for sewerage purposes shall include all those areas in Monmouth, Ocean, Atlantic and Cape May Counties, and those portions of Burlington County adjoining the Mullica River and its tributaries, lying between any tidal waterway and elevation ten feet above the mean sea level datum of 1929.

(b) The critical area for sewerage purposes shall also include the Pine Barrens area which is defined as:

1. The Mullica River and all tributaries upstream from head of tide;
2. The Cedar Creek and tributaries upstream from head of tide;
3. All fresh waters west of the Garden State Parkway bounded by the Mullica River and Cedar Creek watersheds;
4. The Toms River Watershed:
 - i. Davenport Branch and tributaries upstream from Route 530;
 - ii. Michael's Branch and tributaries upstream from the east crossing of Penn Central Railroad.
5. The Rancocas Creek Watershed:
 - i. South Branch Rancocas and tributaries upstream from Route 206;
 - ii. Jade Run and tributaries upstream from Route 206.

7:9-10.2 Definitions

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

"Approved sewerage system" means a sanitary sewer system which has been approved by the [State] Department [of Environmental Protection] pursuant to Title 58 of the Revised Statutes, or any other law.

"Approved water supply system" means a ground and/or surface water supply system which has been approved by the Department pursuant to Title 58 of the Revised Statutes or any other law.

"Department" means the Department of Environmental Protection.

"Person" means and shall include corporations, companies, associations, societies, firms, partnerships and joint stock companies, as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

"Realty improvement" means any proposed residence or other building, the useful occupancy of which will require the installation or erection of a water supply system or sewerage facilities, other than one which is to be served by an approved water supply and an approved sewerage system.

7:9-10.3 Building permits and construction

No building permit for the construction of a realty improvement in [the] a critical area shall hereafter be issued by any municipality or other authority nor shall any person begin the construction or site preparation of any realty improvement within [the] a critical area until the Department shall have reviewed and approved the proposed sewerage facilities.

7:9-10.4 Department approval

(a) No person shall hereafter construct or install sewerage facilities in a realty improvement in [the] a critical area until approval has first been obtained in writing from the [State] Department [of Environmental Protection].

(b) In reviewing plans for such systems and in determining conditions under which such plans may be approved, the Department (of Environmental Protection) shall require strict compliance with the "Standards for the Construction of Sewerage Facilities for Realty Improvements" promulgated pursuant to the authority of the "Realty Improvement Sewerage and Facilities Act (1954)", N.J.S.A. 58:11-23 et seq. [, and]

(c) The Department [may] shall also consider such other factors which affect, or may tend to affect, the safe and proper operation of sewerage facilities, including but not limited to:

1. The impact of such sewerage facilities on groundwater quality;
2. Soil conditions;
3. Groundwater table levels;
4. Population densities and the densities appropriate for sewerage facilities; and,
5. Projected growth trends.

7:9-10.5 Covering of system

No person shall hereafter cover from view a septic tank, tile field, seepage pit or system or structure designed to provide sewerage facilities to any realty improvement in [the] a critical area until approval has first been obtained from the [State] Department [of Environmental Protection].

7:9-10.6 Filled lands

Compliance with the "Standards for the Construction of Sewerage Facilities for Realty Improvements" for land upon which fill has been placed or will be placed shall be determined, to the extent the Department deems practicable, on the basis of compliance with those standards in the ground over which the fill has been placed or will be placed.

7:9-10.7 Sewage treatment facilities

(a) Sewage treatment facilities proposed to be constructed in [the] a critical area and discharging into surface and/or ground waters shall conform to the design prescribed for all such facilities in this State under existing law and regulations promulgated thereunder.

(b) In reviewing plans for such facilities and in determining conditions under which such plans may be approved, the Department [of Environmental Protection] shall give due consideration to:

1. Community development of comprehensive regional facilities in order to be assured insofar as practicable that all proposed sewerage works shall conform to reasonable contemplated development of comprehensive community or regional sewerage facilities in accordance with N.J.S.A. [58:21-3] 58:12-3; and

2. The information, data and recommendations contained within areawide water quality management plans, and interim outputs thereto, prepared and adopted pursuant to Section 208 of the "Federal Water Pollution Control Act Amendments of 1972".

7:9-10.8 Local ordinances

Local ordinances establishing requirements for sewerage facilities more stringent than those contained in the "Standards for the Construction of Sewerage Facilities for Realty Improvements" shall not be superseded by these regulations and may be enforced by the appropriate local officials.

A public hearing respecting the proposed action will be held on July 28, 1977, at 10:00 A.M. at the Mercer County Community College, 1200 Old Trenton Road, Trenton, New Jersey, in Room AV-107. Interested persons may present oral statements at that hearing.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before September 26, 1977, to:

Donald A. Brown
Office of Regulatory Affairs
Division of Water Resources
P.O. Box 2809
Trenton, N.J. 08625

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

Rocco D. Ricci
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Green Acres Local Grant Program

Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:8A-35.19(c), proposes to adopt new rules, known within the Department of Environmental Protection as Docket No. DEP 033-77-06, concerning the local grant provisions governing the acquisition and development of open space for recreation and conservation uses.

Full text of the proposed new rules follows:

CHAPTER 36. GREEN ACRES GRANT PROGRAM

SUBCHAPTER 1. PRIORITIES AND OBJECTIVES

7:36-1.1 Introduction

(a) The New Jersey Green Acres and Recreational Opportunities Program, administered by the Department of Environmental Protection (DEP), increases the public use and enjoyment of permanent outdoor recreational areas.

(b) The local assistance portions of the 1974 program make State funds available for development of outdoor recreation facilities and for acquisition of open space lands.

7:36-1.2 Eligible applicants

(a) Any municipality or county of the State of New Jersey, or any agency thereof authorized to acquire, administer, protect, develop and maintain lands for recreation and conservation purposes is eligible to make application under the program. Any such agency will hereafter be referred to as the "local unit".

(b) School boards, parking authorities, housing authorities and similar public agencies without primary recreation or conservation responsibilities are not eligible for direct Green Acres assistance.

(c) An open space project that complements a non-eligible agency's program may be approved under the Green Acres program if such open space project is sponsored by an eligible county or municipal government (for example, outdoor recreation area adjacent to municipal building).

(d) A Green Acres project may be prepared with the assistance of various local agencies such as the park and recreation commission, the planning board, or the environmental commission. However, an application must be submitted as an official action of the local unit.

7:36-1.3 Basis of Green Acres grants

(a) DEP makes local assistance matching grants in amounts up to 50 per cent of the total allowable cost.

1. Development project limits are set at the time the project is approved and are based on an engineer's cost estimate.

2. Acquisition project limits are set when the project is approved, and are based on the documented fair market value of the land to be acquired.

(b) A local unit may use as its matching share any other source of funding which may be available from a private agency, group or foundation or from a State or

Federal program as well as local capital funds, bond revenues, surpluses or specific appropriations.

(c) In submitting an application for development or acquisition funding, a local unit must consider the financial impact of operating, maintaining, policing and protecting the site.

7:36-1.4 Procedures

(a) In both the local acquisition and development programs four basic steps will be followed in grant procedures:

1. The local unit shall submit a written proposal for a project and meet with the Green Acres staff concerning the specifics of the particular grant application.

2. Upon completion of detailed information, a formal application shall be submitted to DEP for review. A notice of receipt shall be sent to other State, county and municipal officials.

3. At the time of official DEP approval, a contractual agreement between the State and the local unit will be executed covering, among other items, the following:

- i. Grant amount;
- ii. Time period;
- iii. Project scope.

4. State funds will be released to the local unit upon successful completion of the entire project, or, on an interim basis, when either a specific construction phase is completed or when a specific parcel has been acquired.

(b) DEP shall prepare a procedural guide and make it available to all local units.

(c) DEP shall annually solicit program interest from local units according to the following schedule:

1. October: DEP shall request identification of potential Green Acres applications from county and municipal governments.

2. February: Local units shall respond, advising DEP of any Green Acres participation interests for the calendar year.

3. March: Priority lists and funding schedule will be developed by DEP to be used as guides in the disbursement of grant funds.

7:36-1.5 Priorities

(a) When a local unit submits more than one request for funding, a priority ranking for the applications shall be established by the applicant. DEP shall weigh all applications in an effort to distribute funds equitably, and to meet open space demands.

(b) Funding of lower priority applications will not be approved until significant progress on the project already approved has been demonstrated by the local unit.

1. Significant progress in a development project is defined as:

- i. Certification of plans and specifications by a qualified engineer within 150 days after the project approval date;
- ii. Advertisement for bids within 180 days after project approval date.

2. Significant progress in an acquisition project is defined as:

i. Entering into a purchase agreement or instituting condemnation proceedings within 150 days after project approval date;

ii. Establishing a firm date of closing within 12 months after project approval date.

7:36-1.6 Definitions

(a) "Permanent" is defined as follows:

1. A development project which has a minimum 25 year usable life expectancy;

2. An acquisition project which is used for public recreation and conservation in perpetuity.

(b) "Development project" is defined as follows:

1. A single recreation development on one site;
2. Several types of recreation development on one site;
3. Development of several sites for similar activities (such as neighborhood swimming pools, tennis courts).

(c) "Acquisition project" is defined as follows:

1. A single parcel of land;

2. Several parcels of land that form a contiguous public recreation or conservation open space area.

3. Several noncontiguous sites acquired for a single purpose (such as interior exceptions to one park area, interior exceptions to different park areas, areas to improve access to existing parks).

7:36-1.7 General program criteria

(a) Decisions on applications reflect the extent to which applications meet the following criteria:

1. Serve multiple recreation and conservation purposes, (for example, active and passive recreation, water reserves, cultural or ecological interpretation and information).

2. Serve recreation needs of a wide variety of citizens and provide for the special needs of groups such as handicapped, elderly, disadvantaged and/or low income families and individuals.

3. Consider access to the public by economical and energy-conserving means such as public transit (existing or to be established), pedestrian or bicycle access.

4. Meet the most critical and under-supplied recreation needs as defined in the State Comprehensive Outdoor Recreation Plan (for example, outdoor games and sports facilities, bicycle trails, picnic areas, and boating facilities).

5. Combine with other public facilities (for example, adjacent to business district renewals, publicly assisted housing, schools or other county or municipal buildings, or utility easements).

6. Represents a regional program of joint municipal or county/municipal efforts.

7. Include active public participation in the planning phase.

8. Evidence construction readiness.

9. Enhance, preserve or restore unique natural areas or land types.

10. Acquire development rights, life estates, remainder interests, conservation easements, or other less than fee simple interest.

(b) No minimum or maximum acreage restrictions are placed on lands to be acquired or developed.

(c) No established minimum or maximum dollar grants are set.

(d) Each project must:

1. Be a logical conservation and or recreation unit;
2. Be accomplished within a specific time;
3. Provide a net increase in outdoor recreation/conservation activity.

7:36-1.8 General policy statements

(a) Prior to consideration for a DEP Green Acres grant, the local unit must obtain conceptual approval from Federal, State, regional or local agencies for all necessary permits, licenses and grants.

(b) Prior to the approval of a DEP Green Acres grant, the local unit must have adopted a comprehensive park ordinance.

(c) Receipt of a DEP Green Acres grant does not relieve the local unit of the responsibility to recognize, evaluate and protect the water quality and the historic, cultural and natural features of the site.

(d) Any future development of the funded Green Acres project or any change in its use requires prior DEP review and consent.

(e) Fees are:

1. The local unit may charge a fee for use.
2. Any conditions for registration must be clearly posted at the site. Provisions must be made for use on a daily basis.
3. Differential rates based on family and seasonal registrations are permitted.
4. All fee schedules of over \$1.00 per person must be approved by DEP. A fee schedule may include the following categories:
 - i. Yearly, seasonal, monthly, weekly;
 - ii. Individual, group, family;
 - iii. Resident, nonresident (nonresident fees may not exceed double the rate charged a resident);
 - iv. Handicapped, senior citizens, disadvantaged.
5. Fees may be developed for each individual facility. Each will be considered on a project by project basis.
6. Fees collected may not exceed the actual cost of operating and maintaining the land or facility purchased or developed with the assistance of Green Acres funds. Fee calculation cannot be based on the amortization of any portion of the capital expenditure of acquisition or development, or both, that was funded in part by Green Acres.
7. When fees are established, a local unit is encouraged to develop a program of "free use periods".
8. Any proposed change in the approved fee schedule must be submitted to DEP for review and consent.

(f) Facilities may be operated through a concession awarded through competitive bidding. Any payments, fees or rentals involved are to be charged and collected directly by the local unit and must be used to offset the operating cost of the facility.

(g) Use of the Green Acres facilities shall not be restricted on the basis of race, creed, color, sex or national origin.

(h) Any liabilities incurred as a result of ownership, construction or operation of a facility are the responsibility of the local unit.

(i) Naming of a park area is at the discretion of the local unit.

(j) Programming the use of a facility to accommodate organized sports, recreation or conservation activities is permitted and is the responsibility of the local unit.

1. No exclusive use agreements or discriminatory programming will be permitted.

2. Facilities cannot be programmed solely for the specific use of a conservation group, sporting association or athletic club (for example, Garden Club, Little League, Pop Warner, Peewee Hockey).

(k) Green Acres lands acquired and/or developed with State funds may not be diverted to nonrecreation or non-conservation uses or disposed of without the prior approval of the Commissioner and the State House Commission pursuant to law.

(l) Upon receipt of an acquisition or development grant, other lands owned, dedicated or maintained for public recreation or conservation purposes by the local unit may not be diverted or disposed for uses other than those of public recreation or conservation without the prior approval of the Commissioner and the State House Commission.

1. A local unit sponsoring a new recreation facility on non-Green Acres recreation or conservation lands may adopt fees and schedules without being considered to

have diverted its lands as described above as long as the facility is operated by the local unit itself or by a utility authority or an agent or agency thereof.

2. Development and operation of a new private "club" facility which would limit use of lands or facilities exclusively to members thereof and which restricted public use and enjoyment of a public recreation or conservation area is considered a diversion and will require Commissioner and State House Commission approval.

3. A local unit may continue to operate a recreation facility on non-Green Acres land under practices established prior to their receiving a Green Acres local assistance matching grant without being in conflict with provisions of this Section.

4. Change of any public recreation or conservation facility to a nonrecreation/conservation use although remaining a public facility (for example, recreation center changed to road department garage) is a diversion and requires Commissioner and State House Commission approval.

(m) Rules concerning signs are:

1. A sign is to be posted indicating that the site was acquired and/or developed with State of New Jersey Green Acres financial assistance.

i. DEP shall provide the local unit with a permanent project sign noting State participation in the project.

ii. Where appropriate, signs indicating the accessibility of the facility to the handicapped shall be provided by DEP.

iii. The local unit shall be responsible for erecting and maintaining all project signs.

iv. The local unit shall be responsible for replacement of all project signs.

2. The local unit is responsible for placement of signs identifying activities, facilities and services provided in the park area.

i. Signs may give credit for donations.

ii. The local unit is encouraged to use a uniform and easily recognizable sign system.

3. Permanent commercial billboards advertising or promoting products or services available elsewhere is prohibited.

4. Posting of political campaign signs on the site is prohibited.

(n) Reservoirs/flood control projects rules are:

1. A Green Acres grant may be used for the acquisition and/or development of the recreation or conservation portion of a reservoir, flood detention area or storm water retention basin.

2. Recreation provided at Green Acres funded facilities must be available for public use and enjoyment.

Note: Regulation, control, use and distribution of water is the responsibility and authority of the Water Policy and Supply Council and is not intended to be covered by these rules and regulations. Information should be obtained directly from the Division of Water Resources, DEP.

7:36-1.9 Public access to files

(a) Upon receipt of an application for grant funds or State House Commission review, a notice requesting comments will be sent by DEP to State, county and municipal officials and agencies.

(b) Public access to files will be permitted. A standard charge will be made for any copies requested.

7:36-1.10 Compliance

(a) The local unit shall submit supplemental information as may be required by DEP.

(b) DEP shall conduct on-site inspections to insure compliance with Green Acres rules and regulations.

(c) DEP may conduct inspections of all other recreation/conservation lands listed in the open space inventory filed at the time of grant payment.

(d) In the event the local unit refuses or fails to comply with and abide by the Green Acres rules and regulations, DEP may institute a suit to enjoin, exparte, by temporary and/or permanent injunction such violation. DEP does not waive or forfeit the right to take other legal action as may be necessary to insure compliance by the local unit with said Green Acres rules and regulations.

SUBCHAPTER 2. FUNDING ALLOCATION IN COORDINATION WITH BUREAU OF OUTDOOR RECREATION (BOR)

7:36-2.1 Eligibility

Within the limits of available resources, DEP may combine Green Acres funds with available Federal Bureau of Outdoor Recreation, United States Department of the Interior, Land and Water Conservation funds (BOR) money to provide up to 90 per cent funding for development projects in the urban-aid cities as defined by P.L. 1971, c. 64.

7:36-2.2 Limitations

(a) Acquisition projects do not qualify for combined funding.

(b) The project must meet applicable BOR standards.

(c) The project funding consists of:

1. State share up to 50 per cent;
2. BOR share up to 40 per cent;
3. Local share ten per cent or balance.

7:36-2.3 Priorities

Priority for combined funding goes, first, to development projects of county governments and, second, to municipal projects of regional significance.

SUBCHAPTER 3. BASIS FOR ASSISTANCE; DEVELOPMENT OF LANDS FOR RECREATION AND CONSERVATION PURPOSES

7:36-3.1 Terms of grant

(a) No commitment of funds may be made by the local unit prior to DEP project approval. Costs incurred before project approval will not be paid. The only exceptions are costs incurred for preliminary planning and engineering which are directly related to the project site.

(b) Once the project has been completed and all outstanding obligations paid, the local unit may bill DEP for reimbursement. Reimbursement is based on amounts up to 50 per cent of the lowest qualified bid or up to 50 per cent of the actual cost, whichever is lower. Two interim billings based on costs incurred may be accepted by DEP for up to three quarters of the grant amount.

7:36-3.2 Allowable costs

(a) Construction project contracts must be awarded to the lowest qualified bidder.

(b) In addition to the construction bid, the following costs are allowed for up to 50 per cent reimbursement:

1. Site plans, engineering plans and specifications which together may not represent more than ten per cent of total grant reimbursement.
2. Supervision and inspection, which together may not represent more than three per cent of total grant reimbursement.

3. Equipment required to make the facility initially operational.

7:36-3.3 Control of land

(a) Projects must be located on land which is owned in fee simple by the local unit; or

(b) The local unit must obtain a minimum 25 year irrevocable lease or easement agreement.

(c) Development projects may be located on lands purchased without Green Acres assistance.

7:36-3.4 Development project elements

Development projects must increase outdoor recreational opportunities and may include necessary support elements.

7:36-3.5 Renovation or rehabilitation projects

(a) Renovation or redevelopment of an existing facility is eligible when its use is impaired or it has become a health or safety hazard. Renovation or redevelopment is not eligible if:

1. The facility or element was the result of poor professional design or execution;
2. Vandalism has been a major factor in deterioration, unless ameliorating design and planning considerations are being incorporated;
3. It is less than 25 years of age.

(b) In the event that insurance compensation covers the renovation or redevelopment, grants will be reduced by the amount of insurance payment.

7:36-3.6 Park/school development

The development of facilities on public school grounds for school as well as general public use is eligible, provided that the facilities are not the normal and usual responsibility of the educational institution.

7:36-3.7 Noneligible projects

Assistance will not be provided for amusement parks, employee residences, lodges, luxury cabins, or wholly indoor recreational facilities.

SUBCHAPTER 4. DESIGN CRITERIA

7:36-4.1 Structures

(a) Structures necessary and directly related to an outdoor recreation activity to be constructed within the project area will be eligible (for example, picnic shelters, ice rinks, bathhouses, sanitary facility buildings, and so forth).

(b) Structures required for the proper administration and maintenance of project facilities will be eligible (for example, park office, first aid stations, equipment storage and maintenance buildings, and so forth).

(c) Structures which are primarily intended for a recreational activity to be conducted wholly within the structure are normally ineligible. Exceptions may be made for structures which partially enclose an outdoor recreation facility for the purpose of extending the season of use.

(d) The local unit must maintain a standard insurance policy. The policy should cover losses due to fire and lightning, resultant damages caused by smoke and water, windstorm, hail, riot attending a strike or damages from falling aircraft. The face amount shall be adequate to cover the cost of replacing the facility and shall be periodically adjusted to reflect changing costs. DEP shall be named beneficiary in the policy or policies to the extent of its matching grant.

7:36-4.2 Vandalism

Design criteria should be considered that will reduce vandalism.

7:36-4.3 Underground utility service

(a) The local unit should consider placing all new utility lines underground in the general area of developed recreation facilities.

(b) The burial, relocation, or screening of existing overhead utility lines may be eligible for matching assistance.

7:36-4.4 Storm water runoff

(a) Where possible every project shall be designed to provide a system whereby all storm water runoff created by the development will be retained on site for a period of time equal to the natural site runoff and absorption time.

(b) A storm water runoff plan which will include both drawings and a narrative must be prepared by a licensed professional engineer and submitted to the DEP for approval prior to the commencement of construction.

7:36-4.5 Parking and energy conserving means of transportation

(a) Design and planning consideration should be given to:

1. Encouraging energy conserving means of transportation (for example, bike racks, bike paths, pedestrian access, and so forth);
2. Encouraging use of public transportation (for example, bus shelters, jitney service, train and bus routings and connections, and so forth);
3. Minimizing or eliminating paved parking lots;
4. Creating grass and/or gravel overflow parking areas to accommodate peak use demands;
5. Alternate uses for paved parking areas (for example, ice skating, street hockey, basketball, roller skating, skateboarding, shuffleboards, and so forth).

7:36-4.6 Dredging of lakes and ponds

(a) Green Acres funds for dredging and rehabilitating lakes and ponds will be considered only when all of the following are satisfied:

1. The lake or pond is in public ownership;
2. Substantial public access to the water area is provided;
3. A clear outdoor recreational benefit can be shown (in addition to any possible flood control advantages);
4. It is a first time project and once funded, maintenance will be up to the local unit;
5. The project will have permanent corrective features;
6. The entire watershed has been taken into account and upstream conditions have been considered;
7. An effort has been made to coordinate the activities of upstream governments and/or projects;
8. If unsuccessful in up-stream project coordination, the individual project design must include facilities for sedimentation and siltation controls;
9. The project is planned in consultation with Soil Conservation Service.

(b) Any dredging must be done in conformance with the rules and regulations of the DEP Division of Water Resources and the United States Army Corps of Engineers.

Note: Information on permits should be obtained directly from the DEP Division of Water Resources, DEP Division of Marine Services and United States Army Corps of Engineers.

7:34-4.7 Compost

DEP encourages the use of composted sewage sludge as a soil conditioner in the site development and landscaping phases of projects.

Note: Information regarding use of composted sewage sludge should be obtained directly from the DEP Division of Water Resources and Solid Waste Administration.

7:36-4.8 Extending periods of use

The local unit should incorporate multiple use of facilities, night lighting and seasonal conversions that will extend the use of a recreational facility, wherever feasible.

SUBCHAPTER 5. BASIS FOR ASSISTANCE; ACQUISITION OF LANDS FOR RECREATION AND CONSERVATION PURPOSES

7:36-5.1 Terms of grant

(a) DEP will accept lands acquired by the local unit through donation or gift as an in-kind credit to be used as all or part of the local share of a specific parcel of land.

(b) Lands to be acquired must be consistent with the comprehensive master plan program for the municipality, county or region as a whole.

7:36-5.2 Eligible and ineligible acquisition costs

(a) Eligible costs are cash amounts expended to acquire title or a permanent interest in the land.

(b) The following costs will not be eligible:

1. Usual local government expenses;
2. Administrative costs related to acquisition;
3. Real property taxes;
4. Increases in land costs over the approved fair market value that result from negotiations;
5. Relocation payments for persons, families or business displaced by the acquisition.

(c) Increases resulting from condemnation may be eligible for a supplemental grant.

7:36-5.3 Eligible acquisitions

(a) Acquisition may include the purchase of title or easements to real property suitable for open space purposes.

(b) Areas of historic significance or areas suitable for development to enhance civic, community or recreation centers may be acquired.

(c) Sites with existing buildings or structures that will be utilized, renovated or developed for outdoor recreation are eligible.

(d) Acquisition of permanent conservation easements is eligible.

(e) Acquisition of an open space area that includes, but is not substantially consumed by a library, an art gallery, or a museum is eligible. Such facility if included would be subject to all of the regulations governing a more standard recreational facility as described in general policy statements.

7:36-5.4 Noneligible acquisitions

Noneligible acquisitions are sites that, when developed, would be predominately covered by buildings or structures.

7:36-5.5 Supplemental grant payments

(a) A supplemental grant may be approved, if funds are available, to help reduce the financial impact of condemnation awards. Guidelines are:

1. Timing: The local unit must have demonstrated significant progress and efficient use of the time between

the establishment of fair market value, grant approval and the request for supplemental funding.

2. Condemnation: The final price paid is the result of a condemnation action and appeal judgment. DEP limits supplemental participation only to a court action. Increases related to negotiation do not qualify.

3. Amount: A Green Acres supplemental grant will be limited to a 20 per cent increase over and above the grant that was based on the fair market value, as established by DOT, regardless of the amount of the condemnation award. In no case will the total Green Acres grant, including supplemental grant, exceed 50 per cent of the total acquisition cost.

4. Limitations: The Green Acres supplemental grant may not exceed \$350,000.

5. Other funding: State Green Acres assistance represents the major site-specific source of financial aid to the project. Combined with other State or Federal site-specific funds, the total combined grants will not exceed 50 per cent of the project acquisition cost. The local share shall be a minimum of 50 per cent.

SUBCHAPTER 6. ACQUISITION REGULATIONS

7:36-6.1 Appraisal procedures

The local unit shall follow the New Jersey Department of Transportation (DOT) appraisal procedures as outlined in the DOT/DEP Memorandum of Agreement dated July 12, 1976.

7:36-6.2 Acquisition procedures

(a) After approval of the grant application by DEP, negotiations are the responsibility of the local unit. The local unit should make every reasonable effort to acquire real property expeditiously by negotiation.

(b) If the property is acquired for more than the established appraised value, a statement of justification must be submitted.

(c) All pertinent records documenting conformance to these provisions should be accurately and permanently kept on file by the local unit as all records are subject to audit and review by the State.

(d) The local unit must show the full cost of the acquisition as the local purchase expenditure. The Green Acres grant and any other grant contributions, gifts or donations must be noted and shown on all accounting records.

7:36-6.3 Relocation procedures

(a) Any relocation, if applicable, is the responsibility of the local unit.

(b) All pertinent records documenting conformance to N.J.S.A. 20:4-1 et seq. should be accurately and permanently kept on file by the local unit.

7:36-6.4 Eminent domain

(a) Condemnation proceedings are the responsibility of the local unit.

(b) All pertinent records documenting conformance to N.J.S.A. 20:3-1 et seq. should be accurately and permanently kept on file by the local unit.

(c) Although the State is assisting the local unit in the acquisition of the lands and is involved in value determinations, no State agency will participate in condemnation hearings.

(d) Green Acres payments will only be made when the local unit has taken possession of the property in question.

7:36-6.5 Closings

Closings are the sole responsibility of the local unit.

7:36-6.6 Dedication

Public dedication of lands for park, recreation and open space purposes is recommended. Adoption of an ordinance naming the park, and a public dedication ceremony are encouraged.

7:36-6.7 Purchase concessions

(a) Purchase concessions such as temporary leasebacks, life rights, life estates, remainder interests and similar techniques are permitted under the Green Acres program.

1. The details of temporary leasebacks are the responsibility of the local unit;

2. Any final arrangement on life rights, life estates, remainder interests or any other purchase concession must be submitted to DEP for review, comment and approval.

7:36-6.8 Donations

Donations of land received by a local unit may be used as a credit on all or part of the local share of a specific parcel of land.

7:36-6.9 Temporary use

(a) Lands, buildings or structures that have been acquired as part of a local Green Acres acquisition may be used or leased for nonrecreational uses on a temporary basis to a private individual or public agency when in conformance to a master plan for development of the site.

(b) Before leasing any land, building or structure, purchased with the aid of a Green Acres grant, the local unit must file with DEP for review and approval, a copy of each of the following:

1. A statement as to the purpose and need for the lease;

2. The proposed yearly lease agreement identifying the lease and the use to which the building, structure or lands will be put;

3. The park master plan;

4. A park capital improvement program for the next five years indicating when park development will (or is anticipated to) take place.

7:36-6.10 Acquisition of a developed recreational facility

(a) A grant for the acquisition of a developed facility including but not limited to a marina, ski area or golf course is eligible under the Green Acres Program.

(b) When such an acquisition is made, the local unit must agree to maintain and preserve the land and its physical improvement in a condition equal to or better than that which existed at the time of funding. This condition is to be determined by a qualified, unbiased third party on an annual basis.

(c) Specific provisions for controls will be included in the Green Acres grant contract.

(d) Any acquired developed facility will be operated under the same provisions, rules and regulations governing a similar facility developed with Green Acres funds.

7:36-6.11 Acquisition of improved properties

(a) In those cases where buildings or structures purchased as part of an acquisition program are to be demolished or destroyed so as to provide an open space, the local unit must submit evidence that alternate sites were examined and that no other suitable vacant area exists.

(b) Buildings or structures that are purchased for recreation/conservation purposes must be maintained and operated by the local unit.

7:36-6.12 Water front acquisitions

(a) Lake and river front acquisitions must provide adequate public access to and use of the water.

(b) Beach front acquisitions must, in addition to private land above the high waterline, include all private lands and interests below the current mean high waterline and continue to where the public interest begins.

Note: Each local unit should contact the DEP Division of Marine Services directly before progressing with any acquisition involving riparian interests.

7:36-6.13 Grant payments

(a) Grant payments may be made to the local unit as:

1. A reimbursement after closing has taken place and title is in the name of the local unit;

2. An advance when a firm closing has been established.

(b) All grant payments will be made directly to the local unit. No payments will be made to individual property owners.

(c) When payments are made after closing has taken place, the local unit must submit the following:

1. A certified copy of the recorded deed as proof of purchase;

2. Proof of title insurance;

3. Green Acres payment request information including necessary forms, contracts and documents.

(d) When payments are to be made in advance of actual closing, the local unit must submit the following:

1. A purchase contract indicating the date, time and place of scheduled closing;

2. Proof that title to the property is insurable (title insurance binder).

3. Green Acres payment request information—including necessary forms, contracts and documents.

SUBCHAPTER 7. STATE HOUSE COMMISSION REVIEW; BASIS FOR REVIEW

7:36-7.1 Retention and use

(a) Upon receipt of a grant, lands and facilities used for public outdoor recreation purposes shall remain as public park, recreation, conservation and/or open spaces.

(b) Such property shall not be converted in whole or part to other than public outdoor recreation uses without the approval of the Commissioner and the State House Commission.

(c) Such approval may be granted by the Commissioner only when, singularly or combined, the local unit has agreed to the:

1. Substitution of other outdoor recreation properties of at least equal fair market value and of reasonably equivalent usefulness, quality and location;

2. Cash repayment based on current appraised value.

7:36-7.2 Department interests

If the need arises to dispose of or divert parkland, open space, conservation or recreation land, or facilities to another use, the local unit must first contact the Green Acres staff to discuss the submission of a formal application for Commissioner review and State House Commission action.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 1, 1977, to:

Curt J. Hubert, Director
Green Acres Division
Department of Environmental Protection
P.O. Box 1390
Trenton, N.J. 08625

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Rocco D. Ricci
Acting Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Availability of Solid Waste District Planning Guidelines

Take notice that, the Department of Environmental Protection has issued the following Notice concerning solid waste district planning guidelines:

I, Rocco D. Ricci, Acting Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1 et seq., and P.L. 1975, c. 326, announce the availability of draft planning guidelines sufficient to enable the solid waste districts to begin their solid waste management planning process.

The guidelines will establish a framework in which the 22 solid waste management districts shall undertake the formulation and development of their management plans.

The Department invites and encourages public comment. Copies of the proposed guidelines may be obtained from:

Beatrice S. Tylutki, Director
Solid Waste Administration
Department of Environmental Protection
P.O. Box 2807
Trenton, New Jersey 08625

(Note: Copies of the guidelines are being sent to the Mayor of each of the State's municipalities and to officials of each of the State's solid waste management districts.)

A public hearing will be held on the guidelines on Tuesday, July 19, 1977, at 10:00 A.M. in the Assembly Chambers, State House, West State Street, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the guidelines on or before July 26, 1977 to Director Tylutki at the above address.

The Department of Environmental Protection will, on August 1, 1977, issue the guidelines in final form pursuant to P.L. 1975, c. 326.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Notice of Public Hearing on Statewide Comprehensive Outdoor Recreation Plan

Take notice that, the Department of Environmental Protection has issued the following Notice, known within the Department of Environmental Protection as Docket No. DEP 037-77-06, concerning the Statewide Comprehensive Outdoor Recreation Plan:

Whereas, Rocco D. Ricci, Acting Commissioner of the Department of Environmental Protection has declared that preliminary findings and recommendations concerning the development of the Statewide Comprehensive Outdoor Recreation Plan (SCORP) have been developed; and

Whereas, public participation in the finalization of the plan is encouraged; and

Whereas, the plan will describe the State's recreational resources in relation to other characteristics such as population, and the State's development pattern; and

Whereas, the plan will estimate the present and future demands for specific recreational activities and will present detailed inventories of both existing public and private recreational facilities and open space lands and will include an analysis of the State's need for developed recreation facilities in relation to the current supply; and

Whereas, this information forms the basis for the policy and priorities guiding the State's recreational development, open space acquisition, and programs of assistance to county and municipal governments on local projects;

Whereas, copies of the findings and recommendations may be obtained by writing to:

Curt J. Hubert, Director
Green Acres Division
Department of Environmental Protection
P.O. Box 1390
Trenton, N.J. 08625

Now, therefore, notice is hereby given that a public hearing regarding the SCORP plan will be held on Wednesday, July 27, 1977, at 9:00 A.M. in the State Museum Auditorium, West State Street, Trenton, New Jersey.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

New Rules on Crab Pots

On June 1, 1977, Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:3-20 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new

rules, known within the Department of Environmental Protection as Docket No. DEP 006-77-02, concerning crab pots, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 117(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

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

SUBCHAPTER 14. CRAB POTS; DELAWARE BAY

7:25-14.1 Scope

The Division of Fish, Game and Shellfisheries may grant licenses to residents of the State of New Jersey to catch and take edible crabs by means of crab pots from the waters of the Delaware Bay and that section of the Delaware River from the headwaters of the bay to the line of Delaware State jurisdiction in the waters east of the main shipping channel [by means of crab pots].

7:25-14.2 Crab pots defined

For the purposes of this regulation, a crab pot shall be construed to mean: a cube shaped device not larger than 24 inches on a side with openings inward for the entrance of crabs or of such description as may be prescribed by the division from time to time. The [wire] material of which the pot is constructed shall have a mesh not less than one inch [unstretched] across measured on its longest axis. The openings into the pot shall be oval and not larger than six inches wide nor five inches high. The Division of Fish, Game and Shellfisheries may at any time designate the maximum or minimum size of such openings. Crab pots which fail to comply with this definition shall be illegal for the taking and catching of crabs.

7:25-14.3 Use of crab pots

No person shall remove crabs from any pot except the licensee or his designated alternate. Anyone tending crab pots shall have in his possession the license whose number corresponds to the number marker of the pots being tended. No one shall cut or break the lines or otherwise tamper with or damage any pot or buoy of which he is not the owner. All turtles and female crabs having eggs or spawn attached shall be released.

7:25-14.4 Hours for fishing

Crab pots may be tended only from [one half] one hour before sunrise to one half hour after sunset.

7:25-14.5 Commercial licenses; effective January 1, 1978

[A license may be issued for the catching and taking of crabs by means of pots for purposes of sale] No person shall take or attempt to take crabs by means of pots for the purpose of sale without first obtaining a commercial crabbers license from the Division of Fish, Game and Shellfisheries. The fee for such a license shall be \$100.00 annually. The license may be transferred to an alternate on a temporary basis [but]. The transfer must be made by [a] letter to be carried with the license naming the alternate and giving the dates the transfer shall be in force. The license number shall be displayed on both sides of the crabber's boat amidship, in numerals not less than 12 inches high and a color contrasting with their background. At all times when pots are being tended or when more than one bushel of crabs are in possession the license must be aboard the boat bearing the same license number.

7:25-14.6 Noncommercial licenses; effective January 1, 1978

A noncommercial license may be issued annually for no more than two pots which shall [also] be marked with the license number. The fee for this noncommercial license shall be \$5.00 annually. The noncommercial license shall limit the harvest and possession of crabs to one [two] bushel[s] daily per license [boat, per day] on the water or landing. [Such] Crabs taken under provisions of this license may not be sold or used for barter.

7:25-14.7 Placement and marking of pots

(a) Each crab pot in the bay shall be provided with a clearly visible marker buoy, said buoy to bear in contrasting color the license number of the owner.

(b) No commercially licensed pot shall be placed within the confines of any creek or river except the Delaware River from the headwaters of the bay to the line of Delaware state jurisdiction eastward of the main shipping channel.

(c) No commercially licensed pot shall be placed in a marked channel or within 100 feet thereof. [closer than 100 feet of any marked channel except that] Noncommercially licensed pots may be placed in a creek or river or in the Delaware Bay but in all cases must be fastened to a pier or other shore connected structure by a line no longer than twice the depth of the water at that point.

(d) No pot shall be placed in areas designated by the Division of Fish, Game and Shellfisheries after consultation with [the advice of] the Maurice River Cove Shell Fisheries Council as off limits for the catching of crabs by means of pots.

7:25-14.8 Filing of reports

(a) All persons commercially licensed to take crabs by means of pots in this State shall keep on forms furnished by the Division of Fish, Game and Shellfisheries accurate records which shall include the number of bushels of hard crabs, peelers and soft crabs caught, the type of gear used and the areas fished [and the amount of proceeds derived from each type of crab taken]. These records will be filed monthly with the Division of Fish, Game and Shellfisheries. Failure to file on or before the tenth of the month following the month of record may lead to suspension of license by the Division of Fish, Game and Shellfisheries [Such action shall take effect upon three days notice to the violator, if no appearance is entered. If an appearance is to be made, the action of the division shall be suspended pending the outcome of the hearing]. A hearing shall be scheduled by the division and the violator notified of the date. Failure to appear at a scheduled hearing may result in suspension of license.

(b) The division may require reports of crabs caught by noncommercial licensees to be made at the end of the crabbing season, and, if required, no noncommercial license will be renewed for any person who has not filed his previous season's report.

7:25-14.9 Penalties

Any person or persons violating any of the provisions of these regulations relating to crabs shall be liable to [a fine of not less than \$50.00 nor more than \$300.00 for the first offense. For each subsequent like violation the penalty shall be doubled together with confiscation of equipment used, and forfeiture of license.] the penalties provided in N.J.S.A. 50:5-1, 50:5-17. No new license will be issued to any person whose license has been revoked until after hearing before the Shellfisheries Council and reinstatement thereby.

An order adopting these rules was filed on June 1, 1977, as R.1977 d.196 to become effective on July 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Conservation Order Continuing Closure of Certain Sea Clam Beds

On June 1, 1977, Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions concerning the continued closure of certain sea clam beds.

The revisions, known within the Department Environmental Protection as Docket No. DEP 031-77-06, concern the deletion in its entirety of the current text of N.J.A.C. 7:25-7.9 and the adoption of new text therein.

Full text of the adopted rule follows:

7:25-7.9 Conservation order closing certain sea clam beds

(a) It is hereby ordered that the hereinafter described inshore sea clam areas be closed for the taking of sea clams (*Spisula solidissima*) for a period beginning June 11, 1977, and until further notice.

(b) The sanctuary areas are defined as follows:

1. Hereford Inlet area:

- i. From 39 degrees 00.7 minutes north,
74 degrees 47.5 minutes west; 119 degrees T,
d. 3 miles to
38 degrees 58.7 minutes north,
74 degrees 43.9 minutes west;
029 degrees T, d. 2.25 miles to
39 degrees 00.7 minutes north,
74 degrees 42.7 minutes west;
299 degrees T, d. 3 miles to
39 degrees 02.3 minutes north,
74 degrees 46.1 minutes west;
209 degrees T, d. 2.25 miles to start.

2. Cold Spring Inlet area:

- i. From 38 degrees 56.5 minutes north,
74 degrees 51.95 minutes west;
145 degrees T, d. 3 miles to
38 degrees 54.05 minutes north,
74 degrees 49.8 minutes west;
055 degrees T, d. 2.2 miles to
38 degrees 55.7 minutes north,
74 degrees 47.87 minutes west;
325 degrees T, d. 3 miles to
38 degrees 58.1 minutes north,
74 degrees 50.1 minutes west;
235 degrees T, d. 2.2 miles to start.

(c) Loran "A"/C readings for each position are as follows:

1. From Chart 12318, 29th Edition, January 29/77, Hereford Inlet Area; Loran A/C overprint; Loran A/C Reading with Latitude and Longitude for each position:

- | | |
|--------------------|----------------|
| i. 39 degrees 00.2 | Lat. and Long. |
| 74 degrees 47.5 | |

3H4 3562 3H5 3185.5 9930-W-16370.9 9930-Y-52087.5 9930-Z-70168	Loran "A"	9930-W-16371.5 9930-Y-52123 9930-Z-70175.5	Loran "C"
ii. 38° 58.7 74° 43.9 3H4 3563.5 3H5 3174 9930-W-16368.9 9930-Y-52079.5 9930-Z-70187	Lat. and Long.		
	Loran "A"		
	Loran "C"		
iii. 39° 00.7 74° 42.7 3H4 3589 3H5 3176 9930-W-16368.9 9930-Y-52054 9930-Z-70177	Lat. and Long.		
	Loran "A"		
	Loran "C"		
iv. 39° 02.3 74° 46.1 3H4 3588 3H5 3188 9930-W-16371 9930-Y-52062 9930-Z-70158	Lat. and Long.		
	Loran "A"		
	Loran "C"		
2. From Chart 12214, 30th Edition, March 19/77, Cold Springs Harbor Area, Loran A/C overprinted:			
i. 38° 56.5 74° 51.95 3H4 3503.5 3H5 3187 9930-W-16371.8 9930-Y-52150 9930-Z-70182	Lat. and Long.		
	Loran "A"		
	Loran "C"		
ii. 38° 54.05 74° 49.8 3H4 3491 3H5 3177 9930-W-16370.2 9930-Y-52158 9930-Z-70202.5	Lat. and Long.		
	Loran "A"		
	Loran "C"		
iii. 38° 55.7 74° 47.87 3H4 3517 3H5 3176 9930-W-163.69.8 9930-Y-52131.5 9930-Z-70197	Lat. and Long.		
	Loran "A"		
	Loran "C"		
iv. 38° 58.1 74° 50.1 3H4 3528 3H5 3186.5	Lat. and Long.		
	Loran "A"		

An order adopting these revised rules was filed on June 1, 1977, as R.1977 d.197 (Exempt, Emergency Rule) to become effective on June 11, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendment on Definition of Construction Permit

On June 3, 1977, Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-29 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedural rule which amended the definition of construction permit within the rules regarding 90-day construction permits.

The amendment specifically recognizes the statutory exclusion of certain types of facilities from the provisions of the 90-day Construction Permit Act.

Full text of the adopted rule follows:

7:1C-1.2 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 natural gas facility, with a storage capacity of over 50,000 barrels.

An order adopting this amendment was filed and became effective on June 3, 1977, as R.1977 d.200 (Exempt, Procedure Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Rules on Control and Prohibition Of Spray-On Asbestos Surface Coatings

On June 13, 1977, Rocco D. Ricci, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:27-17.1 et seq. and known within the Department of Environmental Protection as Docket No. DEP 001-77-01, concerning the control and prohibition of spray-on asbestos surface coatings, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 69(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The substantive changes are discussed in the Evaluation

of Testimony section of the Report of the Public Hearing, copies of which are available from Herbert Wortreich, Chief, Bureau of Air Pollution Control, P.O. Box 2807, Trenton, New Jersey 08625.

An order adopting these rules was filed on June 14, 1977, as R.1977 d.207, to become effective on August 15, 1977.
G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Adopt 1977-1978 Game Code

On June 14, 1977, Charles E. Webber, chairman of the Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted the 1977-78 Game Code, known within the Department of Environmental Protection as Docket No. DEP 019-77-04, substantially as proposed in the Notice published May 5, 1977, at 9 N.J.R. 213(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

An order adopting this Code was filed on June 22, 1977, as R.1977 d.219 to become effective August 1, 1977. Take notice that this Code is not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Proposed Revisions to Standard Hospital Accounting and Rate Evaluation System

Dr. Joanne E. Finley, Commissioner of Health, with the approval of the Health Care Administration Board and pursuant to the authority of the provisions of N.J.S.A. 26:2H-1 et seq., proposes to adopt certain modifications in definitions, forms and guidelines of the Standard Hospital Accounting and Rate Evaluation System, N.J.A.C. 8:31-17.1 et seq.

Modifications to various cost center definitions are provided to improve reporting uniformity. Two cost centers have been eliminated, nursing administration and other ancillary services, and one cost center has been added, cardiac catheterization.

Modifications to reporting forms reflect the above charges in definitions and also provide two new forms: B-2, Details on Inpatient Volumes and Salaries, and C-6, Details of Inpatient Care Costs. Forms B-2a and B-2b have been deleted.

Guideline modifications have been kept to a minimum. Necessarily, changes reflect the development of a new economic factor per Judge Goldmann's direction, clarification concerning the use of patient case-mix in rate review and the designation of the hearing officer appeal as the first proceeding of record.

Copies of the full text of the changes may be obtained from:

Donald D. Hell, Director
Health Economics Services
Department of Health
P.O. Box 1540
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977 to:

John B. Reiss, Ph.D., J.D.
Assistant Commissioner, HPRD
Department of Health
P.O. Box 1540
Trenton, N.J. 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Adopt Manual of Standards for Licensure Of Long-Term Care Facilities; Nursing Homes

On June 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:39-1.1 et seq., concerning the manual of standards for licensure of long-term care facilities, specifically nursing homes, substantially as proposed in the Notice published April 7, 1977, at 9 N.J.R. 171(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting these rules was filed on June 22, 1977, as R.1977 d.222 to become effective on January 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Revise Guidelines and Criteria for Submissions of Applications for Certificates of Need

On June 22, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the

Administrative Procedure Act, adopted revisions to N.J. A.C. 8:33-1.5(h) and 8:33-2.5(b) concerning the guidelines and criteria for submissions of applications for certificates of need, as proposed in the Notice published May 5, 1977, at 9 N.J.R. 220(a).

An order adopting these revisions was filed and became effective on June 22, 1977, as R.1977 d.223.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HIGHER EDUCATION

HIGHER EDUCATION ASSISTANCE AUTHORITY

Proposed Rules on Policy Governing Educational Institutions

The Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10(2), proposes to adopt new rules concerning the policy governing educational institutions.

Full text of the proposed rules follows:

SUBCHAPTER 7 POLICY GOVERNING EDUCATIONAL INSTITUTIONS

9:9-7.1 Eligibility of schools

(a) All schools must be approved by the Higher Education Assistance Authority and be accredited by a nationally recognized accrediting agency and be recognized by the United States Office of Education as an eligible institution for participation in the Guaranteed Student Loan Program, as provided for under the Higher Education Act of 1965, as amended.

1. Proprietary schools obtain accreditation satisfactory to the United States Office of Education from a variety of accrediting bodies depending upon the curriculum—the National Association of Trade and Technical Schools and the Association of Independent Colleges and Schools are two examples.

2. Approval for veterans' training or other federal programs of student assistance does not automatically provide eligibility under the guaranteed student loan program.

(b) The institution must secure certification by the State Board of Education or a certificate of registration from the Department of Education when New Jersey law is applicable.

(c) State-supported schools under the jurisdiction of the Departments of Higher Education and Education must comply with subsection (a) above in order to be eligible for loan guaranty and Federal interest benefits for its students.

(d) Some schools, which do not meet the criteria above, are eligible. These schools were approved by the Authority prior to November 8, 1965. A list of these schools is available upon request. Students who attend these schools are not eligible for Federal interest subsidy on their loans.

(e) On request of the Authority, the school must submit a copy of the last fiscal year financial report to include the current projected budget. These statements must be certified by an independent, certified public accountant.

(f) No points, premiums, additional interest of any kind, or compensating or dedicated balances may be paid to any eligible lender in order to secure funds for making loans or to induce such a lender to make loans to the students of a particular institution or any particular category of students, except in circumstances approved by the Authority and bearing similar approval by the United States Commissioner of Education.

9:9-7.2 School lenders

(a) Eligible educational institutions, as defined in N.J. A.C. 9:9-7.1 and located in New Jersey, may participate as lenders only if they have entered into an agreement that has been approved by the Authority. No loan shall be guaranteed by the Authority unless it is covered by such an agreement.

(b) The agreement may contain, but is not limited to, the following provisions as the Authority may require:

1. The agreement may include a limit on the aggregate dollar amount of loans made by the lender and a limit on the time period during which the lender may continue to make loans.

2. Loans will not be made to more than 50 per cent of the undergraduate students in attendance at the institution.

3. The institution will not make any loan to a student unless the student provides evidence of denial of a loan by an eligible lender that is not an eligible institutional lender.

4. The agreement shall cover loans that are originated by the institution. A loan shall be deemed originated if an eligible lender has delegated to the institution a substantial portion of the functions and responsibilities normally performed by a lender prior to the making of a loan.

5. Loans shall be made only to students enrolled at that institution or an institution under the same ownership.

6. The institution shall employ a full-time financial aid administrator.

(c) The Authority shall also consider the following criteria in determining whether to enter into an agreement with an institutional lender.

1. Whether the institution has proposed or established adequate procedures for making, servicing and collecting loans and the steps being taken to implement such procedures if not already established.

2. The prior experience of the institutional lender in other types of lending.

3. The financial condition of the institutional lender.

4. Whether the dollar amount of loans made by the institution which are in default is higher than 15 per cent of the outstanding balance of such loans in repayment status.

5. Whether the dollar amount of loans made by all lenders to students who attended the institution which are in default is higher than 15 per cent of the outstanding balance of such loans in repayment status.

6. Whether the 30-day delinquency rate is higher than 20 per cent.

7. The prior record of the institutional lender in complying with the provisions of this subchapter.

(d) The Authority may revise the terms of an agreement with an eligible institutional lender on the basis of information which bears adversely on the lender's capacity for making, servicing and collecting loans. The Authority shall state reasons for any such action and shall provide the eligible lender with an opportunity to show cause why such action should not be taken.

(Continued on Page 29)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, covering all rules adopted through May 26. It is adjusted in the month in which a mailing of

update pages will be completed.

An updating has been made with this issue.

Since these most recent updates, the various State Departments have adopted the following rules—which have been printed in the Register but are not yet included in the Code:

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
AGRICULTURE — TITLE 2			
2:2-9.2	Bovine leukemia glycoprotein immunodiffusion test (BL-G1D); fee	R.1977 d.109	9 N.J.R. 206(b)
2:3-2.12	Imported breeding swine; not infected with pseudorabies	R.1977 d.108	9 N.J.R. 206(a)
2:17-6.1(d)5.	Revisions on tomato transplants	R.1977 d.87	9 N.J.R. 158(a)
2:17-7.1	Pepper transplants	R.1977 d.88	9 N.J.R. 158(b)
2:48 through	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:53			
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.31	9 N.J.R. 110(b)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.161	9 N.J.R. 251(a)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.123	9 N.J.R. 206(c)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.204	9 N.J.R. 302(b)
2:54-3.7	Revisions on milk handling in various marketing areas	R.1977 d.209	9 N.J.R. 302(c)
2:54-3.9	Rule on handling of milk in N.Y.-N.J. marketing area	R.1977 d.97	9 N.J.R. 159(a)
2:85-1.1 et seq.	Farmland preservation demonstration project	R.1977 d.20	9 N.J.R. 62(b)
2:85-1.1 et seq.	Ratify prior adoption of rules on farmland preservation	R.1977 d.33	9 N.J.R. 110(c)
2:85-1.5	Amendment (jointly) on farm land preservation demonstration project	R.1977 d.218	9 N.J.R. 302(a)

(Rules in the Administrative Code for Title 2 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 10.)

BANKING — TITLE 3

3:8-3.1(c)1.	Revisions on required reserves	R.1977 d.111	9 N.J.R. 207(b)
3:8-5.1	Revisions on required reserves	R.1977 d.111	9 N.J.R. 207(b)
3:10-2.2	Delete rule on savings bank authorization and mark Reserved	R.1977 d.157	9 N.J.R. 252(c)
3:10-4.3	Delete rule on appraisal ratio for savings banks and mark Section Reserved	R.1977 d.156	9 N.J.R. 252(b)
3:11-3.1 et seq.	Revisions on small business investment companies	R.1977 d.23	9 N.J.R. 112(c)
3:18-6.1 through	Repeal rules on solicitation of business	R.1977 d.221	9 N.J.R. 304(b)
3:18-6.3			
3:19-1.2(b)	Amendments on licensing of home repair salesmen	R.1977 d.174	9 N.J.R. 253(a)
3:19-1.6	Amendments on license numbers	R.1977 d.175	9 N.J.R. 253(b)
3:27-5.1, 5.3	Revisions on limitations and excludable loans	R.1977 d.220	9 N.J.R. 304(a)

(Rules in the Administrative Code for Title 3 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.)

CIVIL SERVICE — TITLE 4

(Rules in the Administrative Code for Title 4 include all adoptions prior to Nov. 16, 1976—Transmittal Sheet No. 9.)

COMMUNITY AFFAIRS — TITLE 5

5:30-8.9	Unbudgeted school aid refunds per P.L. 1977, c.15	R.1977 d.81	9 N.J.R. 165(a)
5:30-14.1 to 14.3	Rules on local public contracts	R.1977 d.128	9 N.J.R. 212(a)
5:30-14.4	Change order procedures for local public contracts	R.1977 d.82	9 N.J.R. 166(a)
5:30-14.5	Certification of funds and accounting for contracts	R.1977 d.127	9 N.J.R. 211(a)
5:30-15.1	Procedures for municipalities to exceed caps	R.1976 d.384	9 N.J.R. 10(a)
5:80-1.1 et seq.	Rules on increase rent or carrying charges; increase income limits	R.1977 d.71	9 N.J.R. 164(c)

(Rules in the Administrative Code for Title 5 include all adoptions prior to Nov. 22, 1976—Transmittal Sheet No. 7.)

EDUCATION — TITLE 6

6:3-2.1	Revised definition of parent	R.1977 d.68	9 N.J.R. 167(a)
6:3-2.5(d)	Revisions on access to pupil records	R.1977 d.68	9 N.J.R. 167(a)
6:3-4.1	Use of school buses for transportation of senior citizens' groups	R.1977 d.129	9 N.J.R. 212(b)
6:8-1.1, 3.4, 3.8	Revisions on thorough and efficient system of public schools	R.1977 d.199	9 N.J.R. 310(a)
6:11-3.12	Revisions on athletic coaches	R.1977 d.70	9 N.J.R. 167(c)
6:11-4.6	Revisions on two-month certificates	R.1977 d.26	9 N.J.R. 114(a)
6:22-13.13	Asbestos surface coatings	R.1977 d.158	9 N.J.R. 258(c)
6:27-3.1	Revisions on approved secondary school summer sessions	R.1977 d.28	9 N.J.R. 114(c)
6:29-6.3	Amendments on athletics personnel	R.1977 d.69	9 N.J.R. 167(b)
6:39-1.2(g)	Revisions on dissemination of information	R.1977 d.27	9 N.J.R. 114(b)
6:39-1.4	Minimum levels of pupil proficiency	R.1977 d.198	9 N.J.R. 309(a)

(Rules in the Administrative Code for Title 6 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1-5.1 et seq.	Debarment, suspension and disqualification from contracting	R.1977 d.20	9 N.J.R. 62(b)
7:1C-1.2	Note: Amend definition of construction permit; 90- day construction permit rules	R.1977 d.200	9 N.J.R. 321(a)
7:1D-1.5	Amendment (jointly) on farmland preservation demonstration project	R.1977 d.218	9 N.J.R. 302(a)
7:1E-1.1 et seq.	Discharge of petroleum and other hazardous substances	R.1977 d.115	9 N.J.R. 217(c)
7:2-7.5 et seq.	Revisions on lands, waters and facilities under jurisdiction of Bureau of Parks	R.1977 d.145	9 N.J.R. 218(e)
7:2-16.2(e) et seq.	Revisions on special permits at Island Beach State Park	R.1977 d.146	9 N.J.R. 219(a)
7:7D-2.1 et seq.	CAFRA rules	R.1977 d.121	9 N.J.R. 218(a)
7:12-1.1 et seq.	Revisions on condemnation of certain shellfish beds	R.1977 d.74	9 N.J.R. 169(b)
7:12-1.3(a)39.	Revisions on condemnation of certain shellfish beds	R.1977 d.73	9 N.J.R. 169(a)
7:13-1.11	Amendment; delineated floodways in the Rahway River	R.1977 d.144	9 N.J.R. 218(d)
7:13-2.1	Determining stream encroachment lines	R.1977 d.142	9 N.J.R. 218(b)
7:21-7.1 et seq.	Stream encroachment applications in the Central Passaic Basin	R.1977 d.107	9 N.J.R. 217(b)
7:25-1.6	Shellfish license revocation schedule	R.1977 d.147	9 N.J.R. 219(b)
7:25-7.9	Revised rule continuing closure of certain sea clam beds	R.1977 d.197	9 N.J.R. 320(a)
7:25-7.10	Oyster seed beds; 1977 season	R.1977 d.166	9 N.J.R. 264(a)
7:25-11.2 through 7:25-11.4	Criteria for possession of endangered wildlife	R.1977 d.39	9 N.J.R. 118(c)
7:25-12.1(k)	Revisions on preservation of sea clam resources	R.1977 d.176	9 N.J.R. 265(a)
7:25-13.1	Marking of leased tidal grounds in the Delaware River and Bay	R.1977 d.16	9 N.J.R. 78(a)
7:25-14.1 et seq.	Crab pots in Delaware Bay waters	R.1977 d.196	9 N.J.R. 319(b)
7:25-15.1	Relay of hard clams	R.1977 d.167	9 N.J.R. 264(b)
7:27-6.1 et seq.	Revisions on air pollution control	R.1977 d.95	9 N.J.R. 170(c)
7:27-17.1 et seq.	Control and prohibition of spray on asbestos surface coatings	R.1977 d.207	9 N.J.R. 321(b)
7:29-2.1 et seq.	Rules on noise control of vessels and watercraft	R.1977 d.177	9 N.J.R. 266(a)
Temporary	Amend 1976-1977 Game Code concerning muskrat trapping	R.1977 d.85	9 N.J.R. 170(a)
Temporary	Extension of commercial shooting preserve season	R.1977 d.86	9 N.J.R. 170(b)
Temporary rule	1977-78 Game Code	R.1977 d.219	9 N.J.R. 322(a)

(Rules in the Administrative Code for Title 7 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

HEALTH — TITLE 8

8:7-1.1 et seq.	Revisions on licensure of persons for certain public health positions	R.1977 d.102	9 N.J.R. 173(a)
8:21-1.27	Cosmetic package principal display panel	R.1977 d.192	9 N.J.R. 269(b)
8:21-1.28	Cosmetic product identity labeling	R.1977 d.193	9 N.J.R. 269(c)
8:22-1.13	Revisions on occupancy limits in campgrounds	R.1977 d.22	9 N.J.R. 81(b)
8:30-12.2(f)	Amendments on fire detection systems in nursing homes	R.1976 d.420	8 N.J.R. 18(d)
8:31-6.1	Determination of health care facilities	R.1977 d.43	9 N.J.R. 119(a)
8:31-8.1 et seq.	Standards for planning and certification of perinatal services	R.1977 d.182	9 N.J.R. 269(a)
8:31-9.1 et seq.	Standards for planning computerized axial tomography units	R.1977 d.44	9 N.J.R. 120(a)
8:31-16.16	Patient origin studies data	R.1977 d.45	9 N.J.R. 120(b)
8:31-22.1	Revisions on doctors' offices owned and/or sponsored by and serving health care facilities	R.1977 d.46	9 N.J.R. 120(c)
8:31-23.1(a)	Revisions on parking garages of health care facilities	R.1977 d.47	9 N.J.R. 120(d)
8:31-24.1(a)	Revisions in construction of interns, residents and nurses housing	R.1977 d.48	9 N.J.R. 120(e)
8:31A-10.4	Rule on distribution of net worth or surplus	R.1977 d.49	9 N.J.R. 120(b)
8:31-26.1	Standards and criteria; Regional hemophilia care centers	R.1977 d.139	9 N.J.R. 221(c)
8:31-26.1	Amendment on licensure standards for health care facilities	R.1977 d.181	9 N.J.R. 268(e)

8:33-1.5, 2.5	Revised guidelines and criteria for submissions of applications for certificates of need	R.1977 d.223	9 N.J.R. 322(d)
8:33-4.1 et seq.	Ownership or operation of health care facilities	R.1977 d.21	9 N.J.R. 81(a)
8:34-1.1 et seq.	Revisions on licensing of nursing home administrators	R.1977 d.172	9 N.J.R. 268(b)
8:37-12.13(d)	Amendments on fire detection systems for intermediate care	R.1976 d.417	9 N.J.R. 18(a)
8:39-1.1 et seq.	Manual of standards for licensure of nursing homes	R.1977 d.222	9 N.J.R. 322(c)
8:41-1.1 et seq.	Rules on planning and application for designation of cardiac diagnostic facilities	R.1977 d.179	9 N.J.R. 268(c)
8:41-2.1 et seq.	Rules on planning and certification of need of regional cardiac centers	R.1977 d.180	9 N.J.R. 268(d)
8:42-2.1	Revised definition of food service supervisory or dietary assistant	R.1976 d.356	8 N.J.R. 550(d)
8:43A-1.10(r)	Amendments on fire detection system in hospitals	R.1976 d.419	9 N.J.R. 18(c)
8:43A-1.67	Rules on emergency and disaster procedures	R.1977 d.50	9 N.J.R. 121(a)
8:43A-1.68	Standards for licensure of ambulatory care facilities and health maintenance organizations	R.1977 d.140	9 N.J.R. 222(a)
8:43A-1.66(g)	Revisions concerning ambulatory care facilities	R.1976 d.357	8 N.J.R. 551(a)
8:43B-3.2(a)	Amendments concerning fire protection and safety	R.1977 d.51	9 N.J.R. 121(b)
8:43B-3.2(i)	Rules on facilities providing family practice	R.1976 d.358	8 N.J.R. 551(b)
8:43B-3.3(d)	Revisions on maternal and newborn services	R.1977 d.92	9 N.J.R. 172(c)
8:43E-1.1 et seq.	Policy manual for planning and certificate of need reviews of health care facilities	R.1977 d.138	9 N.J.R. 221(b)
8:53-1.1	Revisions in implementation of Local Health Services Act	R.1977 d.141	9 N.J.R. 222(b)
8:53-1.1 et seq.	Rules on implementing the Local Health Services Act	R.1977 d.91	9 N.J.R. 172(b)
8:65-9.1 et seq.	Delete and mark subchapter Reserved	R.1976 d.376	9 N.J.R. 17(b)
8:65-10.1(a)4.	Addition of prazepam as a controlled dangerous substance	R.1977 d.101	9 N.J.R. 172(d)
8:65-10.1(a)4 Note 4	Control of dextropropoxyphene	R.1977 d.151	9 N.J.R. 268(a)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.355	8 N.J.R. 550(c)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.418	9 N.J.R. 18(b)
Temporary	1976-1977 State Medical Facilities Plan	R.1977 d.103	9 N.J.R. 173(b)

(Rules in the Administrative Code for Title 8 include all adoptions prior to Nov. 1, 1976—Transmittal Sheet No. 6.)

HIGHER EDUCATION — TITLE 9

9:1-1.18(c)	Standards for courses offered in secondary schools	R.1976 d.389	9 N.J.R. 19(a)
9:4-3.20	Revisions on spacing of purchase order	R.1977 d.15	9 N.J.R. 81(d)
9:4-3.24	Delete and Reserve section	R.1977 d.15	9 N.J.R. 81(d)
9:9-1.3	Revisions on loan amounts	R.1976 d.385	9 N.J.R. 18(e)
9:9-1.10	Amendments on change of lenders	R.1977 d.216	9 N.J.R. 331(a)
9:9-1.21 et seq.	Revisions to policies and procedures concerning student loans	R.1977 d.104	9 N.J.R. 173(c)
9:9-8.1 et seq.	Policy governing institution of higher education loan act	R.1977 d.217	9 N.J.R. 331(b)

(Rules in the Administrative Code for Title 9 include all adoptions prior to Dec. 1, 1976—Transmittal Sheet No. 7.)

HUMAN SERVICES — TITLE 10

10:49-1.1 through 10:49-6.1 et seq.	Revisions on administration and general information; Health Services Program	R.1977 d.213	9 N.J.R. 342(c)
10:49-1.18	Debarment, suspension and disqualification of providers in Medicaid	R.1977 d.64	9 N.J.R. 176(b)
10:49-1.25	Revisions on temporary fees reduction regarding Medicaid	R.1977 d.12	9 N.J.R. 91(a)
10:49-1.31	Procedures for involuntary transfer of patients	R.1977 d.62	9 N.J.R. 126(e)
10:49-1.33	New Jersey Medicaid Formulary	R.1977 d.36	9 N.J.R. 125(c)
10:49-9.1 et seq.	Shared health care facilities	R.1977 d.65	9 N.J.R. 176(c)
10:51-1.1 et seq.	Revisions concerning pharmaceutical services	R.1977 d.215	9 N.J.R. 343(b)
10:51-1.4, 1.5	Revisions on Federally required prescription information	R.1976 d.414	9 N.J.R. 23(f)
10:51-1.7	Revisions to various Manual concerning elimination of certain prior authorization requirements	R.1977 d.38	9 N.J.R. 125(d)
10:51-1.10(d)	Revisions on pharmacy dispensing fees	R.1977 d.11	9 N.J.R. 90(c)
10:51-3.1 et seq.	Pharmaceutical services for recipients in Medicaid approved long-term facilities	R.1977 d.132	9 N.J.R. 237(a)
10:51-4.1 et seq.	Consultant pharmacist services	R.1977 d.214	9 N.J.R. 343(a)
10:52-1.1, 1.4 and 2.7	Revisions to hospital services manual	R.1977 d.159	9 N.J.R. 277(d)
10:59-1.9(c)	Ownership of durable medical equipment	R.1977 d.14	9 N.J.R. 91(b)
10:63-4.1 et seq.	Rules on medical day care services	R.1977 d.133	9 N.J.R. 238(a)
10:63-5.1 et seq.	Rules on interim billing procedures	R.1977 d.133	9 N.J.R. 238(a)
10:66-1.13(d)	List of allowable mental health treatment services	R.1977 d.67	9 N.J.R. 176(d)
10:81-2.2, 3.8	Revisions concerning pregnant women	R.1976 d.408	9 N.J.R. 23(c)

10:81-3.15	Delete rule on noncontributing person(s) in household	R.1977 d.212	9 N.J.R. 342(b)
10:81-7.32(b)	Revisions on report of court testimony	R.1977 d.191	9 N.J.R. 278(e)
10:81-7.40 et seq.	Revisions on fraudulent receipt of assistance	R.1977 d.9	9 N.J.R. 90(b)
10:82-1.1 et seq.	Revised Assistance Standards Handbook	R.1977 d.211	9 N.J.R. 342(a)
10:82-1.2(c)2	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(a)
10:82-1.3(a)2.	Revision concerning eligible unit	R.1976 d.407	9 N.J.R. 23(b)
10:82-1.4	Disregard of scholarships and grants for eligible persons attending school or college	R.1977 d.75	9 N.J.R. 177(a)
10:82-2.11(a)3.	Revisions on shelter payments by stepparents	R.1977 d.188	9 N.J.R. 278(b)
10:82-2.15, 2.16	Recoupment of overpayments	R.1977 d.55	9 N.J.R. 125(e)
10:82-2.19	Institutionalized child returning temporarily to home	R.1976 d.409	9 N.J.R. 23(d)
10:82-3.2	Revisions on exempt resources	R.1977 d.56	9 N.J.R. 126(a)
10:82-4.2	Revisions on self-employed	R.1976 d.410	9 N.J.R. 23(e)
10:82-4.6	Revisions on value of home produce	R.1977 d.56	9 N.J.R. 126(a)
10:82-4.6, 4.7	Revisions on \$30 incentive payment to AFWP clients in CETA	R.1977 d.190	9 N.J.R. 278(d)
10:82-4.11(c)	Revisions on earned income	R.1977 d.137	9 N.J.R. 238(e)
10:82-4.12	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(c)
10:82-5.8	Revisions on payments to homes for unwed mothers	R.1977 d.135	9 N.J.R. 238(c)
10:82-5.11	Revisions on expenses incident to training	R.1976 d.405	9 N.J.R. 22(b)
10:85-3.1(a),			
10:85-5.3(b), 5.4(a)	Revisions on medical payments to health practitioners	R.1977 d.168	9 N.J.R. 278(a)
10:85-5.21(f)	Revisions on hospitalization costs in the General Assistance Program	R.1977 d.134	9 N.J.R. 238(b)
10:87-1.15	Suits filed against county welfare agency	R.1977 d.189	9 N.J.R. 278(c)
10:87-3.18(a)2.	Revisions to Food Stamp Manual and work registration exemptions	R.1977 d.136	9 N.J.R. 238(d)
10:87-4.8 and 4.9	Revision on food stamp eligibility	R.1977 d.58	9 N.J.R. 126(c)
10:87-6.41(a)	Revisions on repayment of food stamp overissuances	R.1977 d.59	9 N.J.R. 126(d)
10:94-4.31(a)	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:94-4.41	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:122-2.3	Revisions for child care licensing	R.1977 d.24	9 N.J.R. 125(b)

(Rules in the Administrative Code for Title 10 include all adoptions prior to Dec. 8, 1976—Transmittal Sheet No. 7.)

INSURANCE — TITLE 11

11:1-5.3	Withdrawal of rule on surcharge	R.1977 d.17	9 N.J.R. 93(a)
11:1-7.1 et seq.	Revise rules on service and placement fees	R.1977 d.186	9 N.J.R. 279(a)
11:2-17.1	Rules requiring 30 days' notice of fire and casualty coverage cancellation	R.1977 d.185	9 N.J.R. 282(b)
11:3-1.25	Revisions on New Jersey Automobile Insurance Plan Manuals	R.1977 d.114	9 N.J.R. 239(a)
11:3-6.2(b)	Revisions on reduction of size and weight of insurance identification cards	R.1977 d.184	9 N.J.R. 282(a)
11:3-8.1(e)11.	Revision on consent to nonrenewal of private passenger auto coverage	R.1977 d.100	9 N.J.R. 178(b)
11:4-11.8	Revised effective date; life insurance solicitation rules	R.1977 d.187	9 N.J.R. 283(a)
11:5-1.15(a)	Amendment on advertising rules	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.16(b)	Amendment on prohibited advertising practice	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.25(h)	Amendments on sales of interstate properties	R.1977 d.35	9 N.J.R. 127(b)
11:5-1.32	Revisions on rental location operations	R.1977 d.83	9 N.J.R. 177(d)
Temporary	Rule on final hospital payment rates; cost review	R.1977 d.18	9 N.J.R. 93(b)

(Rules in the Administrative Code for Title 11 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

LABOR AND INDUSTRY — TITLE 12

(Rules in the Administrative Code for Title 12 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

LAW AND PUBLIC SAFETY — TITLE 13

13:27-3.13(a)	Revised fees, Board of Architects	R.1977 d.164	9 N.J.R. 290(b)
13:28-1.3 et seq.	Revisions to rules of Board of Beauty Culture	R.1977 d.34	9 N.J.R. 129(a)
13:30-8.3	Revisions on use of general anesthesia	R.1977 d.206	9 N.J.R. 346(a)
13:33-1.13(c)	Rule on candidates' review of examination	R.1977 d.99	9 N.J.R. 186(b)
13:33-1.25	Revisions on temporary addresses	R.1977 d.42	9 N.J.R. 129(b)
13:37-6.2	Amendments on intravenous therapy	R.1977 d.66	9 N.J.R. 179(b)
13:40-5.1	Preparation of land surveys	R.1977 d.160	9 N.J.R. 290(a)
13:42-1.2	Fees; Board of Psychological Examiners	R.1977 d.165	9 N.J.R. 290(c)
13:43-1.1 et seq.	Delete and reserve chapter	R.1977 d.98	9 N.J.R. 186(a)
13:43-1.1 et seq.	Revisions concerning shorthand reporters	R.1977 d.98	9 N.J.R. 186(a)
13:43A-1.1 et seq.	Rules on shorthand reporting	R.1977 d.98	9 N.J.R. 186(a)
13:44-1.1, 1.2	Revisions on applications for examinations and examination grades	R.1977 d.183	9 N.J.R. 290(d)
13:45-1.1 et seq.	Revisions on procedures on administrative complaints	R.1977 d.93	9 N.J.R. 184(a)

(Rules in the Administrative Code for Title 13 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 9.)

PUBLIC UTILITIES — TITLE 14

14:5-7.1 et seq.	Delete entire text of Subchapter	R.1977 d.37	9 N.J.R. 139(a)
14:5-7.1 et seq.	Delete rules on electrical inspection authorities	R.1977 d.37	9 N.J.R. 139(a)
14:6A-1.1 et seq.	Oil distribution utilities	R.1977 d.210	9 N.J.R. 346(b)

(Rules in the Administrative Code for Title 14 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

STATE — TITLE 15

15:10-3.1 et seq.	Rules on all election district maps	R.1976 d.375	9 N.J.R. 42(b)
15:10-4.1	Printing absentee ballot applications	R.1977 d.205	9 N.J.R. 346(c)

(Rules in the Administrative Code for Title 15 include all adoptions prior to Nov. 15, 1976—Transmittal Sheet No. 8.)

TRANSPORTATION — TITLE 16

16:28-1.126	Revised speed zones on parts of Route 47	R.1977 d.120	9 N.J.R. 241(b)
16:28-1.166 and 1.167	Revised speed zones on parts of Route U.S. 9 and N.J. 181	R.1977 d.120	9 N.J.R. 241(b)
16:28-3.102	Revisions on restricted parking on parts of Route U.S. 9	R.1977 d.119	9 N.J.R. 241(a)
16:28-3.137	Restricted parking on Route 166	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.70	Revisions on restricted parking on parts of Route 23	R.1977 d.194	9 N.J.R. 294(b)
16:28-3.138	Restricted parking on Route 28	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.139	Restricted parking along Routes 173, 24, U.S. 202 and U.S. 71	R.1977 d.80	9 N.J.R. 190(e)
through 16:28-3.142			
16:28-3.143 through 16:28-3.145	Restricted parking on parts of Routes U.S. 9 and N.J. 29 and 23	R.1977 d.118	9 N.J.R. 240(b)
16:28-3.146 through 16:28-3.148	Restricted parking on parts of Routes 57, 47 and 27	R.1977 d.119	9 N.J.R. 241(a)
16:28-4.3	Repeal rule on one-way traffic on parts of Route 79	R.1977 d.76	9 N.J.R. 190(a)
16:28-6.15	Revisions on no left turns on parts of Route 171	R.1977 d.195	9 N.J.R. 294(c)
16:28-12.1 et seq.	Revisions on no-right turns on parts of Routes U.S. 1, U.S. 1 and 9, N.J. 5, 22 and 28	R.1977 d.153	9 N.J.R. 293(c)
16:28-12.16(a) et seq.	Revisions on no-right turns on red on parts of Routes 23, 24, 35 and 57	R.1977 d.152	9 N.J.R. 293(b)
16:28-12.16(a)5.	Amendment on no-right turns on red on parts of Route 23	R.1977 d.79	9 N.J.R. 190(d)
16:28-13.1	Limited access prohibition on parts of Route 208	R.1977 d.78	9 N.J.R. 190(c)
16:28-13.2	Limited access to parts of Routes 444 and U.S. 9	R.1977 d.154	9 N.J.R. 293(d)
16:28-13.3	Interstate Route 78; limited access prohibition	R.1977 d.171	9 N.J.R. 294(a)
16:28-14.1	Speed limits on State highways under construction or repair	R.1977 d.60	9 N.J.R. 142(a)
16:51-1.1 et seq.	Revisions on Reduced-Fare Transportation Program	R.1977 d.224	9 N.J.R. 349(a)
16:55-1.1 et seq.	Revised rules on aeronautical activities	R.1977 d.52	9 N.J.R. 141(a)

(Rules in the Administrative Code for Title 16 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

TREASURY-GENERAL — TITLE 17

17:1-1.18	Revisions on general administration	R.1977 d.32	9 N.J.R. 147(c)
17:1-1.21	Rules for pensioners' group health insurance plan	R.1976 d.338	8 N.J.R. 586(b)
17:1-10.1 et seq.	Rules on the State prescription drug program	R.1977 d.117	9 N.J.R. 243(a)
17:2-1.1(a), 17:2-6.15, 17:2-6.26	Revisions on board meetings, compulsory retirement and medical examinations	R.1977 d.148	9 N.J.R. 295(a)
17:3-6.25	Medical examinations regarding Teachers' Pension and Annuity Fund	R.1977 d.96	9 N.J.R. 200(a)
17:8-2.14	Amendments on full monthly payments	R.1977 d.61	9 N.J.R. 148(a)
17:12-2.4 through 17:12-2.7	Rules on term contract bidding procedures	R.1977 d.170	9 N.J.R. 295(e)
17:12-6.1	Revised definition for bid security	R.1977 d.169	9 N.J.R. 295(d)
17:12-6.1 et seq.	Rules on bid and performance bonds	R.1976 d.377	9 N.J.R. 47(a)
17:12-6.4	Informalities in bidding	R.1977 d.40	9 N.J.R. 147(d)
17:12-6.5	Automatic rejection of bids	R.1977 d.41	9 N.J.R. 147(e)
17:13-1.1 through 17:13-7.1	Repeal current text in its entirety	R.1977 d.122	9 N.J.R. 244(a)
17:16-5.4	Revised demand group; classification of funds	R.1977 d.124	9 N.J.R. 244(b)
17:16-5.5	Revised temporary reserve group; classification of funds	R.1977 d.13	9 N.J.R. 100(d)
17:16-7.4	Revised rule on legal papers	R.1976 d.401	9 N.J.R. 46(a)

(Continued from Page 23)

(e) An institution shall be excluded as a lender if students who received loans from that institution have a default rate of 15 per cent or more of the outstanding balance of such loans in repayment status for each of two consecutive years.

9:9-7.3 Audits

(a) The purpose of field audits is to investigate, advise and report on the methods and procedures used by lenders and schools in the preparation, processing and maintenance of student loan forms and records.

(b) Auditors shall be given access to all records relative to student loans, including, but not limited to:

1. Loan applications;
2. Notes evidencing loan obligations outstanding;
3. Individual student loan ledgers;
4. A current listing of delinquent student loans—properly aged;
5. Admissions' applications;
6. Admission acceptance letters;
7. Needs analysis documents;
8. Financial aid award letters; and
9. Correspondence files pertaining to student loan accounts.

(c) A report outlining the findings of the auditors will be sent to the eligible institution for comment. The report

will remain confidential until the institution responds within a reasonable time. Unless the institution shows cause why the report should not be made public, it will become a public record.

9:9-7.4 Eligibility limitation, suspension or termination

(a) Procedures include:

1. Pursuant to this paragraph, the Authority's resolution of school problems will normally be exercised through an exchange of informal compliance memorandums between the school and the staff of the Authority, supplemented by visits to the school.

2. When guaranteed student loan problems appear sufficient to merit a formal Authority review of continuing or modified school eligibility, the director may impose a suspension of new loan guarantees against the school or program in question, pending a formal review of the school's eligibility at the next regularly scheduled Authority meeting. The notice of suspension shall be provided by the staff to the school in written form and the reasons therefore and date of the next formal meeting of the Authority. Schools must arrange for an appearance before the Authority to show cause why the suspension should be lifted.

3. After consideration of the problem(s) and the materials presented, the Authority members shall determine by majority vote, at a formal meeting of the Authority, whether to:

17:16-8.2	Revised rule on legal papers	R.1976 d.402	9 N.J.R. 46(b)
17:16-31.1 et seq.	Revised rules on State Cash Management Fund	R.1977 d.173	9 N.J.R. 296(a)
17:16-32.8(b)5.	Revisions on valuation of units; Common Pension Fund A	R.1977 d.125	9 N.J.R. 244(c)
17:16-36.8(b)	Revisions on valuation of units; Common Pension Fund B	R.1977 d.126	9 N.J.R. 244(d)
17:19-3.1 et seq.	Recodified rules on debarment, suspension and disqualification of person(s)	R.1976 d.239	9 N.J.R. 294(e)
17:26-1.1 et seq.	Interim rules for processing damage claims under the Spill Compensation and Control Act	R.1977 d.116	9 N.J.R. 241(d)

(Rules in the Administrative Code for Title 17 include all adoptions prior to Oct. 25, 1976—Transmittal Sheet No. 7.)

TREASURY-TAXATION — TITLE 18

18:12-7.1 et seq.	Revisions on assessors, collectors and county tax board secretaries	R.1977 d.130	9 N.J.R. 245(a)
18:12-7.11	Revisions on extension of filing date; homestead rebates	R.1977 d.90	9 N.J.R. 199(b)
18:12A-1.16(h), (i)	Amendments on tax assessment lists and duplicates (EDP)	R.1977 d.131	9 N.J.R. 245(b)
18:14-1.1 et seq., 18:14 2.1 et seq. and 18:14-3.1 et seq.	Revisions on senior citizen property tax deductions	R.1977 d.150	9 N.J.R. 295(c)
18:24-9.12 et seq.	Revisions to rules on Sales and Use Tax Act	R.1977 d.29	9 N.J.R. 147(b)
18:35-1.5	Information furnished at source payers other than interest	R.1977 d.19	9 N.J.R. 101(a)
18:35-1.6	Treatment of capital gains and losses pursuant to P.L. 1976, c.47	R.1977 d.94	9 N.J.R. 199(c)
18:35-1.7	Accelerated returns and payment of certain employees' withheld taxes	R.1977 d.149	9 N.J.R. 295(b)

(Rules in the Administrative Code for Title 18 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revised rules of Mortgage Finance Agency	R.1977 d.53	9 N.J.R. 152(a)
19:4-6.28	Revisions to Hackensack Meadowlands zoning map	R.1977 d.155	9 N.J.R. 297(b)
19:6-1.2 et seq.	Revisions concerning District Building Code	R.1977 d.25	9 N.J.R. 150(a)
19:8-1.1	Revised definitions concerning motorcycles	R.1977 d.113	9 N.J.R. 246(a)
19:8-1.9(b)3.	Revisions on use of motorcycles on the Parkway	R.1977 d.113	9 N.J.R. 246(a)
19:9-1.1 et seq.	Revisions on control of traffic on the Turnpike	R.1977 d.63	9 N.J.R. 203(a)
19:25-15.1 et seq.	Rules on public financing of general elections for Governor	R.1977 d.72	9 N.J.R. 201(a)
19:25-15.35 through 19:25-15.37	Public financing of elections for office of Governor	R.1977 d.208	9 N.J.R. 349(b)

(Rules in the Administrative Code for Title 19 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 8.)

i. Continue the suspension pending the receipt of additional information.

ii. Impose or continue a staff suspension subject to limitations or exceptions agreed upon by majority vote.

iii. Revoke or lift the suspension and restore the school or program to full participation as authorized under the Rules and Regulations.

iv. Terminate the school's eligibility for an indefinite period of time.

v. Depending upon the circumstances, the Authority may:

(1) Impose a limit on the number of loans it will guarantee for students attending the school, including consideration of loan guarantees issued by other guarantors, plus consideration of future loan guarantees involving other guarantors.

(2) Demand payment for ineligible interest benefits, special allowance, claims, discounts, premiums or excess interest or refunds due to students in cases where restitution to the Authority or the United States Commissioner of Education is necessary to remedy a violation of applicable laws, regulations, agreements or limitations.

vi. The Authority may take the appropriate action it deems necessary.

(b) Factors affecting withdrawal or limitations of school eligibility are:

1. As a guarantor of educational loans, the Authority's financial liability is strongly affected by the attitudes and practices of school officials who receive and benefit from the proceeds of educational loans and grants. The quality of education imparted to student borrowers is of equal concern and when it is considered in the light of the preceding sentence, the public interest is outlined.

2. The withdrawal or limitation of school eligibility is not an abstract problem, instead it is most often a condition(s) that can be attributed to named owners or equivalent, administrators, admissions or recruiting personnel, registrars or financial aid directors, the business office or treasurer, and sometimes, combinations of persons having administrative functions. Marginal or substandard academic conditions may exist and contribute to a poor educational product.

3. Since some schools receive guaranteed loan proceeds through more than one guarantor, school abuse(s) will be evaluated by the Authority on the basis of the total number of students and the total number and value of loans made by all guarantors during any selected period of time. Other guarantors include guarantee agencies in other states, the United Student Aid Fund and Federally Insured Student Loans under the U.S. Office of Education or Department of Health, Education and Welfare sponsorship.

4. The withdrawal or limitation of school eligibility may be for one reason or a variety of reasons. In each case, the magnitude of an abuse or omission will be considered by the Authority in reaching its eligibility determination.

5. School eligibility may be withdrawn or limited for any of the following reasons:

i. If more than ten per cent of the students beyond their grace period are in default.

ii. If the tuition proceeds of guaranteed or insured loans are not placed in escrow and drawn upon as earned.

iii. If it appears that the school recruiting policy produces a disproportionate enrollment of scholastically inept students, who rely upon guaranteed loans for an educational program(s) not suitable to the aptitudes, interests or abilities of those students.

iv. If recruitment, dropout or refund policies are deemed to be unethical.

v. If students are misled concerning their financial responsibility to repay educational loans, the transferability of educational credits or employment prospects.

vi. If the school misrepresents the financial aid determinations or ignores administrative requirements associated with complementary or Federally-sponsored student financial aid programs.

vii. If tuition refunds are not made within 30 days of determination of dropout.

viii. If the school relies upon a block commitment of funds for student loan purposes from a lender and more than 20 per cent of the enrolled students receive loans under such arrangements. Block commitment defined as "an arrangement between a lender and school to provide a pre-determined amount of funds for guaranteed loans for students attending that particular school".

ix. If more than 20 per cent of the enrolled students having guaranteed loans withdraw during the first quarter or semester of instruction.

x. If the Federal authorities suspend or limit the eligibility of an educational institution for apparent program abuses.

xi. If the school fails to inform lenders when students are no longer enrolled.

xii. If the school refuses to maintain or display the records needed to audit guaranteed loans. Each participating institution shall maintain records regarding the admission, academic standing, periods of attendance, courses taken, determination of need for subsidized loans, receipt of loan proceeds, receipt of tuition and fees, refunds, financial aid packaging, student account receivables, school financials and placement (if the school provides placement services) for each student. The school must maintain all records for a period of five years after graduation or withdrawal.

xiii. If the school does not reply in writing to the informal compliance memorandum within 14 calendar days of receipt.

xiv. If the school does not deliver the services promised to students.

xv. If the financial condition of the school appears unsound, or if the financial condition is not clearly apparent. (The Authority may request a complete financial disclosure, including records on student accounts receivables to be prepared and certified by an independent, certified public accountant.

xvi. If the school fails to provide any supplemental information required or requested by the Authority.

xvii. If a school fails to report when more than 40 per cent of the students in a beginning course or academic year have received guaranteed loans.

xviii. If financial aid records are not maintained separate from other records and if the financial aid program is not properly administered.

xix. If there is a loss of national accreditation or lack of (loss of) certification by the State Board of Education or State Board of Higher Education.

xx. If adequate counseling regarding financial aid is not provided.

xxi. If refund provisions are not equitable considering all governmental sponsored forms of direct student financial aid. The purpose of this provision is to insure that within regulations promulgated by the Veterans Administration and others, the guaranteed loan proceeds are not unfairly or disproportionately consumed through a devious or unfair accounting methodology.

xxii. If other reasons dictate withdrawal or limitation of eligibility to protect the public interest.

(c) Reinstatement rules are:

1. There shall be a minimum waiting period of 24 months following the date on which a school has been terminated as an eligible school or lender before application for reinstatement can be made.

2. The 24-month waiting period prior to application for reinstatement shall also apply to schools terminated under Federal legislation or regulation.

3. Any school terminated under Federal legislation or regulations must wait 24 months from the effective date of these regulations before applying for reinstatement as an eligible school or lender.

(d) All Higher Education Assistance Authority rules and regulations are subject to immediate alteration, if changes in Federal statutes dictate such appropriate action.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

Higher Education Assistance Authority
Department of Higher Education
225 West State St.
P.O. Box 1293
Trenton, N.J. 08625

The Higher Education Assistance Authority, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

William C. Nester
Director, Higher Education Assistance Authority
Department of Higher Education

(a)

HIGHER EDUCATION

HIGHER EDUCATION ASSISTANCE AUTHORITY

Amendments on Change of Lenders

On June 16, 1977, William C. Nester, Director of the Higher Education Assistance Authority in the Department of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 9:9-1.10 concerning change of lenders, as proposed in the Notice published February 10, 1977 at 9 N.J.R. 81(c).

An order adopting these amendments was filed and became effective on June 21, 1977, as R.1977 d.216.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HIGHER EDUCATION

HIGHER EDUCATION ASSISTANCE AUTHORITY

Rules on Policy Governing Institution Of Higher Education Loan Act

On June 21, 1977, William C. Nester, Director of the Higher Education Assistance Authority in the Department

of Higher Education, pursuant to authority of P.L. 1977, c. 123 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning policy governing the Institution of Higher Education Loan Act.

Full text of the adopted rules follows:

SUBCHAPTER 8. POLICY GOVERNING THE INSTITUTION OF THE HIGHER EDUCATION EDUCATIONAL LOAN ACT

9:9-8.1 Purpose

(a) The purpose of this loan program is to permit New Jersey institutions of higher education to make loans to students and families of students to defray costs of attendance at the institution making the loan or to an employee of an institution of higher education for the purpose of defraying costs of post-secondary education of the employee or the spouse or child of the employee.

(b) This loan program is not a substitute for the Guaranteed Student Loan Program (G.S.L.) or the National Direct Student Loan Program (N.D.S.L.). It is intended to supplement those programs in situations where those programs are inappropriate or insufficient.

9:9-8.2 Eligible institutions of higher education

(a) Any institution of collegiate grade located in New Jersey, approved or licensed by the State Board of Higher Education or otherwise authorized under N.J.S.A. 18A:68-6, and accredited by the Middle States Association of Colleges and Secondary Schools.

(b) Institutions wishing to make loans under these provisions shall notify the Higher Education Assistance Authority in writing and provide a description of the program, including terms of the loan, resources available and procedures for obtaining a loan. No such program may commence or operate without approval of the Higher Education Assistance Authority. The Authority shall be notified promptly in writing of any changes in the program.

9:9-8.3 Source of funds

(a) Institutions which make loans under these provisions shall use only institutional funds derived from endowment, corporate or foundation accounts.

(b) Funds borrowed from sources outside of the institution or received from governmental sources shall not be used for making loans under these provisions.

9:9-8.4 Terms of loan

(a) The loan amount shall not exceed \$8,000 per year per student, but in succeeding years may be adjusted upward from the base year (1977) by an amount not to exceed the percentage increase of the Cost of Living Index for the metropolitan New York area as published by the United States Department of Labor.

(b) The simple interest rate shall be 8.75 percent per annum on the outstanding principal balance.

(c) Repayment of the loan may be in monthly installments not to exceed 120 months from the date of the due date of the first payment.

(d) Forbearance on behalf of the borrower may be granted by the lender when agreeable to both parties.

9:9-8.5 Accounting

(a) Each institution of higher education having this loan program shall maintain a separate account for such funds which shows the names of student beneficiaries and their permanent residence and the loan amount outstanding for each.

(b) Accurate, up-to-date records shall be maintained by the institution of higher education.

(c) The Higher Education Assistance Authority shall be permitted access to records when and if need arises.

9:9-8.6 Reports

(a) Each institution of higher education shall submit an annual report to the Higher Education Assistance Authority which sets forth the number of students granted a loan, by income range, by graduate or undergraduate status, by state of residence and by dollar amount loaned.

(b) A similar report as stated in (a), showing the same categories, shall be made annually using cumulative figures.

(c) Other reports shall be provided to the Higher Education Assistance Authority as may be deemed appropriate by the Authority.

9:9-8.7 Truth-in-lending and equal credit opportunity

Each institution of higher education which establishes a loan program under the Institution of Higher Education Educational Loan Act shall comply with the Federal truth-in-lending law and regulations and the Federal equal credit opportunity law and regulations.

9:9-8.8 Suspension and termination

(a) Violation of the law or these regulations shall be deemed to be sufficient cause to suspend operation of the program. The institution of higher education so suspended shall cease making additional loans and shall be advised in writing of the causes for the suspension within ten days of the suspension.

(b) The suspended institution shall be given a hearing before the Higher Education Assistance Authority at a date no later than 30 days from the day of suspension and no earlier than 21 days from the day of suspension, or at its next regularly scheduled meeting, whichever is earlier. At the hearing the Authority shall determine whether or not the suspension was based on sufficient cause. If so, the Authority may determine to continue the suspension for a specified period of time, or may terminate the institution from making additional loans.

(c) An institution which has been terminated may apply for reinstatement after a waiting period of 24 months following the date on which the eligible institution was terminated. When requesting reinstatement, the institution shall set forth in writing those actions taken to correct and avoid future violations such as those which caused the termination.

An order adopting these rules was filed and became effective on June 21, 1977, as R.1977 d.217 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Pharmacy Billing Procedures

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the rules concerning pharmacy billing procedures. The proposed revisions concern the deletion in its entirety of the current text of N.J.A.C. 10:51-2.1 et seq. and the adoption of new text therein.

The proposed new rules concern general policies, patient identification, plastic pharmacy card, imprinter,

pharmacy provider identification plate, instructions for completion of form MC-6, payment voucher, Medicaid pharmacy missing claims investigation/adjustment request form, submission of claims, directory of local medical assistance units and tape-to-tape claims and computer generated hand copy claims.

Copies of the full text of 15 pages of the proposed new rules may be obtained from or made available for review by contacting:

Administrative Practice Officer
Division of Medical Assistance and Health Services
Post Office Box 2486
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to the Administrative Practice Officer, Division of Medical Assistance and Health Services at the above address.

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Cost Study, Rate Review, Accounting and Reporting System for Long-Term-Care Facilities

Ann Klein, Commissioner of Human Services, pursuant to the authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt rules and guidelines regarding Health Services Program (Medicaid) reimbursement for long-term-care facility services.

The proposed regulations were developed by the Division of Medical Assistance and Health Services in cooperation with the Department of Health and are intended to provide for reasonable cost-related per diem rates of reimbursement to Medicaid participating long-term-care facilities in accordance with Federal regulations (45 CFR 250.30, et seq.).

It is anticipated that the regulations will be used to establish per diem reimbursement rates for periods beginning July 1, 1977. The rules would replace the 1976 cost study currently cited as N.J.A.C. 10:63-3.1 et seq.

Per diem rates established pursuant to these regulations will be limited to the Division of Medical Assistance and Health Services' available budget appropriation.

Copies of the proposed cost study, rate review guidelines, the accounting and reporting system and related documents may be obtained from:

Acting Deputy Assistant Director
Program Integrity Administration
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977 at the above address.

The Department of Human Services, upon its own motion or at the instance of any interested party, may thereafter adopt these revised rules substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Injectable Policy for Podiatrists and Dentists

Ann Klein, Commissioner of Human Services, pursuant to the authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules and revise a portion of existing rules concerning the injectables policy for podiatrists and dentists.

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

10:56-1.48 Injection policy

(a) Within the scope of accepted dental practice, the New Jersey Medicaid Program will make payment for injections (intra-dermal, subcutaneous, intramuscular or intravenous) in the following setting: office, home and those independent clinics reimbursed for dental services provided on a fee for service basis.

1. Reimbursement for the above injections are on a flat fee basis and are all inclusive for the cost of the service and the drug.

2. A visit for the sole purpose of an injection is reimbursable for the injection only. If other dental procedures are performed that are reimbursable, an injection may, if medically indicated, be considered in addition to the other procedures.

3. Intravenous injections are reimbursable only when performed by the dentist.

4. No reimbursement will be made for vitamins, liver or iron injections or combinations thereof except in laboratory-proven deficiency states requiring parenteral therapy.

5. No reimbursement will be made for placebos or any injections containing amphetamines or derivatives thereof.

6. No reimbursement will be made for any injection given as a preoperative medication or as a local anesthetic which is part of an operative or surgical procedure.

7. Insert procedure code 9610, name of the drug injected, dosage and route of administration, along with the complete diagnosis for which the injection was given, must be inserted on the dental claim form (MC-10).

10:57-1.4(b)4. [Injections or] Drugs dispensed by the podiatrist not reimbursable.

10:57-1.4(d) No additional payment will be made for [injections or] drugs dispensed by a podiatrist.

10:57-1.22 Injection policy and drugs dispensed by a podiatrist

(a) Following is the New Jersey Medicaid Program injection policy: The Program will make payment for injections (intra-dermal, subcutaneous, intramuscular, intravenous), office or home setting.

1. Injection (intra-dermal, subcutaneous, intramuscular, intravenous): office or home setting:

i. Reimbursement for the above injections are on a flat fee basis and are inclusive for the cost of the service and the drug or vaccine.

Note 1: A visit for the sole purpose of an injection is reimbursable as an injection and not as an office visit plus an injection. On the other hand, if the criteria of an office or home visit are met, an injection may, if medically indicated, be considered as an add-on to the visit. The drug administered must be consistent with the diagnosis and conform to accepted medical and pharmacological principles in respect to dosage frequency and route of administration.

Note 2: Intravenous injections are reimbursable only when performed by the podiatrist.

Note 3: No reimbursement will be made for vitamins, liver or iron injections or combinations thereof except in laboratory-proven deficiency states requiring parenteral therapy.

Note 4: No reimbursement will be made for placebos or any injections containing amphetamines or derivatives thereof.

Note 5: No reimbursement will be made for injection given as a pre-operative medication or as a local anesthetic which is part of an operative or surgical procedure since this injection would normally be included in the prescribed fee for such a procedure.

Note 6: Insert procedure code number 9072 as a separate item on physician and practitioner claim form MC-8 under section 12D. This is to be followed by the name, dose of drug and route of administration. The complete diagnosis for which the injection was given must be inserted on the same line in section 12C.

Note 7: Injectable prescription drugs are no longer a reimbursable item to the provider.

Exception:

1. In long term care facilities;

2. Drugs to be administered to a patient by other than the podiatrist or his employee. Podiatrist's prescription must carry the legend "Medicaid authorized". Prior authorization is required.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

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

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Transportation Billing Procedures

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to de-

lete in its entirety the current text of Subchapter 2, Chapter 50, in Title 10 of the New Jersey Administrative Code, concerning transportation billing procedures, and adopt new text therein.

Full text of the proposed new rules follows:

SUBCHAPTER 2. TRANSPORTATION BILLING PROCEDURES

10:50-2.1 Billing procedures

This Subchapter contains basic information for the submission of a claim. Included is a sample claim form approved for use in submitting bills for covered services, and appropriate instructions for the proper completion of the form. (See Exhibit I)

10:50-2.2 General policy

Billing should be done on a monthly basis. In all cases, claims must be submitted to the Prudential Insurance Company no later than 90 days after the last date services were rendered. Always furnish the prescription of the physician or practitioner.

10:50-2.3 Patient identification

Verify that the patient is a Medicaid eligible person at the time of each trip. Eligibility is verified by viewing the patient validation form which is issued on the first day of each month for AFDC eligible individuals and quarterly for SSI eligibles. It is especially important to review a patient's validation form on each trip when extended plans of treatment have been authorized. Prior authorization is no guarantee that an individual is covered.

10:50-2.4 Prior authorization

(a) Services requiring prior authorization should not be provided until the authorization is granted. When submitting claims for payment make certain that item 16 on form MC-12 C3 is signed by a Medicaid medical consultant and that the appropriate mode of transportation (ambulance or invalid carrier) has been checked off. To assure prompt claim consideration and to avoid claim rejection, always furnish the prescribing physician's or practitioner's name and social security number (Medicaid identification number).

(b) Since no prior authorization is required for emergency, provider must submit those claims directly to Prudential for reimbursement.

10:50-2.5 Combination Medicare/Medicaid claims

(a) Services covered under Medicare to a Medicare/Medicaid eligible person shall be billed on Form SSA-1491, Request for Medicare Payment, and the claims sent directly to the Medicare Intermediary, Prudential, Medicare B Division, P.O. Box 3000, Linwood, New Jersey 08221. The provider must record the health insurance claim number in Item 2 and the New Jersey Health Services case and person number in Item 5 on the SSA-1491 Form.

Note: In cases where prior authorization is required for Medicaid (nonemergency), submit three copies of the SSA-1491 (5/72) and the physician's order (prescription) to the appropriate Local Medical Assistance Unit for authorization. If authorized, the Medicaid Medical Consultant will describe the terms of the authorization and affix his signature and date to the 1491 in item 5, and return two copies and the prescription to the provider. The provider submits the original authorized copy of the 1491 and the prescription to the Medicare intermediary for payment. (See Exhibit II for sample of a properly completed Medicare/Medicaid claim.)

(b) If denied the medical consultant will notify the pro-

vider of the reason(s), will write "Medicaid authorization denied" and sign his name in item 16, and return two copies of the claim and the prescription to the provider. If the provider renders the service when the authorization request has been denied, the claim may be submitted to Medicare for consideration, but there will not be any payment forthcoming from Medicaid.

10:50-2.6 Ambulance and other transportation claim (MC-12 C3)

(a) This form should be used when submitting a claim for transportation services, including the providing of oxygen when necessary.

1. Instructions for completion of Form MC-12 C3 (Exhibit I):

i. 1-4. Name, address, case no. and person no.: Copy patient's name, H.S.P. case number and patient person number exactly as it appears on the validation form;

ii. 5-6. Self-explanatory;

iii. 7. Other insurance or liability coverage: If patient has other health insurance or liability coverage, check appropriate block. If yes, you must attach a copy of the decline notice or a copy of explanation of payment from carrier. (When the recipient is covered by both Medicare and Medicaid see Section 5 of this Subchapter);

iv. 8. Employment related: If patient's illness or injury is work related enter name and address of employer;

v. 9. Name and address of provider: (This information will be preprinted.);

vi. 10. Automobile related accident: Check appropriate block. See Subchapter 1 of this Chapter, General Exclusions and Utilization of Insurance Benefits;

vii. 11. Report of services:

(1) Date of service;

(2) Insert the procedure code as specified in Subchapter 1 of this Chapter. It is understood that the procedure code used must accurately reflect the service provided.

(3) Place of origin, as printed directly above, select the applicable place of origin and insert the corresponding number under C.

(4) Under origin and destination give the street address and city, or in the case of an institution such as a hospital or long term care facility, the name of the institution. Indicate other services rendered, for example, oxygen.

(a) Show the distance traveled one way, from the origin to the destination.

(b) Indicate waiting time if any in accordance with Subchapter 1 of this Chapter and attach an explanation of the need for waiting time to the MC-12 C3 claim form.

(5) Fee requested: Indicate here your usual and customary charge.

viii. 12. Information required:

(1) Self-explanatory. The claim will be rejected without the name and individual Medicaid practitioner number of the physician ordering transportation.

(2) Indicate the primary diagnosis using the international classification of diseases adapted (I.C.D.A.).

(3) Reason for transportation should indicate the nature and degree of the limitation(s) which necessitates such mode of transportation and the specific purpose of the trip(s).

(4) Self-explanatory. (For the definition of emergency conditions see Subchapter 1 of this Chapter).

(5) Self-explanatory.

ix. 13. Authorization request information:

(1) Written requests are mandatory for multiple trips and for individual trips known in advance. The origin and destination blocks must indicate the city and state.

(2) Telephone authorization requests will only be accepted in unusual circumstances where time does not allow written requests. In those cases of approval you must indicate the LMAU assigned authorization number in the block provided in item 13.

(3) Multiple load claim forms must be collated as follows:

(a) A separate claim form is to be submitted for each patient whether involved in a single or a multiple load situation. In multiple loadings the charge for loaded mileage and the waiting time charge (if any) is to be applied to only one patient claim form.

(B) All other patient claim forms in a multiple load situation will include only a loading charge.

(c) In all instances, the multiple load claim submitted for each Medicaid patient must have prior authorization by the medical consultant.

(d) Occupancy and mileage information: Self-explanatory.

x. 14. Patient's certification: Under ordinary circumstances, the patient must sign the claim form when services have been received. The claim form to be signed should indicate service rendered, and the patient must not sign a blank claim form prior to receiving services or as a condition for receiving services. However, when the patient's signature is unobtainable, the following procedure may be used:

(1) Illiterate patient: The patient may sign by mark (X), and the signature must be witnessed by another person including the provider of service who signs his name and address on the same line.

(2) Other: If a patient is physically or mentally incapable of signing, a minor child, deceased, or for other reasons the patient's signature is not obtainable, through reasonable effort, the form may be signed on his behalf by:

- (A) A parent; or
- (B) A legal guardian; or
- (C) A relative; or
- (D) A friend; or
- (E) An individual provider; or
- (F) A representation of an institution providing care or support; or

(G) A representative of a governmental agency providing assistance.

(3) Attached to the claim form or written directly on the form should be a brief explanation of reason patient was not personally able to sign and relationship of signee to the patient-recipient.

10:50-2.7 Provider certification and penalties for fraud

(a) Please read the provider certification carefully. The provider must sign and date the claim. Note that the billing date is the date the claim is mailed.

(b) Payments for services rendered to Medicaid eligible persons will be from both Federal and State funds and any false claims, statements, or documents, or concealment of a material fact, is punishable under Federal and State laws.

(c) Under Federal law, whoever furnishes items or services to an individual for which payment is or may be made in whole or in part out of Federal funds under a State Medicaid plan approved under Title XIX of the Social Security Act, and who solicits, offers or receives any:

1. Kickback or bribe in connection with the furnishing of such items or services or the making or receipt of such payment; or

2. Rebate or any fee or charge for referring any such individual to another person for the furnishing of such items or services, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$10,000 or imprisoned not more than one year or both.

Editor's Note: Included in the proposed new rules above are Exhibits I and II, which are not reproduced herein. Copies of these exhibits may be obtained from:

Administrative Practice Officer
Division of Medical Assistance and Health Services
Post Office Box 2486
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977 to the Division of Medical Assistance and Health Services at the above address.

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules on Contracting for Prepaid Health Care Services for Title XIX Eligibles

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules concerning the contracting for prepaid health care services for Title XIX eligibles.

Full text of the proposed rules follows:

SUBCHAPTER 10. PREPAID HEALTH CARE SERVICES; TITLE XIX ELIGIBLES

10:49-10.1 Definitions

"Benefits" mean medical, psychiatric, social and related health services which the contractor has agreed to provide, arrange for and be held fiscally responsible for under the negotiated contract.

"Capitation rate" means a stated sum due the contractor for a stated group of services for each enrollee, by stated categories.

"Commissioner" means the Commissioner of the Department of Human Services or a duly authorized representative.

"Contractor" means a health maintenance organization as defined herein which contracts with the Division for the provision of comprehensive health care services on a capitated prepayment basis.

"Director" means the Director of the Division of Medical Assistance and Health Services or a duly authorized representative.

"Department" means the Department of Human Services.

"Disenrollment" means the process of removal of an enrollee.

"Division" means the Division of Medical Assistance and Health Services of the Department.

"Eligible" means any person or family household that is receiving or has been certified as eligible for New Jersey Health Services Program (Medicaid) benefits.

"Emergency services" mean those services required to treat a sudden illness or injury of such immediate nature that any unusual delay in treatment would be dangerous to the health or well-being of the enrollee.

"Enrollee" means any eligible person residing within the defined enrollment area, who elects or has had elected on his or her behalf by an authorized person, in writing, to participate in a prepaid health plan.

"Enrolled population" means all enrolled persons.

"Enrollment" means the process by which eligible persons voluntarily contract to utilize prepaid health care services in lieu of standard Medicaid benefits.

"Enrollment area" means the defined geographic area within which potential enrollees must have their place of residence, and within which the contractor must market its plan.

"HMO" means a Health Maintenance Organization certified under PL 93-222, or operating under a New Jersey Certificate of Authority and exempted by the Social Security Act, as amended, from the provisions of P.L. 93-222.

"Marketing" means any presentation by or on behalf of a prepaid health plan by any person, firm or corporation for enrollment purposes.

"Out-of-area benefits" mean emergency services rendered to an enrollee beyond the service area and services rendered outside the service area when arranged or approved by the contractor.

"Primary care physician" means a physician who has the responsibility for general care and treatment and who also has responsibility for initiating referrals for specialist care and for maintaining continuity of patient care. In general, the primary care physician is a general or family practitioner, internist, pediatrician, or obstetrician/gynecologist.

"Service area" means the defined geographic area within which from, or through which the enrollee must obtain all benefits except emergency services, or other services upon contractor referral.

"Subcontract" means any written agreement between the contractor and a third party to perform a specified part of the contractor's obligations under the contract.

"Target population" means the population from which the initial number of enrollees, not to exceed any limit specified in the contract, will be drawn, that is, Title XIX eligibles residing within the stated enrollment area and belonging to one of the categories of medical assistance to be covered under the contract.

10:49-10.2 Criteria for contracting with the Department

(a) The contractor must:

1. Comply with the requirements of the New Jersey certificate of authority, statutes and regulations.

2. Furnish the Director with such information and reports that she/he finds necessary.

3. Enroll, provide services and employ without reference to race, sex, age, religion, creed, color, national origin, ancestry or pre-existing medical conditions other than those specifically excluded from coverage by the contract.

4. Any contract resulting from a proposal must be approved by the appropriate State control agencies before it shall become effective.

5. Each contractor shall have the organizational and administrative capabilities to carry out its duties and responsibilities under the contract. This shall include at a minimum the following:

i. A full-time administrator to manage day-to-day business activities of the contractor;

ii. Data reporting capabilities sufficient to provide necessary and timely reports to the Department;

iii. Financial records and books of accounts maintained in accordance with generally accepted accounting principles which are sufficient to disclose fully the disposition of all program funds received;

iv. An annual independent audit arranged for by the contractor.

6. Each contractor shall advise the Department of its administrative organization and changes thereto. This includes the functions and responsibilities of each principal, an organizational chart and a list of all personnel and providers used either directly by the contractor or through subcontractual arrangements. For each principal and each provider, not previously reported, include the following information:

i. Full name;

ii. Business address;

iii. Date and place of birth;

iv. Social Security number;

v. IRS employer number;

vi. Professional license number (when applicable);

vii. Medical specialty (when applicable).

10:49-10.3 Benefits

(a) Rules on the scope of benefits are:

1. To the maximum extent possible each contractor shall provide or arrange for the provision of the full scope of benefits provided under Laws of 1968, Chapter 413, as amended. The Director shall have final authority and sole discretion to establish the scope and duration of services covered in any prepaid health contract.

2. Each contractor, as a minimum, shall

i. Provide physician services, hospital outpatient services, laboratory and x-ray services, prescribed legend and prescribed non-legend drugs and hospital inpatient care.

ii. Provide for emergency services, as defined in "I. J." herein, whether received from the contractor's own facilities or from other providers which services shall be available on a 24-hour-a-day, 7-day-a-week basis.

(b) Availability of services rules are:

1. Each contractor shall demonstrate the availability and accessibility of adequate numbers of institutional facilities and professional, allied and supported paramedical personnel to perform adequately the agreed-upon services.

2. Each contractor shall insure that no distinctions will be made with regard to quality of service or benefits between eligibles under these regulations and any other parties served by the contractor.

3. To the extent feasible and appropriate, each Medicaid enrollee shall be given the choice of a primary physician who will supervise and coordinate his or her care.

4. Generally, the contractor must have only one enrollment area for all parties served, including those served under these regulations. Such enrollment area shall be subject to approval by the Division.

10:49-10.4 Marketing and enrollment

(a) Marketing rules are:

1. The contractor shall obtain written approval from the Commissioner prior to implementing the following:

i. A method of enrollment and enrollment forms to be used to enroll Medicaid eligibles.

ii. The form and content of informational and instructional materials to be distributed to Medicaid eligibles, outlining the scope and nature of benefits provided by the contractor.

iii. The form and content of informational instructional materials to be distributed to inform enrollees of changes in program scope or administration.

iv. The form and content of all public information releases pertaining to the enrollment of Medicaid eligibles in the Health Maintenance Organization.

2. The contractor shall insure: (i.) That all marketing presentations accurately and clearly represent the benefits and limitations of the Health Maintenance Organization; (ii.) The marketing representatives have received sufficient instructions and training to be capable of performing such marketing activities; (iii.) The marketing representatives shall only represent themselves as agents of the contractor involved in marketing; and (iv.) the marketing representatives are prohibited from offering or giving any form of compensation or reward as an inducement to an eligible person to enroll in the HMO.

(b) Rules on information to enrollees are:

1. At such time as a potential enrollee signs an enrollment application of a prepaid health plan, the contractor shall inform the potential enrollee that:

i. There is normally a 15 to 45-day processing period between the date of application and the effective date of enrollment.

ii. During this interim period, the enrollee may continue to receive health care services under his or her current arrangement as long as she/he retains Medicaid eligibility.

2. Within ten days after the effective date of coverage, or as specified in the contract, the contractor shall provide in writing to a new enrollee:

i. Notification of his or her effective date of enrollment.

ii. An identification card clearly indicating that the bearer is an enrollee of the HMO.

iii. Specific details on benefits, limitations, exclusions, and availability and location of services and facilities.

iv. An explanation of the procedure for obtaining benefits including the address and telephone number of primary physicians, the hours and days facilities are open, and accepted appointment procedures.

v. Information regarding continued enrollment in the prepaid health plan including patients rights and patients responsibilities, and the reasons a person may lose eligibility for the plan and what should be done if this occurs.

vi. Procedures for resolving complaints.

vii. Information giving reasons and procedures for disenrollment.

viii. Any other information essential to the proper use of the plan as may be required by the Division.

3. Each contractor shall at least annually, furnish in writing to each enrollee current information as required by paragraph 2 of this subsection.

4. Information as required by paragraph 2 of this subsection shall be supplied whenever there are significant changes in the services provided or the locations where they can be obtained, or other changes in program nature and administration. Such information shall be provided to enrollees at least ten days prior to such change.

(c) Enrollment rules are:

1. The contractor shall enroll eligible persons in the order in which they apply, without restrictions, up to contract limits.

2. Enrollment shall be accomplished by the beneficiary's voluntary signing of an enrollment application agreeing to utilize only the health care services provided or arranged by the contractor, and the Division's validation and verification of eligibility.

3. Enrollment shall be for a minimum period of six months with the exceptions indicated in subsection (d) of this Section. This fact shall be clearly stated on the enrollment application.

4. Enrollment shall continue indefinitely following the end of the enrollee's initial minimum enrollment period.

After such period the enrollee may terminate his/her enrollment without cause, and with at least ten days notice to contractor. The contractor may terminate enrollment for reasonable cause, as determined by the Division.

(d) Disenrollment rules are:

1. Disenrollment is mandatory when: (i.) The contract between the Division and the HMO is terminated; (ii.) The enrollee becomes ineligible as a Medicaid beneficiary; or (iii.) When the enrollee moves outside of the service area boundaries.

2. Provision shall also be made for an enrollee's voluntary disenrollment during the first thirty days of membership in the HMO.

10:49-10.5 Medical records and quality care

(a) Medical records rules are:

1. Each contractor shall maintain a medical record on each enrollee who has received medical services while enrolled in the HMO.

2. Each enrollee's medical reports shall be kept in detail consistent with good medical and professional practice based on the service provided. Furthermore, each contractor shall conform to the standards of confidentiality of information mandated for Federal and State officials.

3. Medical records shall be sufficiently complete to permit subsequent peer review or medical audit. All required records, either originals or reproductions thereof, shall be maintained in legible form and readily available to appropriate Divisional professional staff upon request.

(b) Peer review rules are:

1. Each contractor shall submit a description of its system of internal peer review to the Division for approval to assure that acceptable professional practice will be followed by the contractor and its subcontractors.

2. There shall also be an explanation of how such peer review procedures will relate to the applicable local PSRO should such exist.

3. Such peer review system shall be at least equivalent to levels of peer review generally available.

4. The number of cases reviewed and summaries of the actions taken by the peer review system shall be reported quarterly to the Division.

(c) Quality assurance rules are:

1. The contractor shall submit a detailed plan for quality assurance to the Division for approval to assure that acceptable professional practice will be followed by the organization and its subcontractors. This shall include a proposed system for continuing performance review and health care evaluation, that is, explanation of the methods which the contractor proposes to follow in guaranteeing that the services provided each enrollee will meet criteria required by appropriate Federal and State statutes and regulations.

2. The contractor must agree to medical audits relating to its standard of medical practice and the quality, appropriateness and timeliness of health care services provided all members, as may be required by appropriate agencies. The medical audit shall include, at a minimum, the review of:

i. The physical facilities and equipment;

ii. The delivery system for patient care;

iii. A statistically representative sample of enrollee records;

iv. The peer review system and reports; and

v. The grievances relating to medical care including their disposition.

3. The results of the medical audits may be disclosed to the public on a need-to-know basis by the State, consistent with State and Federal law.

4. The contractor must agree to release the medical records of beneficiaries upon termination of their coverage, as may be directed by authorized personnel of the Division, appropriate agencies of the State of New Jersey, or the United States Government.

10:49-10.6 Grievance procedure

(a) The contractor shall establish a grievance procedure for the receipt and adjudication of complaints from enrollees relating to quality, scope, nature and delivery of services. Such grievance procedure shall provide for expeditious resolution of grievances by HMO personnel at a decision-making level with authority to require corrective action. The contractor shall also review the complaint procedure at reasonable intervals for the purpose of amending same, with the prior written approval of the Director in order to improve said system and procedure.

(b) The contractor shall insure that all eligibles receiving services funded under Title XIX of the Social Security Act shall be informed in a simple, brief statement of their rights to a fair hearing.

10:49-10.7 Financial arrangements

(a) The contractor shall submit for Division approval information in sufficient detail to describe:

1. The exact capitation rate requested for each category of medical assistance covered under the contract, adjusted for age. The capitation rate will be based upon a weighted average of the above data;

2. The major cost components that constitute each capitation rate, including at a minimum the projected costs of hospital services, physician services, pharmaceuticals, administration, and other components as approved by the Division; and

3. A detailed description of the underlying assumptions and procedures followed by the contractor in determining its rate.

(b) The annual capitation rate for any contractor may not exceed the expected per capita, fee-for-service cost for similar services in the corresponding eligibility category for the Medicaid population in the area.

(c) Capitation rates shall be subject to negotiation before the contract renewal, but shall not be revised more often than annually.

(d) Any capitation rate paid to the contractor shall not include payment for recoupment of losses incurred by the HMO from prior years.

(e) The contractor is responsible for payment of covered emergency services and out-of-area care, as defined in the contract, rendered to an enrollee whether or not such services are provided at the contractor's facilities.

(f) The Division may share the financial risk for catastrophic occurrences attributable to prepaid Medicaid enrollees with the contractor by adopting varying risk sharing methods as a negotiated element of the prepaid contract.

(g) The contractor may share in the profits or savings resulting under the contract in a manner paralleling the risk sharing methods adopted within the above catastrophic policy as a negotiated element of the contract.

(h) If third party liability exists for an enrollee, either by subrogation or tort, the Division shall require the contractor to recover all appropriate payments from other third party sources for services rendered to enrollees.

1. The contractor shall refund, on a quarterly basis, to the Division, all third-party funds collected for services to enrollees, except for an amount equal to those costs incurred by such collection, provided, however, that such costs may not exceed 20 percent of the funds received, or the contractor may elect not to collect any third-party

funds but must then report information in sufficient detail to allow the Division to collect such funds.

2. If it has chosen to collect from outside sources, the contractor shall include in its periodic reporting to the Division a complete disclosure of the amounts and nature of third-party payments recovered for Title XIX enrollees.

3. The Division will thereafter pursue a policy of deducting an amount actuarially determined to be representative of the availability of third-party coverage from the capitation rate.

10:49-10.8 Capitation payments to contractors

(a) The contractor shall submit to the Division on or before the 18th day of each month a list of individuals who have completed enrollment forms and already been certified by the Division as eligible. For these certified eligible persons only, the Division will pay the capitation rate no later than the tenth day of the month in which the beneficiary will be eligible to receive services.

(b) The Division shall make monthly payments to the contractor based upon the total number of certified eligible enrollees and negotiated capitation rate(s).

10:49-10.9 General reporting requirements

(a) Each contractor shall furnish such timely information and reports as the Division may find necessary, and on such forms as the Division may prescribe. Such reports shall include information sufficient for Division management and evaluation purposes in at least the following areas:

1. Marketing and enrollment performance;
2. Enrollee identification data, such as age, sex and residence;
3. Utilization data for covered services provided under the contract;
4. Services and benefits information; and
5. Fiscal information.

(b) The contractor shall allow the Division to gather and analyze at least annually additional information on non-Medicaid enrollees for purposes of comparative analyses of service use and cost patterns.

(c) Each contractor shall cause to be maintained for three years and made available to authorized personnel of the Division all records created pursuant to the contracts entered into under these regulations.

(d) All significant changes that may affect the contractor's performance under the contract shall be immediately reported to the Division.

10:49-10.10 Contract sanctions

(a) If the Division finds that a contractor fails to comply with all the appropriate laws, regulations or terms of the contract, or for other good cause, the Director may impose one or all of the following:

1. A letter of admonishment to the contractor indicating that continued violations may lead to the imposition of sanctions listed in paragraph 2, 3 or 4 below.
2. A suspension of further enrollments and one or more marketing activities.
3. A withholding of all or part of the capitation payments.
4. Termination of the contract.

(b) The Director shall give reasonable written notice of his or her intention to impose sanctions to the contractor, and if necessary as determined by the Director, to enrollees and others who may be directly interested. Such written notice shall state the effective date of, and the reason for the sanctions.

(c) The contractor or Division shall have the right to terminate the contract with at least 90-day prior written notice to the other party, or as stated in the contract.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

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

The Department of Human Services, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to Ruling 11 on Classification and Compensation Plan and Leave

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Ruling 11 in Chapter 109 in Title 10 of the New Jersey Administrative Code concerning the classification and compensation plan and time and leave regulations.

The proposed revisions concern salary ranges, vacations, sick leave, leave without pay, military leave and other related matters.

Copies of the 38 pages of full text of the proposed revisions may be obtained from or made available for review by contacting:

G. Thomas Riti, Director
Division of Public Welfare
Post Office Box 1627
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to the Division of Public Welfare at the above address.

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Countable Income in Food Stamp Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend a portion of the Food Stamp Manual concerning countable income in the food stamp program.

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

10:87-5.7(a)6. i. Exemptions from earned income, as employed in the computation of PA and SSI grants and otherwise known as "disregards", shall not be allowed in the determination of the net monthly food stamp income.

10:87-5.7(a)8. ii. Disregard for SSI recipients: The \$20.00 income disregard for SSI recipients shall be counted as income for food stamp purposes.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

G. Thomas Riti, Director
Division of Public Welfare
P.O. Box 1627
Trenton, N.J. 08625

The Department of Human Services, upon its own motion or at the instance of any interested party, may thereafter adopt these amendments substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Rule on Maximum Resources For Institutionalized Individuals

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87, proposes to adopt a new rule within the Medicaid Only Manual stipulating that the resource limits for the institutionalized must be the same as for those clients in the community as it relates to the aged, blind and disabled.

Full text of the proposed rule follows:

10:94-4.42 Resource maximum (institutionalized individuals)

The resource maximum of \$1,500 applies to individuals in long-term-care facilities. Countable resources held in the institution (for example, trust funds, personal needs accounts) and/or elsewhere, are to be applied toward the resource maximum. If the \$1,500 resource maximum is exceeded, Medicaid eligibility will cease or the amount of such excess applied toward reimbursement. In the event of such reimbursement, Medicaid eligibility shall continue so long as all other eligibility criteria are met. The benefits of continued Medicaid eligibility shall be explained to the patient and/or next of kin in such situations.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

G. Thomas Riti, Director
Division of Public Welfare
P.O. Box 1627
Trenton, N.J. 08625

The Department of Human Services, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning the Medicaid Only Manual and Optometrists

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87, proposes to revise a portion of the Medicaid Only Manual, concerning the inclusion of optometrists among those qualified to examine the visually impaired.

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

10:94-3.13(b)5. When the applicant states that he/she is blind or that visual impairment is his/her primary disability, the CWA shall, prior to submission of the record to the medical review team, obtain a report of eye examination (form PA-5A) from a qualified [medical specialist in diseases of the eye (that is, an ophthalmologist)] **ophthalmologist, optometrist, or from an eye clinic of a general hospital, whichever the individual may select.** (The Membership [Directory] Directories of the Medical Society of New Jersey or the New Jersey Optometric Association [is] are suggested as [a] references for identification of ophthalmologists and optometrists in each municipality [, physicians specializing in diseases of the eye].) The form PA-5A should be transmitted in duplicate to the MRT with any other pertinent medical evidence as outlined above. When appropriate, the certification of need for patient care in facility other than public or private general hospital (form PA-4) will be submitted to the Bureau of Medical Affairs.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

G. Thomas Riti, Director
Division of Public Welfare
P.O. Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendment on Deduction of Medical Expenses in Determining Food Stamp Income

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend a portion of the Food Stamp Manual concerning deduction of medical expenses in determining food stamp income.

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

10:87-5.8(c)1. **Identification of recurring medical expenses:**

Medical expenses shall be defined as payment for: medical or dental services, hospitalization or nursing care, prescribed drugs (including insulin and other over-the-counter medication when prescribed by a medical practitioner), premiums on health and hospitalization insurance (excluding premiums on accident or income maintenance policies), premiums on Medicare insurance, prosthetics and transportation necessary to secure medical services or treatment .

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

G. Thomas Riti, Director
Division of Public Welfare
P.O. Box 1627
Trenton, N.J. 08625

The Department of Human Services, upon its own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Human Services

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Suspected Child Abuse or Neglect

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise portions of the Public Assistance Manual concerning the reporting of suspected child abuse or neglect.

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

10:81-3.12(e) If any of the following conditions appear to exist in the relationship between parent and child, the case shall immediately be referred to the [Social Service Unit] **Division of Youth and Family Services DYFS** for appropriate action [:] . **The CWA shall provide DYFS with pertinent information as appropriate and will cooperate in planning and implementing action in the best interest of the child.** (See also N.J.A.C. 10:81-7.46.)

1. Physical or sexual abuse or cruel treatment.
2. Exploitation by prostitution or overwork, having the child beg or involving the child in illegal activities.
3. Neglect as shown by apparent malnutrition or lack of supervision necessary for the health and safety of the child.
4. These conditions, of themselves, will not affect eligibility of the children to receive assistance.

10:81-3.12(f) **In the event of any indication that the death of a child resulted from abuse or neglect, such matter shall be reported immediately to DYFS.**

10:81-7.46(c)7. If the Director is satisfied that there is evidence to support an investigation as to whether a crime has been committed, he/she shall, after consulta-

tion with counsel, report the matter to the county prosecutor, or to a local police department or to the State Police if so directed by the office of the prosecutor. If such matter involves suspected child abuse or neglect, it shall also be reported to the Division of Youth and Family Services. (See N.J.A.C. 10:81-3.12.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

G. Thomas Riti
Director, Division of Public Welfare
P.O. Box 1627
Trenton, N.J. 08625

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

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments Concerning Ownership of Resources

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87, proposes to amend a portion of the Medicaid Only Manual concerning the clarification of ownership of resources.

Full text of the proposed new amendments follows:

10:94-4.4(d) When real property is not excluded by the provisions of this Subchapter, the type of ownership must be considered in the evaluation of such property.

1. Sole ownership: When the eligible individual is sole owner and has the right to dispose of the property, the total current market value shall be counted toward the resource maximum.

2. Joint ownership or ownership in common: Under joint ownership or ownership in common, the current market value of the property must be divided by the number of owners and the eligible individual's share counted toward the resource maximum.

3. Ownership by the entirety:

i. Most property ownership between married couples is ownership by the entirety. When a married couple (when either one or both are eligible) is living together, the total current market value of all nonexempt property shall be counted toward the resource maximum.

ii. The same policy applies to an eligible couple who have been separated less than six months. If the eligible couple has been separated for six months or more, one half of the value represents a resource to each individual.

iii. If an eligible individual and an ineligible spouse own nonexempt property by the entirety and the couple is separated, the cooperation of both owners is necessary to ascertain resource value. If the ineligible owner expresses willingness to dispose of the property, then its value is divided by the number of owners. If there is no such willingness by the ineligible owner, then no value may be assigned to the property. (See also this Subchapter regarding situations in which a co-owner refuses to liquidate.)

(e) When a savings or checking account is held by the eligible individual with other parties, all funds in the account are resources to the individual so long as he/she has unrestricted access to the funds (that is, an "or" account), regardless of their source. When the individual's access to the account is restricted (that is, an "and" account), the CWA shall consider a pro rata share of the account toward the appropriate resource maximum, unless the client and the other owner demonstrate that actual ownership of the funds is in a different proportion. If it should be demonstrated that the funds are totally inaccessible to the client, such funds shall not be counted toward the resource maximum. Any question concerning access to funds should be verified through the financial institution holding the account.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

G. Thomas Riti, Director
Division of Public Welfare
P.O. Box 1627
Trenton, N.J. 08625

The Department of Human Services, upon its own motion or at the instance of any interested party, may thereafter adopt these amendments substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Human Services

(b)

HUMAN SERVICES

THE COMMISSIONER

Notice of Publication and Availability of Comprehensive Services Program Plan (Title XX) For Fiscal 1978

Take notice that, Ann Klein, Commissioner of Human Services, has issued the following notice concerning the New Jersey Comprehensive Annual Services Program Plan (Title XX) for fiscal year 1978:

On July 1, 1977, the above Plan was published in accordance with Title 45 Code of Federal Regulations, Part 228. The Plan gives information on Title XX social service programs in New Jersey, purchase-of-service contracts, service expenditures of county welfare agencies and district offices of the Division of Youth and Family Services, eligibility levels for recipients, where services are provided, major changes from the preceding Plan, and so forth.

Copies of the Plan are available for public review at all county welfare agencies, district offices, and planning offices of the boards of freeholders.

Copies may be obtained from the Social Services Planning Unit, 116 West State Street, Trenton, N.J. 08625 for \$3.00 each. Checks should be made payable to the Treasurer, state of New Jersey.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 10 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Revised Assistance Standards Handbook

On June 15, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions which delete the current text of Chapter 82 in Title 10 of the New Jersey Administrative Code concerning the Assistance Standards Handbook and adopt new text therein.

The new Assistance Standards Handbook concerns the purpose of the handbook, schedules of allowances, the eligible unit, school attendance defined, procedures for determining the amount of grant, AFDC-C and F procedures, AFDC-N procedures, companion cases, procedures pertaining to all segments, adjustment in payments, resources, exempt resources, potential resources, contributions for legally responsible relatives, income, earned and unearned income, contributions of support, regular and irregular income, other payments, child care, expenses incident to training, emergency assistance, glossary of terms and conversion tables.

Copies of the full text of 67 pages of the revised Assistance Standards Handbook may be obtained from or made available for review by contacting:

G. Thomas Riti, Director
Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

An order adopting the revised handbook was filed on June 16, 1977, as R.1977 d.211 (Exempt, Emergency Rule) to become effective on July 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Deletion of Rule Concerning Noncontributing Person(s) in the Household

On June 15, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which deleted in its entirety the current text of N.J.A.C. 10:81-3.15 concerning noncontributing person(s) in the household in the Public Assistance Manual.

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

10:81-3.15 [Noncontributing person(s) in the household] (Reserved)

[(a) In most cases, all these noneligible persons who are part of a household, as defined in section 111. of the Assistance Standards Handbook will be counted in the number in the household when determining the basic allowance set forth in section 115. or 116. (Schedule I or II) of the Assistance Standards Handbook.

(b) An explanation of the method for determining the noneligible person's share of household expenses (as described below) will be provided to the client. Should the client contend that the noneligible person (other than a stepparent) does not contribute his/her share of household expenses, the client shall be given the opportunity of providing evidence to substantiate such claim. In addition, the client shall execute a sworn affidavit stating that the noneligible person does not contribute his/her share:

1. For the purposes of this section, the noneligible person's recognized share of household expenses shall be approximately the per capita (one person's share) of the appropriate allowance standard when the noneligible person is counted in the household size, as set forth in Schedule I (AFDC) or II (AFWP) in the Assistance Standards Handbook.

(c) When an applicant or recipient has brought forth evidence and established that the noneligible household member is not contributing his/her share of the household expenses, the noneligible household member shall not be counted in the "number in the household" for the purpose of arriving at the basic allowance.

(d) An applicant or recipient may establish that a non-eligible household member does not contribute his/her share of the household expenses by showing that:

1. The person is not employed and has no income; or
2. The person cannot contribute his/her share of household expenses. Some ways that this may be established include but are not limited to:

i. Evidence clearly establishing that expenditures of the eligible unit do not exceed the income and resources known to be available to the recipient family; and

ii. Evidence clearly establishing that the noneligible individual's reasonable expenses equal or exceed his/her income and other resources.]

An order deleting this text was filed on June 17, 1977, as R.1977 d.212 (Exempt, Emergency Rule) to become effective on July 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions in Rules on Administration

On June 17, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Sub-chapters 1 through 6 of Chapter 49 in Title 10 of the New Jersey Administrative Code, concerning the administration and general information of the New Jersey Health Services Program, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 123(b).

An order adopting these revisions was filed on June 20, 1977, as R.1977 d.213 to become effective on July 1, 1977.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Rules on Consultant Pharmacist Services

On June 17, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:51-4.1 et seq., concerning consultant pharmacist services, substantially as proposed in the Notice published May 5, 1977, at 9 N.J.R. 224(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

A summary of those changes follows:

10:51-4.4(a)9. Delete the words [and Utilization Review Committee].

ADD: The word and before the words Infection Control Committee.

10:51-4.5(a)2. Change the word facilities to facility.

ADD: The word the before the words long term care.

An order adopting these rules was filed and became effective on June 20, 1977, as R.1977 d.214.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions Regarding Pharmaceutical Services

On June 17, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:51-1.1 et seq. concerning pharmaceutical services, substantially as proposed in the Notice published May 5, 1977, at 9 N.J.R. 225(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

A summary of the changes follows:

10:51-1.3 Definitions

“Eligible pharmacies in New Jersey

ADD: **Division of Medical Assistance and Health Services** before the words “State Department of Human Services”.

Note:

ADD: **State Department of Human Services** after the words “Division of Medical Assistance and Health Services”.

“Eligible pharmacies out of State”

Change order of words to read “Pharmacies licensed” in another state. . . .

“Responsibilities of eligible providers”

Change to: “Responsibilities of eligible pharmacies”

10:51-1.5(e) Change word physician to prescriber in the sixth and eighth lines.

10:51-1.5(h)2. Change word physician to prescriber in first line.

10:51-1.9 Basis of payment

NOTE: Change wording from “who have participated in the Program” to read “who have been in business for less than one calendar year will have their prescription volume projected. . . .” Delete the words [for next year].

An order adopting these revisions was filed and became effective on June 20, 1977, as R.1977 d.215.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

INSURANCE

THE COMMISSIONER

Proposed Rules on Group Student Health Insurance

James J. Sheeran, Commissioner of Insurance, pursuant to his authority under N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17B:27-49 proposes to adopt rules concerning preexisting condition provisions in group student health insurance policies and certificates.

Full text of the proposed rules follows:

SUBCHAPTER 13 GROUP STUDENT HEALTH INSURANCE

11:4-13.1 Scope

(a) This rule prohibits certain provisions of group student health insurance policies and certificates which are unjust, unfair, inequitable, misleading, contrary to law or contrary to public policy of this State.

(b) This rule shall apply to all group student health insurance policies or subscriber contracts delivered or issued for delivery after September 1, 1977.

1:4-13.2 Definitions

“Group student health insurance” is any general coverage accident and/or sickness insurance provided on a group basis to the students of a school.

“Mandatory” refers to a requirement that all students, or all students who are not already insured for the same or similar benefits under other coverages, must purchase the insurance.

“Optional” means that the students may elect to purchase or reject the insurance.

11:4-13.3 Prohibited provisions

(a) Rules concerning preexisting conditions are:

1. Mandatory coverage: If the group student health insurance is mandatory, preexisting conditions shall not be excluded from coverage.

2. Optional coverage: When the group student health insurance is optional, only those conditions which existed prior to the effective date of coverage and for which the

student received medical advice or treatment within a period of up to six months prior to the date the loss is incurred can be excluded from coverage. Such a pre-existing condition exclusion can only be applicable during the initial period of the student's coverage under the school's program.

Interested persons may appear at the hearing at 10:00 A.M. on July 28, 1977, at the address below or present statements or arguments in writing relevant to the proposed action on or before July 28, 1977, to:

Naomi LaBastille, Hearing Officer
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

The Department of Insurance, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(a)

INSURANCE

REAL ESTATE COMMISSION

Proposed Amendments on Prohibited Advertising Practices

The Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq., proposes to adopt an amendment to the rules concerning prohibited advertising practices.

Full text of the proposed amendments follows:

11:5-1.16(d) Any use of an insignia, emblem, logo, trade name or other form of identification in any advertising or other public utterance, either by a single licensee or any group of licensees, which suggests or otherwise implies common ownership or common management among such licensees, shall be prohibited except in the case of branch offices controlled by a single broker or licensee and duly licensed as branch offices pursuant to provisions of N.J.S.A. 45:15-1 et seq. Nothing herein provided is intended to preclude or inhibit the use, advertising or display of any insignia, emblem, logo or trade name of any bona fide trade association by any licensee provided that such licensee is a member of such trade association.

1. Any franchised licensee using in any advertising the trade name of a franchisor shall include in such advertising in a manner reasonably calculated to attract the attention of the public the franchised licensee's operating name under which the individual, firm or corporation is licensed to do business. Any licensee including the franchisor using the trade name of a franchisor in any advertising shall also include in a manner reasonably calculated to attract the attention of the public the following legend or a substantially similar legend: "each office is independently owned and operated"; except in the following categories of advertising:

- i. "For sale" signs located on the premises of specific properties for sale.
- ii. Small "spot" classified advertising by a single franchised licensee in newspapers, magazines or other publications of specific properties for sale. "Small spot"

classified advertising is defined as six lines; a line is defined as a standard newspaper classified advertising line of the newspaper, magazine or other publication in which the advertisement is published.

Note: Full compliance with this subsection may, but does not necessarily, result in full compliance with the opening paragraph of subsection (d) of this Section.

2. All licensees shall have one year from the effective date of this regulation in which to comply with its provisions insofar as "for sale" signs and office signs are affected; and three months insofar as office stationery, contracts, business cards or other similar materials, supplies or documents containing or used for advertising are affected. All other advertising shall comply upon the effective date of this rule.

3. The intent of this subsection is to further promote the general purpose of the Real Estate License Act by insuring that all individuals, firms or corporations are clearly identifiable to the public as the licensed brokers who are financially and otherwise responsible to the consuming public for its real estate brokerage activities. It is not the intent of this subsection to limit or otherwise inhibit the operation of branch offices as set forth in N.J.S.A. 45:15-12 and Sections 18 and 19 of this Subchapter, nor is it the intent of this subsection to prevent the franchising of any group of licensees provided such franchising or other association is not inconsistent with the purpose of the Real Estate License Act as expressed herein.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

Real Estate Commission
201 East State St.
Trenton, N.J. 08625

The Real Estate Commission, upon its own motion or at the instance of any interested party, may thereafter adopt these amendments substantially as proposed without further notice.

Edward J. Howell, President
Real Estate Commission
Department of Insurance

(b)

INSURANCE

THE COMMISSIONER

Notice of Citation Correction On 30 Days Notice Rule

Take notice that, an incorrect citation regarding the rules requiring 30 days' notice of fire and casualty coverage cancellation appeared in the Notice published June 9, 1977, at 9 N.J.R. 282(b). The rules cited therein incorrectly appeared as N.J.A.C. 11:2-17.1 when such citation should have read N.J.A.C. 11:1-5.5.

For clarification, the full text of the recertified rule follows:

11:1-5.5 Notice of cancellation and nonrenewal of fire and casualty coverage

(a) All fire and casualty policies of insurance, except accident and health policies, shall provide for the issuing company to give:

- 1. Thirty days' written notice to the assured of the cancellation of any policy.

- 2. Thirty days' written notice of cancellation of any policy to any mortgagee mentioned in said policy; and
- 3. Thirty days' written notice to the assured of said company's intent not to renew any policy.

(b) Provisions of policies to be effective on or after July 1, 1977 which are issued by any company doing business in New Jersey and provide for less than 30 days' notice of cancellation and nonrenewal shall be null and void, with the following exceptions:

- i. Provisions for cancellations for nonpayment of premium or for "moral hazard" (such as insurance fraud) under N.J.S.A. 17:29C-2;
- ii. Provisions for cancellation and nonrenewal notice which are controlled by N.J.S.A. 17:29C-6 et seq., (Automobile Insurance), 39:6A-3 and rules promulgated thereunder (No-Fault Insurance).

This Notice is published as a matter of public information.
 G. Duncan Fletcher
 Director of Administrative Procedure
 Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF VETERINARY MEDICAL EXAMINERS

Proposed Revisions on Branch Offices

Arthur F. North Jr., President of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-1 et seq., proposes to revise N.J.A.C. 13:44-2.8 concerning branch offices.

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

13:44-2.8 Branch offices

(a) [Establishments (branch offices)] Facilities other than the primary location of the licensee, if not attended by a full-time licensed registered veterinarian shall not:

- 1. Accept animals whose sickness is of a routine nature for intended overnight hospitalization.
- 2. Accept critically ill or injured animals if it is anticipated that a veterinarian will not be [in attendance within at least two hours] readily available.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 29, 1977, to:

Board of Veterinary Medical Examiners
 1100 Raymond Boulevard, Room 324
 Newark, New Jersey 07102

The Board of Veterinary Medical Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Arthur F. North, Jr.
 President, Board of Veterinary
 Medical Examiners
 Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Amendments Concerning Harness and Thoroughbred Racing

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to amend certain sections of rules concerning both harness and thoroughbred racing. The citations below refer to both harness and thoroughbred rules since the text will be the same in both instances if adopted.

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

13:70-1.17 Policing requirements 13:71-5.1

An Association conducting race meetings under license from the Racing Commission shall properly police its grounds, including the stable area and paddock, and shall eject therefrom all unauthorized persons, known undesirable, touts, persons believed to be bookmakers or connected with bookmakers, persons under suspension or ruled off, persons of lewd or immoral character, and persons guilty of boisterous or disorderly conduct or other conduct detrimental to racing or the public welfare. Where practical, a representative of the Racing Commission shall be present at the hearings or interrogations conducted by the Association on the ejection of such persons.

When the State Police in the normal performance of their duties at an Association meeting observe an individual deemed to be undesirable within the meaning of this rule, they will so advise the director of security and the Executive Director of the Racing Commission. The director of security shall, in writing, advise the Racing Commission and State Police within 48 hours of the action taken thereon.

13:70-1.27 State Police; reports 13:71-5.20

When the State Police in the normal performance of their duties at an Association meeting determine any defect in the administrative or operational security measures necessary to properly protect the grounds, they shall report the circumstances in writing to the Executive Director of the Racing Commission with a copy to the director of security. The director of security shall respond in writing to the Racing Commission with a copy to the State Police, without undue delay, of the action taken thereon.

13:70-14.29 State Police; responsibilities 13:71-23.21

The enforcement of N.J.S.A. 5:5-71 and other criminal laws of the State of New Jersey shall be the responsibility of the State Police. Investigations pursuant to the enforcement of N.J.S.A. 5:5-71 or other criminal laws of the State shall take precedence over any action taken by the Association or the Racing Commission concerning an incident arising from an alleged violation of the remaining provisions of section 14 of these rules. Every Association and Racing Commission official and employee shall render full cooperation, aid and assistance in any investigation undertaken for a reasonably apparent violation of N.J.S.A.

5:5-71 or other criminal statutes of the State. Further, every Association and Racing Commission official and employee, on becoming aware of a reasonably apparent violation of N.J.S.A. 5:5-71 or other criminal laws of the State of New Jersey, shall communicate in writing the circumstances of such immediately to the New Jersey Racing Commission and the State Police who shall evaluate same and take whatever further action is deemed necessary.

13:70-16.34 State Police; communication
13:71-8.38

When the State Police in the normal performance of their duties at an Association meeting observe a violation of the Racing Commission rules and regulations that may adversely affect the integrity of racing, they shall communicate the circumstances of such to the state steward and the Executive Director of the Racing Commission in writing. The state steward shall acknowledge receipt of the information from the State Police and shall respond in writing to the Racing Commission, without undue delay, of the action taken thereon.

Interested persons may present statements or arguments or arguments in writing relevant to the proposed action on or before July 29, 1977, to:

New Jersey Racing Commission
404 Abbington Drive
Twin Rivers Town Center
East Windsor, New Jersey 08520

The Racing Commission, upon its own motion or at the instance of any interested party may, thereafter, adopt these amendments substantially as proposed without further notice.

John J. Reilly
Executive Director
Racing Commission
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF DENTISTRY

Revisions on Use of General Anesthesia

On May 4, 1977, H. Curtis Hester, President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 13:30-8.3 concerning the use of general anesthesia, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 128(c), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

The specific parts of the rules affected by changes follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

13:30-8.3(a) The use or employment of general anesthesia in the private office of a dentist without first having met the minimum standards of training and procedure as stated herein [constitutes] may constitute gross and willful malpractice or neglect in the practice of dentistry.

13:30-8.3(c)1. No dentist shall employ or use general anesthesia on an outpatient basis for dental patients after November 1, 1977, unless such dentist possesses a permit or authorization issued by the State Board of Dentistry. Applications must be received at the Board office by August 1, 1977, to assure processing of application by November 1, 1977. The dentist holding such permit shall be subject to review, and such permit shall be renewed biennially.

13:30-8.3(c)2.i.(3) Has administered general anesthesia on a regular routine basis in his everyday practice during the three-year period next preceding the effective date of this original rule (effective November 19, 1976) and thereafter successfully completes not less than [30 hours] 300 credit points of refresher courses in general anesthesia as prescribed by the Board and presented by an accepted program in a suitable institution [within two years of promulgation of this rule.] prior to November 1, 1979; and

13:30-8.3(d) This certificate shall be renewed biennially upon satisfactory proof being submitted to the Board that the holder has completed at least [ten hours] 100 credit points every two years of continuing education courses devoted to general anesthesia and approved by the Board.

An order adopting these revisions was filed and became effective on June 9, 1977, as R.1977 d.206.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Rules on Oil Distribution Utilities

On March 24, 1977, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 14:6A-1.1 et seq., concerning oil distribution utilities, substantially as proposed in the Notice published November 4, 1976, at 8 N.J.R. 532(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Public Utilities.

An order adopting these rules was filed and became effective on June 16, 1977, as R.1977 d.210.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

STATE

OFFICE OF THE SECRETARY

Rules on Absentee Ballot Applications

On June 9, 1977, the Department of State, pursuant to authority of N.J.S.A. 19:57-1 et seq. and in accordance with applicable provisions of the Administrative Pro-

cedure Act, adopted new rules, to be cited as N.J.A.C. 15:10-4.1, concerning absentee ballot applications, as proposed in the Notice published April 7, 1977, at 9 N.J.R. 187(a).

An order adopting these rules was filed and became effective on June 9, 1977, as R.1977 d.205.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

PUBLIC ADVOCATE

DIVISION OF PUBLIC INTEREST ADVOCACY

Proposed Rules on Practice and Procedure

Stanley C. Van Ness, Public Advocate, pursuant to authority of N.J.S.A. 52:27E-1 et seq., proposes to adopt new rules concerning the practice and procedure of the Division of Public Interest Advocacy in the Department of the Public Advocate.

Full text of the proposed rules follows:

TITLE 15A PUBLIC ADVOCATE

CHAPTER 1. PUBLIC INTEREST ADVOCACY

SUBCHAPTER 1. PRACTICE AND PROCEDURE

15A:1-1.1 Scope of rules

The following provisions shall govern the practice and procedure of the Division of Public Interest Advocacy in the Department of the Public Advocate (hereafter "Division").

15A:1-1.2 Liberal construction of provisions

The provisions shall be liberally construed to permit the Division to discharge its statutory functions.

15A:1-1.3 Practice where rules do not govern

(a) The Public Advocate may rescind, amend or expand these rules from time to time as necessary to comply with N.J.S.A. 52:27E-28 et seq.; and such new rules shall be filed with the Secretary of State.

(b) In any matter not governed by these rules, the Public Advocate shall exercise his sole discretion.

15A:1-1.4 Jurisdiction

The Division may represent the public interest in administrative and court proceedings, pursuant to N.J.S.A. 52:27E-28, et seq. The scope of representation may include, but not be limited to, investigations, negotiations, proposed rulemaking and litigation on behalf of either plaintiff or defendant. Litigation includes intervention in administrative or court proceedings, and amicus representation in such proceedings.

15A:1-1.5 "Public interest" defined

"Public interest" is an interest or right arising from the Constitution, decisions of court, common law or other laws of the United States or of this State inhering in the citizens of this State or in a broad class of such citizens.

15A:1-1.6 Decision to represent particular public interest

(a) The Division may not represent the public interest without the approval of the Public Advocate. The Public Advocate shall have sole discretion to represent or refrain from representing the public interest in any proceeding.

1. In determining the importance of the public interest involved, the Public Advocate may consider one or all of the following:

i. Whether the issue affects the health, safety or general welfare of the citizens affected;

ii. Whether the issue concerns governmental operations at either the Federal, State, county or municipal level which, if unresolved, will impair the quality of government services to the citizens affected; or otherwise affect the relationship of citizens to government;

iii. Whether the issue has a substantial economic impact on the citizens affected;

iv. Whether the issue has a substantial economic impact on municipal, county, State or Federal government;

v. Whether the issue may have substantial precedential value; and

vi. Whether the issue otherwise substantially affects the quality of life for the citizens affected.

2. In determining the extent of the public interest involved, the Public Advocate shall consider whether the number of citizens affected in the particular action or its resolution is substantial.

3. In determining whether the public interest would be adequately represented without the action of the Department, the Public Advocate may consider one or all of the following:

i. Whether that interest is being fully represented by private parties; the Public Advocate may determine to become involved even if the primary parties to the dispute are represented, if such parties may not represent the full public interest in the dispute;

ii. Whether the citizens affected are members of a group, association, or political subdivision which can practically provide representation and such group representation will fully represent the public interest as well; and

iii. Whether the citizens affected have sufficient financial incentive to retain competent counsel.

4. The Public Advocate may refrain from representing any public interest if it appears the cost of representation to the State substantially outweighs the public interest involved.

5. Where several public interests are involved in a single dispute or litigation, the Public Advocate may examine each interest and elect to represent one interest.

6. Where there are several conflicting public interests involved in a single dispute or litigation, the Public Advocate may choose to have the Division represent one interest and arrange for separate representation of the conflicting interest or interests. Alternatively, the Public Advocate may choose to refrain from representing any of the competing interests.

15A:1-1.7 Public information, submissions and requests

(a) The Division has no formal procedures or forms for making requests for legal representation or requesting information. Such requests shall be made by writing to the departmental headquarters in Trenton specifying the nature of the request or information desired. Denials of any requests for legal representation or information shall be in writing and shall specify the reasons for the denial.

(b) Any citizen who for whatever reason contacts the Division in writing shall receive a prompt reply.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 27, 1977, to:

Arthur Penn, Director
Division of Public Interest Advocacy
P.O. Box 141
Trenton, N.J. 08625

The Department of the Public Advocate, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Stanley C. Van Ness
Public Advocate
Department of the Public Advocate

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on No Left Turn on Route 23

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6, proposes to adopt a new rule concerning no left turns along a portion of Route 23 in Cedar Grove Township, Essex County.

Full text of the proposed rule follows:

16:28-6.16 Route 23 in the Township of Cedar Grove, Essex County

(a) In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on the certain parts of State Highway Route 23 described below are regulated as follows:

1. No left turns south on Route 23 to east into northerly driveway of the Pilgrim Shopping Center.

Interested persons may present relevant statements or arguments in writing to the proposed action on or before July 27, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on Stop Intersections on Part of Route 208

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-140, proposes to adopt a new rule designating stop intersections on portions of Route 208 in Oakland Borough, Bergen County.

Full text of the proposed rule follows:

16:28-5.3 Route 208

(a) In consonance with the provisions of N.J.S.A. 39:4-140 (as amended), the certain part of Route 208 situate in Oakland Borough, Bergen County, and described herein below shall be and hereby is designated a stop intersection.

1. Route 208 (West Oakland Avenue and West Oakland Avenue - Barbara Lane): Stop sign shall be erected facing eastbound traffic on Barbara Lane and facing westbound traffic on West Oakland Avenue.

Interested persons may present relevant statements or arguments in writing to the proposed action on or before July 27, 1977 to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these regulations substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions on Restricted Parking On Portions of Routes 49, 31 and 28

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to revise N.J. A.C. 16:28-3.103 and adopt new rules (that is, N.J.A.C. 16:28-3.151 and 3.152) concerning restricted parking on portions of Routes 49, 31 and 28. The current text of N.J. A.C. 16:28-3.103 is proposed to be deleted and replaced with new text.

Full text of the proposed rules follows:

16:28-3.103 Route 49 in the Township of Pennsville, Salem County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 49 described herein below shall be, and hereby are, designated and established as "no parking" and "no stopping or standing" zones except as provided in N.J.S.A. 39:4-139.

1. Along the easterly (northbound) side of Route 49:

i. No stopping or standing between the intersections of Ferry Avenue and Pittsfield Street.

ii. No parking: between the driveways of the post office in Pennsville (opposite Riverview Park entrance).

2. Along the westerly (southbound) side of Route 49:

i. No stopping or standing:

(1) Between the intersections of Fairview Street and Maple Avenue;

(2) Between points 450 feet north of and 110 feet south of the intersection of Pittsfield Street;

(3) Between the intersections of Ferry Avenue and Chestnut Street.

ii. No parking:

(1) Between the driveways of the Trinity Methodist Church.

3. Along both sides of Route 49, no stopping or standing:

i. From Benson Avenue to a point 350 feet northerly therefrom.

ii. From Church Street to a point 350 feet southerly therefrom.

iii. From a point 300 feet north of Lenape Drive and extending therefrom southerly for a distance of 1,000 feet.

16:28-3.151 Route 31 in the Borough of Glen Gardner, Hunterdon County

(a) In accordance with the provisions of N.J.S.A. 39:4-

138.1, the certain parts of State Highway Route 31 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 31 for the entire length within the corporate limits of the Borough of Glen Gardner.

16:28-3.152 Route 28 in the Borough of Bound Brook, Somerset County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 28 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along the northerly (westbound) side of Route 28:

(1) Between the Borough of Middlesex - Borough of Bound Brook corporate line and a point 100 feet west of the prolongation of the westerly curb line of East Street;

(2) Between the intersection of Windsor Street and a point 350 feet westerly therefrom;

(3) Between the eastrly curb line of Washington Street to a point 300 feet easterly therefrom;

(4) Between a point 200 feet east of the easterly curb line of Thompson Avenue and a point 120 feet west of the westerly curb line of Thompson Avenue;

(5) Between a point 370 feet west of the westerly curb line of Thompson Avenue and the Bound Brook Borough - Bridgewater Township corporate line.

ii. Along the southerly (eastbound) side of Route 28:

(1) Between the intersection of Windsor Street and a point 40 feet easterly therefrom;

(2) Between a point 900 feet east of the easterly curb line of Vosseler Avenue and a point 300 feet west of the westerly curb line of Vosseler Avenue;

(3) Between a point 200 feet east of the easterly curb line of Thompson Avenue and the Bound Brook Borough - Bridgewater Township corporate line.

Interested persons may present relevant statements or arguments in writing to the proposed action on or before July 27, 1977, to Michael Miller, Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these regulations substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION

THE COMMISSIONER

Revisions on Reduced-Fare Transportation Program

On June 23, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:51-1.1 et seq. concerning the reduced-fare transporta-

tion program, substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 97(a), with only inconsequential structural or language changes, in the opinion of the Department of Transportation.

Such changes involve handicapped criteria being deleted from N.J.A.C. 16:51-2.2(b) and similar references being deleted from the definition of "handicapped citizen" in N.J.A.C. 16:51-1.1 and in N.J.A.C. 16:51-2.2(b).

An order adopting these revisions was filed and became effective on June 23, 1977, as R.1977 d.224.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Other Agencies)

(b)

ELECTION LAW ENFORCEMENT COMMISSION

Amendments for Public Financing Of Elections for Office of Governor

On June 14, 1977, Lewis B. Thurston III, Executive Director of the Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6(b), 19:44A-38 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 19:25-15.35 through 19:25-15.37, concerning the public financing of elections for the office of Governor, substantially as proposed in the Notice published May 5, 1977, at 9 N.J.R. 245(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Election Law Enforcement Commission.

The pertinent substantive changes concern the adoption of new text to be cited as N.J.A.C. 19:25-15.36(b). Full text of that change follows (additions indicated in boldface thus):

19:25-15.36(b) This regulation shall not be applicable to primary election expenses incurred in connection with the primary election held on June 7, 1977, but shall be applicable to primary election expenses of every primary election held after that date for nomination of candidates for the office of Governor.

An order adopting these amendments was filed and became effective on June 14, 1977, as R.1977 d.208.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Revisions on Commuter Parking

The Highway Authority, pursuant to the authority of N.J.S.A. 27:12B-1 et seq., proposes to revise its rules concerning parking to permit commuter parking.

Full text of the proposed rule follows (additions indicated in bold face thus; deletions indicated in brackets [thus]):

19:8-1.8(e) Parking in public parking facilities at service areas shall not exceed a two-hour period[.], **except where otherwise posted for commuter parking.**

19:8-1.8(h) **Parking in public parking facilities posted for commuter parking shall be limited to the period 4:00 A.M. to midnight, prevailing local time, Monday through Friday, excluding holidays.**

Interested persons may present statements or arguments in writing relative to the proposed action on or before July 27, 1977, to:

F. Joseph Carragher
Executive Director
Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

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

F. Joseph Carragher
Executive Director
Highway Authority

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Proposed Rules on Negotiations, Impasse Procedures and Compulsory Interest Arbitration of Labor Disputes in Public Fire and Police Departments

The Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to adopt new rules concerning negotiations, impasse procedures and compulsory interest arbitration of labor disputes in public fire and police departments. The proposed rules, if adopted, will be cited as N.J.A.C. 19:16-1.1 et seq.

The proposed rules concern the purpose of procedures, commencement of negotiations, mediation, fact-finding, compulsory interest arbitration and determination of disputes over issue definitions.

Copies of the 24 pages of full text of the proposed rules may be obtained from or made available for review by contacting:

Stephen B. Hunter
Public Employment Relations Commission
Labor and Industry Building
P.O. Box 2209
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held on Tuesday, August 16, 1977, at 10:30 A.M. in the Health-Agriculture Auditorium, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Persons desiring to submit written comments regarding the proposed action may present them at the hearing. Those desiring to speak at the public hearing are requested to contact the Commission at the above address or by calling (609) 292-6780 indicating the subject matter(s)

to which comments will be addressed and preferences as to scheduling. Speakers will be provided up to 20 minutes each.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before August 16, 1977, to the Commission at the above address. Such comments will be made a part of the record even though the preparer does not appear at the hearing.

The Public Employment Relations Commission, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Jeffrey B. Tener, Chairman
Public Employment Relations Commission

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

TWO PER CENT SURCHARGE SET ON COMMERCIAL PROPERTY INSURANCE

State Insurance Commissioner James J. Sheeran has announced that a two per cent surcharge will be applied to commercial property insurance policies, with the funds raised used to support the FAIR Plan.

The FAIR (Fair Access to Insurance Requirements) Plan was authorized in 1968 as a mechanism for making property insurance available in areas where it was difficult to obtain in the standard market, particularly urban areas. The plan also sponsors New Jersey's Crime Indemnity Program.

The law established the New Jersey Insurance Underwriting Association, which all fire and casualty companies writing insurance in New Jersey were required to join and through which the property insurance is sold. Financial backup is provided by the New Jersey Insurance Development Fund into which the surcharge will be paid.

The surcharge will **not** be applied to residential properties except for apartment buildings of more than four families. It will be applied to commercial fire, extended coverage and allied lines, burglary and theft policies, and commercial multiple peril policies. The surcharge is expected to bring in about \$4.8 million a year.

SEVERAL HEARINGS SET ON AERONAUTICAL LICENSES

The Department of Transportation's Division of Aeronautics has scheduled several July public hearings on applications for licenses in Atlantic, Burlington, Cape May, Cumberland and Ocean Counties.

A hearing Thursday, July 7, will be held on the application by the Cumberland County Board of Vocational Education for establishment of a private aviation facility landing strip in Dearfield Township, Cumberland County. It will begin at 10:00 A.M. in Dearfield Township municipal building, Landis Avenue, Rosehayn.

The Burlington County Mosquito Extermination Commission has submitted an application for establishment of a helistop on Eavestown Road, Mount Holly. A hearing

will be held at 10:00 A.M. Friday; July 8, in the municipal complex, New Bolds Corner Road, Lumberton.

A hearing on the application of William Whisman to establish a helistop in Brick Township, Ocean County, will be at 10:00 A.M. Tuesday, July 12, in the Brick Township municipal building.

An application for a fixed base (aerial advertising other than banner-towing) license at Folsom Airport, Folsom Borough, Atlantic County, has been filed by Lee DeMaris, of Williamstown. A hearing will be held Thursday, July 14, at 10:00 A.M. in the Division of Aeronautics conference room, Mercer County air passenger terminal building, Mercer County Airport, West Trenton.

A second hearing at 10:00 A.M. the same day at the passenger terminal will be on the application of Astro Air Service for a fixed base (banner-towing) license at Woodbine Municipal Airport, Woodbine Borough, Cape May County.

Persons desiring to be heard must notify the Division of Aeronautics, Department of Transportation, 1035 Parkway Avenue, Trenton, in writing.

Written views may be submitted in lieu of or in addition to personal appearances. If no notifications and submissions are received, actions may be taken without hearings.

STATE AIDING HOME INSULATION

Governor Brendan Byrne announced that the New Jersey Mortgage Finance Agency will implement a home insulation loan program at 6½ to 7 per cent.

Loans will be made available to many homeowners to encourage them to install insulation, storm windows, automatic day-night thermostats and to replace pilot lights on gas furnaces and water heaters with automatic electronic ignitions.

The State's Mortgage Finance Agency plans to issue tax-exempt bonds to finance the program. The loans will be available in August or September from many banks and savings and loan associations.

POLICE, FIREMEN MUST ARBITRATE

Governor Brendan Byrne recently signed into law a bill sponsored by Senator Joseph A. Maressa (D-Burlington), which provides for compulsory arbitration of labor disputes involving public fire and police departments.

VIRGINIA LONG NAMED AS BANKING COMMISSIONER

Virginia Long was recently confirmed as Commissioner of the State Department of Banking, after having headed for two years the Division of Consumer Affairs in the Department of Law and Public Safety.

An attorney, she received her J.D. from Rutgers University Law School, Newark, in 1966 and was admitted to the New Jersey bar the same year. She also attended New York University Graduate Law School.

The new commissioner was a deputy attorney general with the State from 1966 to 1972, later serving as deputy assistant attorney general in charge of the appellate division.

In addition to numerous association memberships, she is a commentator for New Jersey Public Television and two local radio stations and writes a weekly column for the

New York Daily News. Ms. Long and her husband, attorney Jonathan D. Weiner, live in Westfield.

Succeeding her as Director of the Division of Consumer Affairs is Adam K. Levin of Westfield. He had served as director of special projects for the division on a voluntary basis since February 1976.

RICCI NOW ACTING COMMISSIONER FOR ENVIRONMENTAL PROTECTION

Governor Brendan Byrne recently named Rocco D. Ricci Acting Commissioner of the Department of Environmental Protection to succeed Commissioner David J. Bardin, who has left to become deputy administrator of the Federal Energy Administration in Washington. Bardin had served as commissioner for three years as of last month.

Ricci, 46, of East Brunswick, has been with DEP as an assistant commissioner since June, 1974, and was promoted to first deputy commissioner in September, 1975. He also serves as acting director of DEP's Division of Water Resources, which handles all aspects of water resources.

Byrne lauded Ricci's accomplishments in strengthening the State's water programs. "His leadership was a key factor in New Jersey receiving more than \$1.1 billion in Federal sewerage construction grants and in more expeditious handling of applications for stream encroachment and sewerage extension permits to provide action within 90 days."

Ricci also represents the Governor as the New Jersey member of the Delaware River Basin Commission.

Prior to joining the State government three years ago, Ricci was with the Federal Environmental Protection Agency for 11 years, where he was responsible for the sewerage construction grant program for Region II, covering New Jersey, New York, Puerto Rico and the Virgin Islands.

A licensed professional engineer, Ricci was graduated from Brooklyn Technical High School in 1949, and received his civil engineering degree from Polytechnic Institute of Brooklyn, cum laude in 1952. After Army duty he received his master of civil engineering degree from New York University in 1959. He is married, with three daughters.

THREE TOP APPOINTMENTS MADE IN LABOR AND INDUSTRY DEPARTMENT

Three high-level appointments in the Department of Labor and Industry have been announced by Commissioner John J. Horn.

Carlos Villamil of Bound Brook was appointed Director of the Division of Economic Development, George R. Chizmadia of Perth Amboy as the Director of the Division of Vocational Rehabilitation Services, and Rocco V. Guerrieri of Willingboro chief of the Office of Business Advocacy.

Villamil, 41, was for 17 years in similar work with the Federal government, but had worked for the State the past year advising on the new economic development program. He will work closely with the State's Economic Development Authority, headed by Robert Powell, in the accelerated program to bring more industry to New Jersey, Commissioner Horn said. Another of his major assignments is the related emphasis on tourism.

The Division of Economic Development has five principal functions: industrial development, international trade, customized training, tourism and promotion, and business advocacy.

Guerrieri, 35, the new chief of the business advocacy office, had served as acting chief since last September and has been with the State for eight years. A Drexel University graduate, he has a bachelor degree in mechanical-industrial engineering and a master of science in environmental engineering. He will receive his doctorate in environmental management at Drexel this month.

Chizmadia, 49, joined the department 18 years ago and had been acting director of his division the past year. He is a graduate of Springfield College, Massachusetts, and has since taken 16 additional courses in management and administration at Rutgers. He is a regular lecturer at Rutgers, Seton Hall and N.Y.U. on management and rehabilitation subjects.

JESCHKE RETIRED AFTER LIFETIME OF SERVICE TO CONSERVATION

William L. Jeschke, district conservation officer in charge of a five-county central district for the Fish, Game and Shellfisheries Division recently retired on reaching age 65.

Bill had served as a State law enforcement officer for 38 years, having been first appointed in 1939 to cover Atlantic County. After four years service in the Army in Europe and the South Pacific, he returned as fish and game warden for Ocean. He later worked in the northern district and was named officer in charge of the central district two years ago.

Jeschke conducted the original winter waterfowl aerial surveys in conjunction with Federal officials, flying in Navy blimps out of Lakehurst, and formulated the State's gun hunter safety program. He specialized in waterfowl and deer poaching cases.

He is widely known for his unque strains of fancy exhibition poultry which he raises on his farm outside Ringoes and ships to North and South America, Europe and the Barbados Islands. He will continue to live on his Hunterdon County farm.

DOGS THAT KILL FAWNS

The Division of Fish, Game and Shellfisheries urges dog owners to keep their dogs from running loose in the woods and fields. The Division said there has been a number of deer fawns killed or injured by dogs in the state this year. In almost all the attacks the dogs were house pets, not wild or feral dogs.

TWO NEW ECONOMIC AUTHORITY MEMBERS

Two new members have been named by Governor Brendan Byrne to the New Jersey Economic Development Authority—Mrs. Olive S. Cram, Secretary-Treasurer of Concord Chemical Co., Camden, and Aldrage B. Cooper Jr., Manager of Public Affairs for Johnson and Johnson, Inc., New Brunswick.

Mrs. Cram is also treasurer and a trustee of Friends of New Jersey Public Television and Chairman of the Employers Legislative Committee of Camden.

Cooper, a New Brunswick resident, was a City Councilman from 1969 to 1974, in which year he served as Mayor.

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ADMINISTRATIVE CODE TITLES

Titles available in the New Jersey Administrative Code cover all State Departments, with Treasury broken into two Titles for Taxation and General rules.

Eight Departmental Titles involve such a number of rules as to require two or more volumes, with price based on a per-volume, rather than Title, basis as indicated below.

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The initial price includes one year of updating service. After a year the subscription price drops to \$14 a volume each year thereafter from the original \$22 subscription.

The full set of 32 loose-leaf volumes of the entire Administrative Code is \$300 a year initially with one year's updating, and \$150 a year thereafter.