

NEW JERSEY



REGISTER

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The New Jersey Register supplements the New Jersey Administrative Code. See the Index of Adopted Rules on Page 557 for the Registers that should be retained as an update to the Administrative Code.

TABLE OF RULES IN THIS ISSUE

RULE PROPOSALS

AGRICULTURE

Fruits and vegetables: Rates for inspection services 462(a)

BANKING

License fees for credit sales and loan businesses 463(a)

COMMUNITY AFFAIRS

Readopt Local Finance Board rules 463(b)

EDUCATION

School districts: Standards for determining seniority .. 464(a)

Programs for preschool handicapped children 556(a)

HEALTH

Psittacosis testing of quarantined birds 466(a)

Readopt Youth Camp Safety rules 467(a)

Health care facilities: Employee physical exams 470(a)

Hospital reporting: Medical discharge abstract 470(b)

Hospital rate setting: Procedure and methodology 471(a)

Long-term care: Expansion and new construction 473(a)

HIGHER EDUCATION

Readopt Student Loan Program rules 475(a)

HUMAN SERVICES

Medical Evaluation Team (LTC) and alternate care
option 485(a)

Residential child care facilities 486(a)

LAW AND PUBLIC SAFETY

Fact-finding conferences on discrimination complaints .. 500(a)

Discrimination complaints and hearings before OAL .. 501(a)

Repeal probationary driver licenses 501(b)

Architect examination fees 502(a)

Board of Medical Examiners: Standards and rules 503(a)

Jockey fees 518(a)

TRANSPORTATION

Speed limits on Route 18 in Monmouth and Middlesex
counties..... 519(a)

School zone on Route 166 in Dover Twp. 520(a)

Parking on Route 17 in Paramus 520(b)

Parking on US 9W in Fort Lee 521(a)

Parking on Route 439 in Elizabeth 521(b)

Bus lane on US 22 in Westfield-Mountainside 522(a)

Turns on US 206 in Somerset County 522(b)

TREASURY-GENERAL

Readopt pension rules on General Administration 523(a)

Interfund transfers: Court attendants appointed sheriff's
officers 525(a)

Interfund transfers and accumulated interest 526(a)

Readopt Teachers' Pension and Annuity Fund rules .. 526(b)

Readopt Prison Officers' Pension Fund rules 527(a)

Readopt State Health Benefits Program rules 529(a)

Readopt Judicial Retirement System rules 530(a)

State Investment Council: Classification of funds 531(a)

(Continued on Back Cover)

RULE PROPOSALS

AGRICULTURE

(a)

DIVISION OF REGULATORY SERVICES

Grades and Standards Charges for Inspection or Grading and Certification Services; Written Agreements

Proposed Amendment: N.J.A.C. 2:71-2.28

Authorized By: Arthur R. Brown, Jr., Secretary.
Authority: N.J.S.A. 4:10-3 and 4:10-13.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert C. Fringer, Director
Division of Regulatory Services
New Jersey Department of
Agriculture
CN 330
Trenton, NJ 08625

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

This proposal is known as PRN 1983-155.

The agency proposal follows:

Summary

The proposed amendments clarify the existing rules to insure that anyone who requests the Department of Agriculture's services are informed and aware of the exact cost of such service.

Social Impact

These amendments will affect those organizations and/or persons

who request inspection or grading and certification services from the Department of Agriculture.

Economic Impact

The amendment which limits the number of hours worked by an inspector to eight hours would have a positive economic impact on the requestor of services since overtime will not be paid to said inspector. The amendment to N.J.A.C. 2:71-2.28(a)2i will have no economic impact since it is a mere clarification of the existing rule.

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

2:71-2.28 Charges for inspection or grading and certification services; written agreements

(a) Charges for inspection or grading and certification services of five or more consecutive days duration, performed pursuant to a written agreement between the New Jersey Department of Agriculture and the requestor of the services, shall be made according to the following schedule:

1. Basic schedule for all products:
 - i.-iii. (No change.)
 - iv. A charge of \$13.50 per hour, or portion thereof, for the actual hours worked, **not to exceed 8 hours per day**, by each inspector on legal State holidays occurring Monday through Friday.
 - v. (No change.)
2. Charges for inspection or grading and certification of fruit and vegetables other than potatoes for the fresh market:
 - i. A charge of \$0.02 **per package** will be made for all packages inspected or graded and certified in excess of 4,285 packages during the seven day week (Saturday through Friday).
 3. (No change.)

NEW JERSEY REGISTER

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BANKING

(a)

CONSUMER CREDIT BUREAU

License Fees

Proposed Amendment: N.J.A.C. 3:23-2.1

Authorized By: Michael M. Horn, Commissioner,
 Department of Banking.
 Authority: N.J.S.A. 17:1-8.1; 17:10-3.9 and 23; 17:11A-38
 and 54; 17:15-1; 17:15A-4 and 6; 17:15B-7 and 17;
 17:16C-7, 8, 82(a), 82(b) and 82(c); 17:16D-4 and 8
 and N.J.S.A. 45:22-4 and 11 (see P.L. 1981 c.321).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger F. Wagner, Deputy
 Commissioner
 Department of Banking
 CN 040
 Trenton, NJ

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

This proposal is known as PRN 1983-156.

The agency proposal follows:

Summary

The Legislature, in P.L. 1981, c.321, has given the Commissioner of Banking the authority to establish license fees for new and renewal licenses on an annual and biennial basis for certain persons conducting business pursuant to statutes administered and supervised by the Department of Banking.

The license fees proposed will become effective for any license issued or renewed for the biennial license period commencing January 1, 1984.

Social Impact

These proposed amendments impact upon new applicants and all licensees who are regulated by the statutes cited in the authorities. There is no direct impact on consumers who deal with licensees.

Economic Impact

The fees collected shall offset part of the administrative costs connected with statutorily mandated supervision, examination and investigation of new applicants and licensees. The license fees currently charged have not been increased since 1970. The proposed licensee fee increases reflect the economic realities which have occurred since 1970. The economic impact to the public, if any, should be minimal.

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

3:23-2.1 Licensees

The following [subsections indicate] **table indicates** the license fees established by the Commissioner of Banking for annual and biennial license periods, the maximum biennial license fees permitted by law and the specific statutory sections affected by the establishment of such biennial and annual license fees.

STATUTORY

	MAXIMUM	[CURRENT]	[CURRENT]
	BIENNIAL	BIENNIAL	ANNUAL
LICENSEES	FEE	FEE	FEE
Small Loan (N.J.S.A. 17:10-3&9)	\$1,000	[\$400.00]	[\$200.00]
		\$600.00	\$300.00
Secondary Mortgage (N.J.S.A. 17:11A-38)	\$1,000	[\$400.00]	[\$200.00]
		\$600.00	\$300.00
Foreign Money Remitter (N.J.S.A. 17:15-1)	\$1,000	[\$200.00]	[\$100.00]
		\$300.00	\$150.00
Check Cashier (N.J.S.A. 17:15A-4)	\$1,000	[\$400.00]	[\$200.00]
		\$600.00	\$300.00
Check Seller (N.J.S.A. 17:15A-7)	\$1,200	[\$1,000.00]	[\$500.00]
		\$1,200.00	\$600.00
Retail Installment Sales (a) Sales Finance Company (N.J.S.A. 17:16C-7)	\$1,000	[\$400.00]	[\$200.00]
		\$600.00	\$300.00
(b) Motor Vehicle Installment Seller (N.J.S.A. 17:16C-8)	\$300.00	[\$50.00]	[\$25.00]
		\$80.00	\$40.00
(c) Home Financing Agency (N.J.S.A. 17:16C-82(a))	\$600.00	[\$200.00]	[\$100.00]
		\$300.00	\$150.00
(d) Home Repair Contractor (N.J.S.A. 17:16C-82(b))	\$300.00	[\$50.00]	[\$25.00]
		\$80.00	\$40.00
(e) Home Repair Salesman (N.J.S.A. 17:16C-82(c))	\$60.00	[\$20.00]	[\$10.00]
		\$30.00	\$15.00
Insurance Premium Finance Company (N.J.S.A. 17:16D-4)	\$1,000	[\$400.00]	[\$200.00]
		\$600.00	\$300.00
Pawnbroker (N.J.S.A. 45:22-4)	\$800.00	[\$300.00]	[\$150.00]
		\$450.00	\$225.00

COMMUNITY AFFAIRS

(b)

DIVISION OF LOCAL GOVERNMENT SERVICES

Local Finance Board

Proposed Readoption: N.J.A.C. 5:30 (except subchapter 16)

Authorized By: John P. Renna, Commissioner, Department of Community Affairs.
 Authority: N.J.S.A. 52:27BB-10 and -32, 52:27D-18, 40A:4-83, 40A:5-38, 40A:11-12.6.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Helen L. Mathews, Secretary
Local Finance Board
CN 803
Trenton, NJ 08625

The Department of Community Affairs thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The **readoption becomes effective upon acceptance** for filing of the notice of adoption by the Office of Administrative Law.

This proposal is known as PRN 1983-158.

The agency proposal follows:

Summary

The purpose of this proposal is to readopt the existing regulations of the Local Finance Board (N.J.A.C. 5:30). The current text of this Chapter, exclusive of subchapter 16, is scheduled to expire on June 22, 1983, pursuant to Executive Order No. 66 (1978), commonly known as the "sunset" Executive Order. The proposed readoption does not include any changes in the current text. The Division of Local Government Services and the Local Finance Board have reviewed the existing rules and have found them to be necessary for the orderly conduct and regulation of local finances. The regulations have been developed over the years in response to issues that have arisen, and have been effective in meeting those issues. The regulations establish procedures for both the Local Finance Board and local governing bodies and officials. They are designed to implement various statutes, including the Federal Housing and Community Development Act of 1974, Federal revenue sharing and antirecession assistance programs, the Local Bond Law (N.J.S.A. 40A:2-1 et seq.), the Municipal Qualified Bond Act (N.J.S.A. 40A:3-1 et seq.), the Local Budget Law (N.J.S.A. 40A:4-1 et seq.), the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq.), and the Local Public Contracts Law (N.J.A.C. 40A:11-1 et seq.). The rules, and their enforcement by the Local Finance Board, assure uniformity in procedures followed by local governmental units and in controls used to insure that the public interest is protected. Failure to readopt the rules would result in a regulatory vacuum that would be highly detrimental to the orderly conduct of local finances. Without the controls which have been established and enforced by the Local Finance Board, the State of New Jersey might experience the sort of chaotic local financial management that we have seen elsewhere in recent years.

On January 17, 1979, pursuant to authority of N.J.S.A. 52:27D-18, and having completed the review of its regulations required by Executive Order No. 66 (1978), the Local Finance Board repealed N.J.A.C. 5:30-2.5 through -2.7, -2.9 through -2.19, -3.1, -3.4 through -3.8, -5.1 through -5.11, -5.13, -6.2 through -6.4, -6.8 through -6.11, -7.1 through -7.9, -7.13, -8.1 through -8.5, -9.1 through -9.8, -11.1 through -11.7 and all of subchapter 10. The Board retained only those rules which, upon examination, it found to be reasonable, necessary and not repetitive of statutory provisions. The Board now finds that nothing has occurred since 1979 that would require a different conclusion.

Subchapter 16 is not included in this readoption proposal because it is exempt from Executive Order No. 66 (1978) by reason of N.J.S.A. 54:4-6.3 et seq.

Social Impact

These rules establish a framework for the orderly conduct of local finances. To the extent that these rules are followed, and it is the function of the Local Finance Board to make sure that they are followed, citizens have reason to have confidence in the fiscal management of their municipalities and counties.

Economic Impact

By requiring adherence to duly-established procedures, the rules allow improper expenditures to be detected and corrected in time and help protect the financial standing of our local governments.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 5:30, as amended in the New Jersey Register.

EDUCATION

(a)

STATE BOARD OF EDUCATION

**School Districts
Standards for Determining Seniority**

Proposed Amendment: N.J.A.C. 6:3-1.10

Authorized By: New Jersey State Board of Education,
Saul Cooperman, Secretary.
Authority: N.J.S.A. 18A:4-10, 18A:4-15 and 18A:28-9 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-180.

The agency proposal follows:

Summary

The State Board of Education, pursuant to the authority of N.J.S.A. 18A:4-10, 18A:4-15 and 18A:28-9 et seq., proposes to amend N.J.A.C. 6:3-1.10, standards for determining seniority.

The State Board of Education is publishing the foregoing changes in N.J.A.C. 6:3-1.10 as a separate proposal from that contained in the March 21, 1983, issue of the New Jersey Register at 15 N.J.R. 376(a) because the proposed amendments were still under review at such time. This process was utilized in order to ensure that N.J.A.C. 6:3-1.10 did not expire pursuant to the provisions of Executive Order 66(1978), before the amendments were fully promulgated. The delay in the process for developing the amendments as contained herein was a concomitant of a transition in leadership within the Department of Education.

The proposed amendments are designed to clarify existing ambiguities, provide for greater simplicity of application and bring these rules into conformity with amendments of standards relative to certification.

The proposed changes were prompted by a recognition that declining enrollment and the resultant reductions in force were producing increasing resort to the application of the seniority standards and resulting in increasing uncertainty as to their appropriate application.

These rules shall become effective and operative upon promulgation of the notice of adoption in the New Jersey Register.

The amendments contained within the proposal have the following effect:

1. N.J.A.C. 6:3-1.10(b) defines what is meant by "... occasional absences and leaves of absence...";

2. N.J.A.C. 6:3-1.10(c) provides reference to the inclusion of military service in computing seniority as required by statute;

3. N.J.A.C. 6:3-1.10(g) provides that persons employed in positions whose titles are not found in certification rules be classified by duties performed pursuant to the provisions of N.J.A.C. 6:11-3.6;

4. N.J.A.C. 6:3-1.10(k) provides for the reduction of the number of categories in order to conform them to existing endorsements and clarifies their applications;

5. N.J.A.C. 6:3-1.10(l) 15 and 16 provide for a clearer definition of the distinction between the elementary and secondary categories. Paragraph 15 limits the seniority entitlements of persons holding multiple subject area endorsements in the secondary category to those subject area endorsements under which they have actually served.

The effect of the described amendments will be to ensure that seniority entitlement may not be claimed by persons who never have taught under a specific endorsement. Further, these revisions will simplify the application of the standards, increase administrative efficiency and hopefully reduce controversies over differing interpretations of existing standards.

Social Impact

The application of the proposed amendments will be limited to future school staffing determinations. Most of the resultant changes in seniority entitlements will only slightly alter existing staffing patterns. Limitation of seniority entitlement in the secondary category to actual service in a subject area endorsement, however, will impact favorable upon instruction by ensuring that no person may claim seniority in a subject area in which he or she has never taught.

Economic Impact

There will be no significant additional costs to school districts in the State resulting from the proposed amendments, since they deal exclusively with adjustments to an existing administrative process.

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

6:3-1.10 Standards for determining seniority

(a) The word "employment" for purposes of these standards shall also be held to include "office" and "position."

(b) Seniority pursuant to N.J.S.A. 18A:28-9 et seq., shall be determined according to the number of academic or calendar years of employment, or fraction thereof, as the case may be, in the school district in specific categories as hereinafter provided. [Seniority status shall not be affected by occasional absences and leaves of absence.] **The periods of unpaid absences not exceeding 30 calendar days aggregate in one academic or calendar year, leaves of absence at full or partial pay and unpaid absences granted for study or research shall be credited toward seniority. All other unpaid absences or leaves of absence shall not receive seniority credit.**

(c) **In computing length of service for seniority purposes full recognition shall be given to previous years of service within the district and the time of service in or with the military or naval forces of the United States or this State, pursuant to the provisions of N.J.S.A. 18A:28-12.**

[(c)] (d) Employment in the district prior to the adoption of these standards shall be counted in determining seniority.

[(d)] (e) The holder of a provisional certificate shall be entitled to seniority rights but not over the holder of a standard certificate. The

holder of an emergency certificate shall not be entitled to seniority rights but, when he **or she** becomes the holder of a provisional or standard certificate, the years of employment under the emergency certificate shall count toward seniority under the provisional or standard certificate, as the case may be.

[(e)] (f) Not more than one year of employment may be counted toward seniority in any one academic or calendar year. Whenever a person shall hold employment simultaneously in two or more categories, seniority shall be counted in the category in which he **or she** spends the greatest percentage of his **or her** time. If the percentage of time spent in two or more categories shall be equal, the person shall be permitted to elect in which category his **or her** seniority shall be counted. Notwithstanding the provisions of this section, the seniority of a principal who teaches shall be counted in the appropriate principal's category.

[(f)] (g) Where the title of any employment is not properly descriptive of the duties performed, the holder thereof shall be placed in a category in accordance with **the** duties performed and not by title. Whenever the title of any employment shall not be found in the certification rules or in these rules, the holder of the employment shall be classified as nearly as may be according to the duties performed, **pursuant to the provisions of N.J.A.C. 6:11-3.6.**

[(g)] (h) Whenever a person shall move from or revert to a category, all periods of employment shall be credited toward his **or her** seniority in any or all categories in which he **or she** previously held employment.

[(h)] (i) Whenever any person's particular employment shall be abolished in a category, he **or she** shall be given that employment in the same category to which he **or she** is entitled by seniority. If he **or she** shall have insufficient seniority for employment in the same category, he **or she** shall revert to the category in which he **or she** held employment prior to his **or her** employment in the same category, and shall be placed and remain upon the preferred eligible list of the category from which he **or she** reverted until a vacancy shall occur in such category to which his **or her** seniority entitles him **or her**.

[(i)] (j) If he **or she** shall have insufficient seniority in the category to which he **or she** shall revert, he **or she** shall, in like manner, revert to the next category in which he **or she** held employment immediately prior to his **or her** employment in the category to which he **or she** shall have reverted, and shall be placed and remain upon the preferred eligible list of the next preceding category, and so forth, until he **or she** shall have been employed or placed upon all the preferred eligible lists of the categories in which he **or she** formerly held employment in the school district.

[(j)] (k) In the event of his **or her** employment in some category to which he **or she** shall revert, he **or she** shall remain upon all the preferred eligible lists of the categories from which he **or she** shall have reverted, and shall be entitled to employment in any one or more such categories whenever a vacancy occurs to which his **or her** seniority entitles him **or her**.

[(k)] (l) The following shall be deemed to be specific categories but not necessarily numbered in order of precedence:

1. Superintendent of schools;
2. Director of county vocational schools;
3. Assistant director of county vocational schools;
4. Assistant superintendent (each assistant superintendency shall be a separate category);
5. Local director of vocational education;
6. High school principal;
7. Vocational school principal;
8. Junior high school principal;
9. Elementary principal;
10. [General supervisor] **Supervisor (each supervisory title shall be a separate category);**
- [11. General secondary supervisor;]
- [12. General elementary supervisor;]
- [13. General vocational supervisor;]

- [14.] **11.** High school vice-principal or assistant principal;
 [15.] **12.** Junior high school vice-principal or assistant principal;
 [16.] **13.** Elementary school vice-principal or assistant principal;
 [17.] **14.** Vocational school vice-principal or assistant principal;
 [18. Assistant to the high school principal;]
 [19. Assistant to the junior high school principal;]
 [20. Assistant to the elementary school principal;]
 [21. Assistant to the vocational school principal;]

[(Each vice-principalship, assistant principalship or assistant to the principalship in paragraphs 14 through 21 of this subsection shall be a separate category.)]

- [22. Subject supervisor;]
 [23. Vocational, trade and industrial teacher coordinator;]
 [24. Vocational distributive education coordinator;]
 [25. Vocational guidance counselor;]
 [26. Junior college. The words "junior college" shall include grades 13 and 14. Seniority shall apply to all subjects and fields endorsed on the certificate;]

[27.] **15.** Secondary. The word "secondary" shall include grades 9-12 in all high schools, grades 7-8 in junior high schools, and grades 7-8 in elementary schools having departmental instruction. Any person holding an [secondary] **instructional certificate with subject area endorsements** shall have seniority **within the secondary category only in such subject area endorsement(s) under which he or she has actually served. Whenever a person shall be reassigned from one subject area endorsement to another, all periods of employment in his or her new assignment shall be credited toward his or her seniority in all subject area endorsements in which he or she previously held employment.**

[in all subjects or fields covered by his certificate, except those subjects or fields for which a special certificate has or shall be required by the State Board of Education. However, if a person has held employment in the school district in any special subject or field endorsed on his secondary certificate, such special subject or field shall, for the purposes of these regulations, be regarded as any other subject or field endorsed upon his certificate.] **Any person employed at the secondary level in a position requiring an educational services certificate or a special subject field endorsement shall acquire seniority only in the secondary category and only for the period of actual service under such certificate or endorsement.**

[28.] **16.** Elementary. The word "elementary" shall include Kindergarten, grades 1-6 and grades 7-8 [with or] without departmental instruction [including grades 7-8 in junior high schools;]. **Any person employed at the elementary level in a position requiring an educational services certificate or a special subject field endorsement shall acquire seniority only in the elementary category and only for the period of actual service under such certificate or endorsement.**

[29. Evening schools. Categories for employment in evening schools shall correspond to those of day schools except that employment in the day school shall not count in determining seniority in the evening school and vice versa;]

[30.] **17.** Additional categories of specific [certificates] **educational service endorsements** issued by the State Board of Examiners and listed in the State Board rules dealing with teacher certification (N.J.A.C. 6:11).

(m) This section shall apply prospectively to all future seniority determinations as of the effective date of this rule.

HEALTH

(a)

CONSUMER HEALTH SERVICES

Testing of Quarantined Birds of Psittacine Family Fee Responsibility

Proposed Amendment: N.J.A.C. 8:23-1.4

Authorized By: Evelyn Geddes, Chairperson, Public Health Council.

Authority: N.J.S.A. 26:1A-7.

A **public hearing** concerning the proposal will be held on May 9, 1983 at 10:00 A.M. at:

State Department of Health
 Health-Agriculture Building
 Room 805, 8th Floor Conference Room
 John Fitch Plaza
 Trenton, NJ 08625

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 9, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Annette M. Hirsch, R.N., M.P.H.
 Chief
 Biological Services Program
 Consumer Health Services
 CN 364
 Trenton, NJ 08625

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

This proposal is known as PRN 1983-170.

The agency proposal follows:

Summary

The Department of Health proposes to require laboratory testing when appropriate of psittacine bird(s) suspected to have psittacosis before release from quarantine with the cost of testing borne by the owner of the bird(s). Quarantine is imposed on a flock of psittacine birds whenever a human case of psittacosis is diagnosed, where exposure is known or suspected to have come from a particular psittacine bird or flock of birds, or where a sick bird from a particular flock of birds is clinically diagnosed as having psittacosis. Laboratory tests which demonstrate that the bird(s) are negative for psittacosis will permit an early release from quarantine; positive results would require treatment for as long as 45 days before release from quarantine.

Social Impact

Psittacosis is a disease spread from birds to man and its presence in a psittacine flock poses a serious health problem in a community. Quarantine and removal of suspect birds from sale protects the community and interrupts the transmissions of this disease. Testing permits early identification of diseased birds and allows prompt identification of the source or sources to prevent further distribution of diseased birds from within or outside of the State.

Economic Impact

Psittacine birds known to have been exposed or suspected of having psittacosis must either be treated for as long as 45 days or be destroyed.

Laboratory testing provides prompt determination of the absence of psittacosis resulting in early release from quarantine. This would be an economic advantage to the purveyor since the sale of birds can be resumed. The cost of testing is negligible in comparison to the cost of destruction or withholding from sale for the extensive quarantine period.

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

8:23-1.4 Quarantine, **testing** and transportation of quarantined birds of psittacine family

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

(c) Laboratory testing when appropriate shall be performed on quarantined bird(s) suspected of having psittacosis and the fees for such testing shall be paid by the owner of the bird(s).

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

(a)

CONSUMER HEALTH SERVICES

**Youth Camp Safety Act Standards
Rules Governing Youth Camp Safety**

**Proposed Readoption: N.J.A.C. 8:25 with
Amendments**

Authorized By: J. Richard Goldstein, M.D.,
Commissioner, Department of Health.
Authority: N.J.S.A. 26:12-1 et seq., specifically 26:12-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Annette M. Hirsch, R.N., M.P.H.
Chief
Biological Services Program
Community Health Services
CN 364
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law. Concurrent amendments to the readoption become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-175.

The agency proposal follows:

Summary

In 1973, in the midst of a national movement to promulgate regulations to protect the health and safety of children attending summer day and resident camps, the New Jersey Youth Camp Safety Act was introduced in the New Jersey Legislature. The Bill, Chapter 375 P.L. 1973, was signed into law in January 1974. It mandated the Commissioner of Health to promulgate regulations governing youth camp safety. The Youth Camp Safety Act Standards were to be directed towards the safe operation of youth camps in such areas as: personnel qualifications for director and staff, ratio of staff to campers, sanitation and public health, personal health, first aid and medical services, food handling, mass

feeding and cleanliness, water supply and waste disposal, water safety including use of lakes and rivers, swimming and boating equipment and practices, vehicle condition and operation, building and site design, equipment, condition and density of use, emergency evaluation procedures and fire safety. Utilizing the existing voluntary standards, guidelines and expertise of such groups as the American Camping Association, Boy Scouts of America, Girl Scouts, American Red Cross, Young Men's and Young Women's Christian Associations and other groups, the Department of Health promulgated the New Jersey Youth Camp Safety Act Standards. The Standards were published in the May, 1974 New Jersey Register and subsequently adopted prior to the start of the summer youth camp season.

It was originally estimated that between 200 and 300 youth camps were operating in New Jersey. As of the 1982 summer camp season, nearly 500 day and resident camps were certified. It is estimated that 250,000 children up to the age of 18 attend youth camps in New Jersey during the summer months. Activities offered include swimming, boating, archery, riflery, horseback riding, field sports, arts and crafts and other recreational and educational activities.

In conjunction with the Governor's Advisory Council on Youth Camp Safety, the standards are evaluated and reviewed on a yearly basis to determine their effectiveness in achieving and promoting health and safety in New Jersey's camps. The Advisory Council is made up of camp operators, health officials, a consumer representative, and other individuals involved in health and safety matters affecting youth camps. The Youth Camp Standards have been amended several times since 1974 when it was determined that the Standards were initially set too high and could not reasonably be met by the majority of camp operators. This was the case with the original requirements for certified aquatics and first aid personnel. In other instances, standards have been modified to clarify the intent and make the standard more easily understood by camp operators. Camp operators are advised in advance of proposed changes and comments are solicited.

The readoption of the Youth Camp Safety Act Standards published herein contains several amendments intended to clarify existing standards, to allow camp operators greater latitude in selecting boating equipment, to modify the present standard for boating supervision which has been found to be too stringent, and to eliminate the requirement for physical examinations for campers and staff attending resident camps and to change the sampling frequency for natural bathing waters. It is felt that these changes can be made without compromising the health or safety of the estimated 250,000 children attending New Jersey Youth Camps. At the same time, the changes will provide monetary savings to parents sending their children to camp and to camp operators by eliminating the requirement for physical examinations and reducing the number of certified personnel required to supervise boating activities.

The New Jersey Youth Camp Safety Act Standards have been readily accepted by the camping industry and the general public has become quite aware that a certified youth camp is indicative that certain health and safety standards are in effect and that the camp operation is inspected for compliance. Accident data indicate the measure of success that has been achieved by the Standards. Since 1974, accident statistics demonstrate that the number of serious accidents requiring medical treatment, hospitalization, restriction of activity or premature termination of a camper's stay at camp have been reduced by two-thirds. If the Youth Camp Safety Act Standards were not readopted, it is reasonable to assume that number of accidents in camps would revert back to the level before the Standards were promulgated and enforced.

Social Impact

The New Jersey Youth Camp Safety Act Standards were promulgated to protect the health and safety of the estimated 250,000 children from within and outside the State who attend New Jersey youth camps. The standards require that youth camps

provide certified personnel for the conduct of hazardous activities such as swimming, riflery, archery, etc., that physical facilities, water supply, sewage facilities and equipment are properly operated and maintained and that the health and safety of the children is adequately protected.

Readoption of the Youth Camp Safety Act Standards will provide for the continued certification and inspection of youth camps in accordance with standards which represent a composite of the voluntary standards and guidelines of the American Camping Association, Boy Scouts of America, Girls Scouts, American Red Cross and the Young Men's and Young Women's Christian Association. The standards will be applicable to the approximately 500 day and residents camps operating in New Jersey and will provide assurance to concerned parents and interested citizens that New Jersey's youth camps meet minimum health and safety standards.

The need to provide health and safety standards for youth camps has not changed since the standards were first promulgated in 1974. Youth camps continue to offer hazardous activities such as swimming, boating, archery, riflery, horseback riding and field sports which have an inherent potential for serious injury. Even though standards cannot prevent all injuries, it is important that trained personnel be available in the event of an emergency. It is as important to know what not to do as it is to know how to handle an emergency victim.

The Youth Camp Safety Act Standards have been favorably received by the general public and the camping industry. While a few camp operators have complained about the intrusion of the State into their business, the organized camping industry and the general public expect that the State should be involved in establishing health and safety standards for youth camps. Numerous requests and inquiries are made by the general public each year to the Department of Health to ascertain the certification and inspection status of camps.

The Department of Human Services, Division of Youth and Family Services, provides camperships to low income or otherwise eligible children to attend youth camp during a portion of the summer months. The division requires as a condition of eligibility for a camp to receive DYFS campers, that the camp be certified by the Department of Health.

An analysis of accident data demonstrates that there has been a reduction by two thirds in reportable accidents since youth camps were first inspected for compliance with the standards. It is reasonable to expect that the number of accidents requiring medical treatment, hospitalization, restriction of activity, or premature termination of a camper's stay at camp, would increase if the Youth Camp Standards are not readopted.

Without certification and inspection of New Jersey's youth camps to determine compliance with the provisions of the Youth Camp Safety Act Standards, N.J.A.C. 8:25, New Jersey residents and out of state residents who send their children to New Jersey youth camps will have no assurance that minimal health and safety standards are being met.

Economic Impact

The proposed readoption with amendments of the New Jersey Youth Camp Safety Act Standards (N.J.A.C. 8:25) will not pose any significant adverse economic affects on operators of currently certified camps. The proposal will impact financially on new camp operations by requiring that certain staffing ratios be maintained and that certified first aid and aquatics personnel be on staff. The regulations also require a certification fee of \$20.00 for day camps and \$50.00 for resident camps.

The cost of complying with the standards which is shouldered jointly by camp operators and the parents of campers is believed to be offset by the money saved by the reduction in injuries and the ensuing cost of medical treatment.

The proposed revisions to the Standards contain one change which will result in increased costs for camp operators. The change

in sampling frequency for natural bathing waters from monthly to every other week will cost those camps which swim in lakes and rivers an additional \$30.00 to \$40.00 for the summer. Utilizing a high estimate of 200 camps which conduct swimming in natural bathing waters the total cost of this standard approaches \$8,000. However, two of the revisions are cost containment measures which affect camp operators and parents. It is estimated that the proposal to eliminate the present requirement for physical examinations by a physician for campers and staff at residents camps will save camp operators and parents between \$250,000 and \$500,000. Additionally, the change in the requirement for boating supervision will save additional monies by doing away with a certification requirement (Water Safety Instructor) which is not necessarily indicative of boating experience.

Overall, it is felt that the costs of complying with the New Jersey Youth Camp Safety Act Standards is minimal when compared with the savings in medical costs and emotional distress to the parents of injured campers. A review of accident statistics indicates that the number of serious accidents in camps has been reduced by two-thirds in the 10 years the standards have been used to promote health and safety in New Jersey's youth camps. Furthermore, every effort is being made to minimize the cost associated with compliance by reviewing the cost effectiveness of each regulation.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:25, as amended in the New Jersey Register.

Full text of the proposed amendments to the readoption follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

8:25-1.1 Definitions

"Youth Camp" means any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating five or more children under 18 years of age for a period of, or portions of, two days or more and includes a site that is operated as a day camp or as a resident camp **except that a day program which offers only a minimal recreational component shall not be considered a youth camp; however, no such program shall include any hazardous recreational activity such as but not limited to aquatics, archery, horseback riding and riflery without first obtaining the prior written approval of the Department of Health. Failure to obtain such approval or comply with the regulations established for the activity involved shall subject the program to penalties in accordance with sections 10 and 11 of P.L. 1973, c. 375 (N.J.S.A. 26:12-10 and 26:12-11).**

8:25-2.2 Site, plan, facilities, and equipment

(a) (No change.)

(b) Camp structures and facilities shall comply with local building, zoning, and health codes. **Letters of approval or a Certificate of Occupancy from the appropriate local authorities shall be available for review at new camps and renovated facilities.**

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

8:25-2.3 Staff

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

(c) Hazardous camp activities, such as, **but not limited to**, aquatics, archery, horseback riding, riflery, and out of camp trips shall be conducted by a qualified adult activity specialist [capable of implementing safety standards established by the Department], **in accordance with guidelines available from the Department or other recognized [body] organization** in the specialized field. [He]

The activity specialist shall also have training or experience in conducting the activity.

(d) (No change.)

8:25-2.7 Sanitation, **safety** and fire hazards

The Department may require a camp to correct or eliminate any specific condition not described in these standards but which it deems necessary for proper sanitation, **safety** or fire protection at the camp.

8:25-3.1 [Medical examination] **Health records** and supervision

(a) (No change.)

(b) Rules concerning health staff include:

1. A resident camp shall have on duty in residence **an adult** health director who is a licensed physician; or a registered nurse or licensed practical nurse complying with the rules of the State Board of Nursing; or a camp health director certified by the American Camping Association; or Paramedic or Emergency Medical Technician accredited by the State Department of Health; or an individual certified by the American Red Cross in Advanced First Aid and Emergency Care or an equivalent certification approved by the Department.

2. A day camp, as a minimum, shall have on duty at all times, **an adult** health director certified by the American Red Cross in Standard First Aid, or equivalent certification approved by the Department.

3.-4. (No change.)

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

8:25-3.2 Physical examinations

(a) A camper or staff member at the time of admission to a day **or resident** camp shall submit a written health history which specifies all known physical and mental conditions. [Campers and staff at the time of admission to a resident camp shall submit a written report of a physical examination performed by a qualified physician within the preceding 12 months and written health history records which specifies all known physical and mental conditions.] All campers shall also have protection against diphtheria, tetanus, poliomyelitis, measles, mumps and rubella or a statement from a physician that immunization is in progress. If there is a religious objection to physical examinations or immunizations a child shall submit a written statement signed by the parents or legal guardians to the effect that the child is in good health and they assume the health responsibility for the child while in camp with the understanding they will be notified immediately if anything unforeseen occurs.

(b) (No change.)

(c) Required [physical examination] **health history** records shall be on file in the camp for review by the staff of the Department.

8:25-5.2 Waterfront staff

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

(c) When swimming [or watercraft] activities are in progress, the aquatics supervisor shall be in attendance supervising the program. **Watercraft activities shall be supervised in accordance with the provisions of N.J.A.C. 8:25-5.4(b).**

(d)-(f) (No change.)

8:25-5.3 Swimming procedures

(a) American Red Cross, YMCA, or Boy Scouts of America tests shall be used to determine each child's swimming ability. Children shall be confined to [an] **the area established in N.J.A.C. 8:25-5.1(b) which is equal to the limits of their swimming skills or an area requiring lesser skills for which they have been classified.**

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

8:25-5.4 Watercraft and waterskiing

(a) Watercraft activities shall be conducted during daylight hours

[and supervised by an aquatics supervisor]. A Type I, (or) II, or **III** foam-filled Personal Flotation Device (PFD) shall be provided for and worn by each occupant of a watercraft. A non-swimmer shall not be permitted in a sailboat unless accompanied by an aquatics guard.

(b) Watercraft activities shall be supervised as follows:

1. For camp boating on lakes and ponds a certified aquatics guard shall patrol the area in a lifeboat, and an adult shall observe the activity from a vantage point on the shore or on the water.

2. Boating activities on rivers and streams shall be supervised by an adult with demonstrated boating experience and a certified aquatics guard shall also accompany the trip.

[(b)] c [During a watercraft activity period, an aquatics guard shall patrol the watercraft area in a lifeboat.] A watercraft docking area shall not be in the swimming area.

[(c)] d The swimming area shall not be used for the launching or stopping of waterskiers.

8:25-6.4 Sewage disposal

(a) Any toilet or receptacle for human excrement shall be constructed and maintained so that flies cannot gain access to the excremental matter contained therein and such excremental matter shall at all times be prevented from falling over or upon the surface of the ground and shall be prevented from gaining access to any of the waters of the State. This provision also applies to wastes resulting from water closets, laundry tubs, washing machines, sinks, dishwashers or any other source of water-carried wastes of human origin or containing putrescible material.

(b) All sewage disposal shall be in accordance with the provisions of the Standards for the Construction of Individual Subsurface Sewage Disposal Systems (N.J.A.C. 7:9-2) and the New Jersey Water Pollution Control Act Regulations (N.J.A.C. 7:14) promulgated by the Department of Environmental Protection and any other applicable rules and regulations.

8:25-6.5 [Garbage] **Solid waste** disposal

All garbage and [rubbish] **other solid waste** shall be stored and disposed of in such manner that flies and rodents are not attracted or furnished breeding places, or that air pollution will be created. [Refuse] **Solid waste** shall be removed from camp as required by local regulation, but not less than twice a week. [If this is not possible, it shall be completely burned in a proper manner in an incinerator or buried. If buried, an earth cover of six inches shall be provided. Final cover shall be two feet]. **Solid waste disposal shall be effected in accordance with the Rules of the Solid Waste Administration (N.J.A.C. 7:26) promulgated by the Department of Environmental Protection and any other applicable rules and regulations.**

8:25-6.8 Insect, rodent, and weed control

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

(d) The application of pesticides shall be in accordance with the provisions of the New Jersey Pesticide Control Regulations (N.J.A.C. 7:30) promulgated by the Department of Environmental Protection.

8:25-6.9 Swimming and bathing

(a) (No change.)

(b) Rules concerning natural bathing waters include:

1. Natural bathing waters, such as rivers, lakes and inland waterways shall not exceed a **fecal** coliform density indicating a most probable number of [2400] **200** per 100 ml as a geometric average.

2. Bathing waters shall be sampled and evaluated at least once each [month during June, July and August of each year] **two weeks while camp is in session or at any other frequency determined by the Department or by local ordinance. The bathing waters shall also be in conformance with the provisions of the Surface**

Water Quality Standards (N.J.A.C. 7:9-4) promulgated by the Department of Environmental Protection and any other applicable rules and regulations.

3. (No change.)

(a)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**All Health Care Facilities
Standards for Licensure**

Proposed Amendment: N.J.A.C. 8:31-26.3

Authorized By: J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).

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

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposal is known as PRN 1983-171.

The agency proposal follows:

Summary

This proposal, N.J.A.C. 8:31-26.3, will revise the requirements regarding employees' physical examinations (health evaluations) by deleting the requirement for the Mantoux tuberculin skin test in all facilities except general hospitals and/or special hospitals, deleting the requirement for an annual Mantoux tuberculin skin test, and revising the requirements for the rubella screening test, including deletion of certain types of documentation.

When this proposed amendment was originally published at 14 N.J.R. 1274(a), the term special hospital was inadvertently omitted. Both general hospitals and special hospitals are licensed in accordance with the same Manual of Standards for Hospital Facilities. In order to clarify this and to include special hospitals in this amendment, we are publishing the change in this proposal.

Social Impact

The social impact is to protect the health, safety, and welfare of the patients, without overburdening a facility or the individual employee with redundant testing for tuberculosis or rubella.

Economic Impact

Facilities, other than general hospitals and special hospitals, should realize a savings since they will no longer be required to give a Mantoux tuberculin skin test to each employee.

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

8:31-26.3 Employee physical exams (health evaluations)

(a) The facility shall develop and implement written policies and procedures, reviewed by the Department and revised as required by the Department, for employees' (including persons providing direct patient care services through contractual arrangements or written agreements) physical examinations (health evaluations) upon employment and subsequently, including the content and frequency to ensure that:

1. Each employee in a general hospital **and/or special hospital** shall be given a Mantoux tuberculin skin test with five tuberculin units of purified protein derivative. New employees shall be given the Mantoux tuberculin skin test upon employment. If the facility has documentation for an employee of a Mantoux tuberculin skin test reaction of 10 or more mm of induration, the facility shall exempt the employee from further tuberculin skin testing.

i.-iii. (No change.)

2. (No change.)

(b) Paragraph (a)1 above shall apply only to facilities licensed by the Department as general hospitals **and/or special hospitals**.

(c) (No change.)

(b)

HEALTH ECONOMICS SERVICES

Hospital Reporting; Patient Case-Mix

Proposed Amendment: N.J.A.C. 8:31A-8.1

Authorized By: J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-12 and 26:2H-5b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Hub, Director
Health Economics Services
Department of Health
CN 360
Trenton, NJ 08625

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

This proposal is known as PRN 1983-172.

The agency proposal follows:

Summary

The Commissioner of Health proposes to delete the requirements for collection of four items in the Medical Discharge Abstract Minimum Data Set. The items to be deleted are Major Diagnosis, Major Procedure, Major Service and Major Physician Code. The Medical Record Association of New Jersey and the Hospital Care Subcommittee have initiated the request for deletion of these items.

At the same time, subsections (k) and (l) of the rule will be deleted. These items were applicable when the rule was approved on January 4, 1979 and are no longer pertinent.

Social Impact

The deletion of requirements that hospitals provide major diagnosis, major procedure, major service and major physician

code is expected to cut down on the amount of time, and therefore, cost, associated with completion of the medical discharge abstract. This cost reduction will ultimately be passed on to members of the public in the form of lower health care costs.

Economic Impact

The decrease in time required to complete the medical discharge abstract should save money for the hospitals.

When the abstract rule was proposed in 1978, items were labelled as major because, at the time, hospitals were afraid that the use of principal diagnosis to assign Diagnosis Related Groups (DRGs) would cause hospitals to lose revenue if a major (most resource consuming) diagnosis was other than the principal.

A new set of 468 DRGs was implemented in New Jersey on June 1, 1982. These DRGs take significant secondary diagnoses (comorbid conditions or complications) into account. If significant secondary diagnoses are present, then the patient is assigned to a higher intensity DRG in many cases. In most cases, any secondary diagnosis considered "major" would be included in the list of comorbid conditions and complications.

Deletion of the requirement that major items be collected will not financially hurt a hospital.

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

8:31A-8.1 Hospital reporting; patient case-mix

(a) In accordance with N.J.S.A. 26:2H-1 et seq. the Commissioner of Health may request that health care facilities furnish the Department of Health such reports and information as it may require to effectuate the provisions and purposes of this act, excluding confidential communications from patients.

(b) Each hospital included under the provisions of N.J.S.A. 26:2H-1 et seq. will continue to complete and provide to the Department of Health a medical discharge abstract for every inpatient discharged from that hospital.

(c) Any medical abstracting service or form may be used provided that the following Medical Discharge Abstract Minimum Data Set is supplied for every inpatient discharged:

1.-18. (No change.)

[19. Major Diagnosis (ICD-9-CM or subsequent revision);]

[20] **19.** Other Diagnoses (ICD-9-CM or subsequent revision);

[21] **20.** Principal Procedure (ICD-9-CM or subsequent revision);

[22. Major Procedure (ICD-9-CM or subsequent revisions);]

[23] **21.** Other Procedures (ICD-9-CM or subsequent revision);

[24] **22.** Principal Procedure Data;

[25] **23.** Primary Service;

[26. Major Service;]

[27] **24.** Consultations by Service;

[28] **25.** Attending Physician Code;

[29] **26.** Principal Surgeon Code[.];

[30. Major Physician Code].

(d)-(j) (No change.)

(k) Due to potential delays caused by the initiation of providing hospital code numbers for "Referral Source" and "Transfer Destination" under subsection (c) of this section, a hospital may delay recording such information until a date not later than January 1, 1980. By May 30, 1979 each hospital shall inform the Department of Health in writing as to the hospital's timetable for providing this data.

(l) On or before May 30, 1979, any institution otherwise subject to the requirements of this regulation may submit, in writing, a request to the Commissioner of Health to be considered a non-acute care hospital for purposes of this regulation. Such a determination shall enable the Commissioner to issue a temporary waiver from compliance with this regulation until such time as the appropriateness of compliance shall be determined for each such facility. Such facilities shall continue to submit the medical discharge abstract data currently being submitted and shall use ICD-9-CM codes.]

(a)

HEALTH ECONOMICS SERVICES

Procedural and Methodological Regulations

Proposed Amendments: N.J.A.C. 8:31B-3.26 and 3.72

Authorized By: J. Richard Goldstein, M.D., State Commissioner of Health (with approval of the Health Care Administration Board on March 3, 1983).
Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

James R. Hub, Director
Health Economics Services
Department of Health
CN 360, Room 600
Trenton, NJ 08625

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

This proposal is known as PRN 1983-174.

The agency proposal follows:

Summary

The following are proposed changes to the 1983 Procedural and Methodological Regulations:

1. Economic Factor:

A. N.J.A.C. 8:31B-3.26(a): In the current regulation, projections vary according to the individual components. Often times one indicator is utilized to project another indicator and this results in a methodology that is unclear. The proposed change enables the Department of Health the freedom to select the most suitable indicator for the New Jersey hospitals on a timely basis. Further, it is believed that the utilization of national price indices will be helpful in predicting trends in New Jersey.

B. N.J.A.C. 8:31B-3.26(b): The regulation, as currently written, explains in detail the methodology for projecting changes from the base year to the rate year. Because the weighted average has been found to be more reflective of economic trends, the present calculation was abandoned. Therefore, the proposed change elaborates on the weighted average (the weight given each component is its share of that hospital's total expenditure) methodology. At the end of each year, the costs are reconciled to actual costs. It is, therefore, in the best interest of the Department to ensure the accuracy of the projections for all concerned.

C. N.J.S.A. 8:31B-3.26(b): At the present time the labor component of the economic factor is calculated using the Employment Cost Index (Northeast) as a proxy. The Employment Cost Index is a measure of the average rate of increase in labor compensation for workers in the civilian non-farm economy. The proposal is to substitute the BLS series "Average Hourly Earnings-Hospital Workers". The proposed change will lead to an economic factor which will more accurately measure the impact of inflation on New Jersey hospitals.

D. N.J.A.C. 8:31B-3.72(a)1: Currently, the Department recalculates the overall Economic Factor each January for the prior

year which is based on three-quarters actual and one-quarter annualized and projected for the following year. The non-labor components are monitored semiannually. The proposed change deletes the mid-year adjustment to the non-labor components of the economic factor which would mean that a hospital's projected economic factor will not change during the rate year. Furthermore, the process of revising the labor component for use in years subsequent to its initial projection will cease. The factor projected for a given year will not change, but an adjustment equal and opposite in size to the projection error will be made to the next projected economic factor.

Social Impact

The proposed changes to the economic factor will allow the labor component projection to remain stable throughout the year which will facilitate better management of labor contracts. This is done for the labor factor precisely because labor contracts are set in advance for periods of at least one year. In many cases, the level of the wage settlement is based on the labor component of the economic factor.

This change will provide a more stable economic environment for all the hospitals in the State of New Jersey. This should result in more timely hospital management decisions which will allow for the utilization of improved cost containment measures which ultimately will benefit the consumer through lower costs.

The revision of the proxy used to measure the increase in labor costs will ensure that the economic factor is a more accurate measure of the impact of inflation on hospitals and their staff. This will help to maintain the highest quality of care consistent with reasonable levels of hospital reimbursement.

Economic Impact

Changes to the Economic Factor will result in a more accurate cost projection due to actual statistics being utilized rather than a continuation of three-quarters actual data and one-quarter projected data which is currently in use. This change will eliminate large fluctuations between actual and projected statistics at year end which will encourage a more consistent budget process and foster efficient planning for patient care services. Overall, this planning process should allow for the improved allocation of hospital funds which ultimately will benefit the patient and consumer through lower costs.

The accuracy of the projection of the labor component of the economic factor will be enhanced by the use of a wage index specific to the hospital industry rather than one which covers all non-agricultural employment. This will enable hospitals to pay more appropriate wage rates and to reduce the turnover of experienced and highly trained employees.

Revising the methodology for reconciling misprojections in the labor component of the economic factor will ensure that the labor component, once it has been projected, will remain fixed. This change will contribute to ensuring the prospective nature of the economic factor and will improve the ability of hospital administration to project hospital budgets and to plan for the future.

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

8:31B-3.26 Economic factor

(a) An economic factor [is] **shall be** calculated for each hospital [which takes]. **It shall take** into account the [actual] level of hospital expenses and the replacement cost of major moveable equipment [based on] **using** the cost components reported to the New Jersey State Department of Health. The factor [shall account for realized inflation in the general economy up to the end of the calendar year quarter prior to the issuance of the Preliminary Cost Base, annualized inflation of the remainder of the calendar year, and a projection of inflation for the following 12 months, such that the Preliminary Cost Base shall be set at projected average price

levels of the 12 months following its issuance.] **is the measure of the change in the prices of goods and services used by New Jersey hospitals. It is to be based, as far as possible, on recorded price changes. For that part of the period covered by the economic factor for which recorded price changes are unavailable, the economic factor shall be based on the best available forecast of price trends.**

(b) The cost components of the economic factor are shown in Appendix II [and its calculation, annualization, and projection are as follows]. **The proxy used for labor costs will change in 1983 and subsequent year to the Bureau of Labor Statistics series "Average Hourly wages - hospital workers (US)." The labor proxy for the 1982 rate year will remain the Employment Cost Index Northeast.**

[1. Each hospital's costs as reported to the New Jersey State Department of Health are increased for inflation based on the proxies and components described in Appendix II. The resulting inflated dollars for each component are totaled and divided by the total dollars for the year the costs were reported resulting in the hospital's economic factor.

2. Data are annualized (adjusted for unavailable data) for the remainder of the calendar year by taking the average of the series for the month(s) available and dividing by the previous year's data for a comparable time period and multiplying the result by the previous year's 12 month actual average.

3. In order to set the PCB at price levels for the 12 months following issuance, inflation rates for the proxies are projected through one of the following methods and are reconciled in accordance with N.J.A.C. 8:31B-3.71 through 3.86.

i. For proxies which represent a large percentage of hospital expenses, predictive equations are developed where a cause and effect relationship between a proxy and a "lead indicator" is supported statistically through regression analysis (i.e., labor).

ii. Where legal or regulatory changes fix the value of the proxy for future years, such values are used as the projection (i.e., FICA).

iii. For proxies derived directly from other industry sources, projected price or rate increases are obtained from the supplier companies or organizations (i.e., malpractice).

iv. For Consumer Price Index or Producer Price Index proxies not forecast by one of the above means, the previous year's value is used where a trend is apparent over the last five years of the series or, if no trend is apparent, a straightline average of the last five years of the series is used as the projection.]

(c) The hospital specific economic factor is the weighted average of the recorded and projected change in the values of its components. The weight given to each component is its share of that hospital's total expenditure as described in Appendix II. The projection of individual components shall be based where appropriate, on legal or regulatory charges which fix the future value of the proxy (i.e., FICA). Components which are of particular importance may be projected through the use of time series analysis on other relevant indicators.

8:31B-3.72 Periodic adjustments

(a) Certain periodic adjustments are made to the Schedule of Rates which are not dependent upon new submissions of reports. These adjustments are made independently of the yearly reconciliations of the Schedule of Rates, but will affect the calculation of Commission Approved Revenue. [Periodic adjustments shall take place every six or twelve beginning July 1 or January 1, as appropriate, following the effective date of the Schedule of Rates.] Periodic adjustments are made [for the economic factor (N.J.A.C. 8:31B-3.26) and] for any adjustments explicitly ordered by the Commission pursuant to N.J.A.C. 8:31B-3.64, Modification of Proposed Schedule of Rates. The following periodic adjustments will be implemented by the Commission and the affected hospitals pursuant to N.J.A.C. 8:31B-3.42, Implementation.

1. Economic factor:

[i. The overall economic factor shall be re-calculated as of January

first of each year for the prior year (three-quarters actual and one-quarter annualized) and projected for the following year. Non-labor components shall be monitored semi-annually against the annualization and projection of the economic factor for the previous two quarters of actual data (weighted by all hospitals spending, combined) to determine if the actual non-labor component has deviated by one percentage point from the annualization and projection of the non-labor component. Where a misprojection of one percentage point or more has occurred, a periodic adjustment shall be made effective July 1 and the non-labor portion will be re-projected for the following six months. Schedules of Rates, charge masters, and periodic intermittent payments shall be adjusted for semi-annual misprojections.

ii. The annual recalculation of the economic factor pursuant to N.J.A.C. 8:31B-3.26, Economic Factor, shall be based on each hospital's reported expenses of the current cost base by classification for the applicable rate period. Percentage differences between the final economic factor and the projection for the same period shall be computed and termed the misprojection component. However, the misprojection component for the non-labor factor shall not account for any six month adjustment already made. The reprojection of the factor for January 1 through December 31 shall be based on each hospital's expenses for the most recent available reporting period. **The final economic factor shall be calculated for each year as soon as the necessary data are available. However, the labor component of the economic factor is to be prospective and final. If calculation of the final economic factor for the rate year shows a misprojection of the labor component, the rate year labor component shall not be changed. Instead an equal and offsetting adjustment is to be made to the projected economic factor when the projected economic factor for the upcoming rate year is calculated. The projected economic factor shall be developed for the following year using as much actual data as is compatible with the timely issuance of hospital payment rates for that year. The annual recalculation of the economic factor pursuant to N.J.A.C. 8:31B-3.26, shall be based on each hospital's reported expenses of the current cost base by classification for the applicable rate period.**

2. (No change).

3. Application of periodic adjustments to Schedule of Rates: Pursuant to N.J.A.C. 8:31B-3.42 through 3.45 January 1 of each year (staggered as appropriate for hospitals with other than a calendar year reporting period), direct and indirect patient care costs (as offset by the previous year's net income from other sources) shall be adjusted, as appropriate, for the new projection of the economic factor and other adjustments. [The misprojection component shall be added to or subtracted from the new projection and applied to direct and indirect patient care costs for a 12-month period (six month period for semi-annual non-labor adjustments).] Initial Working Cash Adjustment and Capital Facilities Allowance portions of the Schedule of Rates are also adjusted accordingly, and a compliance adjustment to the Rate Order determined by the Commissioner and implemented by the hospitals and payors.

(a)

DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

Certificate of Need: Reviews of Long-Term Care Facilities and Services Expansion and New Construction

Proposed Amendment: N.J.A.C. 8:33H-3.3

Authorized By: J. Richard Goldstein, M.D., Commissioner

of Health (with approval of Health Care Administration Board).
 Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

John A. Calabria, Coordinator
 New Jersey Department of Health
 Health Planning Services
 Room 403
 CN 360
 Trenton, NJ 08625

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

This proposal is known as PRN 1983-173.

The agency proposal follows:

Summary

The proposed amendment adds to the current rules a new paragraph, hereby referenced as N.J.A.C. 8:33H-3.3(a)5, which defines continuing care or life care communities and provides the opportunity for exemption from certain specific Certificate of Need requirements for long-term care beds for those facilities which meet the definition. The proposal also exempts such facilities as so defined from the batching cycles for Certificate of Need applications for additions to and new construction of long-term care facilities. The proposed changes would provide for an exemption from the long-term care bed need and utilization criteria for new and/or additional beds by Medicare/Medicaid/Medicaid-eligible recipients regarding direct admissions as presently contained in the Long-Term Care Policy Manual.

Continuing care or life care communities or facilities, as they are often known, are those that combine living accommodations with social and health care services (usually including nursing and medical services) for the elderly by agreeing to provide continuing care for the term of a contract, most frequently for the duration of a resident's life, in return for an entrance fee or periodic payments or both. The living accommodations provided usually include a totally independent arrangement, such as separate cottages or apartments, with the option of added services similar to congregate care, such as housekeeping or central dining facilities, as the resident's physical capacities decline. Some facilities provide a residential health care level for those residents who are no longer able or wish to maintain an independent unit. The third residential component is a long-term care facility or nursing home which provides post-acute or chronic nursing care to residents as needed. The facilities vary in style from a campus of buildings designed to meet special residential, social, and health care needs, including a nursing home, to one building that encompasses all living arrangements and services for residents and patients.

The typical residential and supportive environment was described in a paper¹ given at the annual meeting of the Gerontological Society of America:

"The unfurnished residential units may range in size from a studio to three-bedroom deluxe apartment. All apartments are self-contained units, providing the resident both privacy and security. Apartments are usually equipped with safety features such as grab rails, emergency call buttons, and fire detection equipment. The common areas of the complex are objectively arranged to afford residents and visitors opportunities for social interaction. These areas might

include a dining room, recreation area, craft rooms, libraries and shops. A social director is responsible for planning and executing a full range of activities which utilizes these areas and other community resources....

The health center on the life care campus is the distinguishing feature of the complex, setting apart the life care community from other retirement communities. This center is equipped and licensed as a skilled nursing facility. The staffing pattern provides for a range of health related personnel under the direction of a medical director. In the event of illness, a resident can remain in her apartment while under the care of the center or temporarily move to the center. In the event of hospitalization, it is the health center which provides space for convalescence once the acute needs have been met. The health center may also serve as the permanent living quarters when a resident's health no longer allows for the independent requirements of an apartment."

¹Life Care Communities: Private Sector Involvement in Housing Alternatives For the Elderly by Marcia B. Steinhauer, Associate Professor Kent School of Social Work, University of Louisville, Louisville, Kentucky.

Social Impact

Continuing care or life care communities are evolving as one method for responding to the increasing longevity that many members of our society are experiencing. They provide a valuable alternative for elderly people who want a permanent answer to their long-term residential and health care needs. Upon entering such a community, residents are assured of continued independent living in a residential unit for as long as possible, at the same time they provide for their future health care needs at a cost they know they can afford. Continuing care communities are growing in popularity among the elderly whose savings and incomes are high enough to pay for the relatively expensive accommodations and services. Generally, a couple or single person enter into a contract for continuing care with the sponsoring organization upon payment of a substantial entrance fee or endowment based upon the size of the residential unit, frequently provided by the sale of their last and often larger residence, and often with a small additional charge for occupancy by a second person. These fees can range from \$30,000 for a one-room studio arrangement to over \$80,000 for a two-bedroom deluxe apartment. They provide a source of funds that partially offset capital costs and operating expenses, as opposed to actually buying equity in the residence, for example, the resident does not "own" the unit as with a condominium or cooperative but has the use of the unit for life or until permanent admission to the long-term care facility is required. In addition, a monthly fee to pay operating costs for services available to all residents is required, based upon size of the unit and number of occupants, which can range from \$500.00 up to \$2,000 and can be adjusted annually. Residents pay for food, clothing, Medicare premiums, and out-of-pocket living expenses from the remainder of their monthly income.

As many continuing care facilities in New Jersey are operated by religious, fraternal, and other non-profit organizations and either evolved from or effectively continue to operate as non-profit homes for the aged, it is difficult to ascertain the number presently existing or population served. There is no separate licensing category which encompasses and identifies this type of setting; the State Department of Health applies Certificate of Need review criteria to, inspects, and licenses the separate components or levels which fall under its jurisdiction as health care facilities, for example, long-term care and residential health care facilities.

Economic Impact

The proposed amendment should have no significant adverse economic impact on existing or future long-term care facilities, as

continuing care or life care communities generally tend to function as self-contained entities. The on-site nursing facilities tend to be quite small compared to independent free-standing facilities, with 60 beds as the average size for newly developing facilities, as the emphasis of the community is to keep the resident functioning independently in a residential unit at lower cost for as long as possible in order to maintain financial viability. The analogy can be made to an HMO, which is at risk to provide an individual with total health care for a fixed monthly capitation fee and must keep costs down wherever possible. Thus, nursing care admissions are necessarily kept brief or to a minimum. In addition, admissions to a sponsoring community's long-term care facility are generally restricted to residents, except for the first few start-up years when admissions may be open to non-residents on a limited basis in order to maintain sufficient occupancy to cover the cost of required services.

The positive economic benefits to the elderly of lifetime care at a fixed cost have been addressed previously. The concept of continuing care or life care is valuable for the State of New Jersey from a variety of points. Such a community provides an enormous economic boost to the local community. Middle and upper middle income elderly people who are inclined to travel less and rely heavily upon local merchants are concentrated in a single area. Such a development also provides a new alternative encouraging New Jersey residents to remain in the State after retirement, close to friends and families, rather than moving to other areas of the country that typically attract the elderly.

In view of the State's position for the planning, distribution, and patient mix for long-term care facilities, it is difficult to accommodate the need for continuing care or life care communities to offer long-term care services. According to the Department's present Long-Term Care Policy Manual, such communities could be built in Essex County where there is little open land and high land costs but a need for long-term care beds. However, none could be accommodated in Burlington County where there is open land and land costs are lower than Essex County but there is an excess of long-term care beds. In view of this situation and a desire by the Department of Health not to artificially impede the development of continuing care or life care communities, the Department proposes the following.

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

8:33H-3.3 Expansion and new construction

(a) Standards are as follows.

1.-4. (No change.)

5. Standard III-04, Continuing care or life care communities/facilities: Such communities/facilities are defined as those that combine independent living accommodations for the elderly with social and health care services, including nursing and medical care, through an agreement to provide continuing care for the term of a contract, most frequently for the duration of a resident's life, in return for an entrance fee or periodic payments or both. Those communities/facilities seeking Certificate of Need approval to construct an on-site long-term care facility, which meet the above definition and contain a minimum of 200 residential units, may apply for exemption from the long-term care bed need, utilization criteria, and batching cycle requirements, and instead be included in the Certificate of Need administrative review process, by submitting all of the following required documentation with the application:

i. The ratio of residential units to long-term care beds is not less than 5 to 1.

ii. Within five years of occupancy of the first residential unit, at least 90 percent of the occupants of the long-term care facility will be drawn exclusively from the sponsoring continuing care community.

iii. Patients occupying a bed in the long-term care facility who

did not originally come from the continuing care community are allowed to remain as long as their need exists, regardless of the number of residents who are waiting for long-term care services.

iv. The long-term care facility will conform to all Federal and State licensure, construction, and inspection laws and regulations.

v. If for any reason the corporation owning the continuing care community gives up the operation of the community and the residential units in effect become the same as any other residential units on the open market, the long-term care beds will revert to the general pool of long-term care beds for that planning area and the residents will no longer have priority for those beds.

(b) (No change.)

HIGHER EDUCATION

(a)

HIGHER EDUCATION ASSISTANCE AUTHORITY

Student Loans: Procedures and Policies

Proposed Readoption with Amendments: N.J.A.C. 9:9

Authorized By: Higher Education Assistance Authority
Board, Jerome Lieberman, Chairman.
Authority: N.J.S.A. 18A:72-10.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Eric M. Perkins, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
CN 542
Trenton, NJ 08625

The Higher Education Assistance Authority thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law. Concurrent amendments to the readoption become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-168.

The agency proposal follows:

Summary

The Guaranteed Student Loan and PLUS Programs are national in scope in that criteria for eligibility, terms of repayment, origination fee, amount limits, rates of interest, etc., are prescribed via Federal regulations. Procedures and slight variations among states exist and are contained in the attached regulations.

Since 1978, when these regulations were adopted in the New Jersey Administrative Code, several changes emanating from the Federal government have resulted and are reflected throughout the Chapter, especially Subchapter 1. These changes affect interest rates, maximum amounts which may be borrowed, revised grace periods, interest subsidy eligibility, authorized periods of deferment, etc.

A new program entitled PLUS became effective during 1981.

Subchapter 3 contains the policies governing this program which is targeted for parents, independent undergraduate students, and graduate students. Subchapters 4, 5, and 9 contain rules where and when New Jersey Higher Education Assistance Authority (NJHEAA) becomes a lender of last resort as well as a guarantor. Subchapters 6, 7, and 8 have minor changes as they govern refinancing with Student Loan Marketing Association (section 9:9-6.5, Judicial actions; written approval, has been deleted; section 9:9-7.4(c), policy governing educational institutions, has changed the waiting period from 24 to 18 months; and policy concerning the Institution of the Higher Education Educational Loan Act, amounts increased from \$8,000 to \$8,500 and interest rate from 8.95 to 12 percent).

Changes of procedures caused by automated processing are incorporated in this proposal, for example promissory notes are now prepared by NJHEAA and sent to the lender, vis-a-vis a guarantee notification, lenders are billed monthly by NJHEAA through an invoice rather than the student submitting individual fees.

In short, this revision of Chapter 9 is due to changes in Federal regulations, programs which are now in existence which were not when the original regulations were adopted, and procedural changes through automation.

Social Impact

There is a minimal social impact since all students qualifying for loans before these regulations will continue to be eligible in the future except those unable to prove financial need (discussed under Economic Impact). Access via public loan programs will assure qualifying borrowers of loan availability.

Economic Impact

There has always been an income index used when determining interest subsidy eligibility throughout the lifetime of the Guaranteed Student Loan Program except for a period of three years (1978-1981) when no income was reported since all loans were eligible for interest subsidy. Regardless of family income, students were entitled to an interest-free loan as long as they were enrolled at an eligible institution plus a grace period. During the latter part of 1981, two requirements mandated by Federal law materially affected those eligible to receive these loans. An income criterion of \$30,000 was re-introduced as a cut-off point. A family income of over \$30,000 would trigger a financial needs analysis test in order to qualify. If the analysis determined that the family's financial status did not qualify for an interest free loan an automatic interest subsidy would be included. Also, for the first time, an origination fee of five percent was implemented to be used as an offset against interest charges incurred by the Federal government. This five percent fee is an "up-front" charge irrespective of whether or not the loan is interest free. The restrictions on income for qualifying borrowers and the increased costs of obtaining these loans resulted in a reduced number of borrowers. Also during 1981, a new program entitled PLUS (originally targeted for parents but later expanded to include independent undergraduate and graduate students) was introduced. This program was not contingent upon income and thus carried no interest subsidy benefits. The interest rate is based upon 91 day Treasury bill interest rates and is presently set at 12 percent.

Federal regulations are reflected in these regulations in defining what economic criteria is used in determining interest eligibility. These regulations also take into consideration those who might not qualify under the Guaranteed Student Loan Program (GSLP) but who might qualify under PLUS.

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

CHAPTER 9
STUDENT LOANS: PROCEDURES
AND POLICIES

SUBCHAPTER 1. STUDENT LOAN PROGRAM [MANUAL
OF] – POLICIES AND PROCEDURES

9:9-1.1 Definitions

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

["Academic year" means the number of credit hours which a student must acquire during any one school year in order to secure the degree or certificate toward which he is working in the usual number of semesters or terms required to complete the course of study.

"Armed forces" means the Army, Navy, Marine Corps, Air Force or Coast Guard.]

["Default" means a breach of contract by nonpayment of interest for more than six months; nonpayment of installments for more than 120 days; nonconversion of note after one year of non-full-time attendance.]

"Delinquent" means **the** nonmaintenance of installment payments when due[;] **or the** noncompliance with other terms of the note or agreement.

["Eligible lender" means any financial or credit institution (including an insurance company), which is subject to examination and supervision of the Department of Banking or the Department of Insurance of this State or by any agency of the United States, any Federal credit union or national bank organized under the Acts of the Congress of the United States and doing business in this State or any Federal savings and loan association having its principal office in New Jersey, or an eligible educational institution located in New Jersey and having its principal office in New Jersey, and approved as a lender by the authority.]

["Eligible school" means any educational institution approved in accord with N.J.S.A. 18A:72-2 and 18A:72-10.]

["Full-time student" means that, generally, the authority will accept the school's definition of a full-time student as certified on the application.

1. In degree schools this usually means 12 credit hours per semester.

2. In non-degree schools this means 25 supervised hours of instruction per week for a minimum of 300 hours.]

["Interest subsidy" means interest paid by the Federal government to the lender on behalf of the student during full or part-time enrollment or eligible deferment.]

["Part-time student" means a student enrolled less than full time, but at least half-time as certified by the school.]

"PLUS" is a supplemental loan program which is targeted for parents of undergraduate students; independent undergraduate students; and graduate students.

"Resident" is synonymous with "domicile". Domicile is an actual and physical taking up of an abode in a particular [estate] **state**, together with an intention to make his or her home there permanently or at least indefinitely and an intention, whenever absent, to return to that particular [estate] **state**. (Domicile is often a complicated issue of law and should be resolved in individual cases on the basis of circumstances and intent.) The domicile of a minor is that of his or her parents or legal guardian. Presence in the State of New Jersey solely for the purpose of attending school in New Jersey does not constitute domicile.

Terms not defined in this section shall be defined in accordance with 34 C.F.R. § 682.200.

9:9-1.2 Eligibility

(a) An applicant for a student loan must meet the following requirements:

1. Be a resident of New Jersey for at least six months prior to filing

an application, or be a resident of another state attending an educational institution located within New Jersey;

2. Be at least a part-time student, and if enrolled, making normal progress toward meeting a degree or certificate requirements as defined by the school;

3. Demonstrate financial need as determined by educational and lending institutions. The amount of the loan recommended plus other financial aid shall not exceed educational costs for the period stated;

4. Demonstrate high moral character, good citizenship and dedication to American ideals;

5. If the applicant is not a citizen of the United States but claims to be an otherwise eligible resident, the applicant must file, with the loan application, copies of the immigration forms or documents pursuant to which the applicant currently maintains a presence in the United States.]

[9:9-1.3] **9:9-1.2** Loan amounts

[(a) The maximum amount a full-time undergraduate student may borrow for one academic year shall not exceed \$2,500.

(b) The maximum amount a graduate student may borrow for one academic year shall not exceed \$5,000, unless the student is enrolled full time in an eligible school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry or public health located in the United States and Puerto Rico in, which case the maximum per academic year shall not exceed \$10,000. Pharmacy students attending an eligible school who have satisfactorily completed three years of training may borrow up to \$7,500 per academic year.]

[(c) (a) The maximum amount a [part-time] **half-time** student may borrow [for one] **per** academic year shall not exceed \$1,250 for undergraduate study or \$2,500 for graduate study.

[(d) The total amount of loans to any one student shall not exceed \$7,500 for the undergraduate course of study or \$15,000 if graduate study is included.

(e) Loans are authorized for at least six academic years or the equivalent, unless the \$15,000 maximum is reached prior to the expiration of the six-year period.]

[(f) (b) A student who requests to borrow a second time for the same stated year in school, as indicated on the previous loan application, may be permitted to do so if the reason is caused by other than academic failure[.], **or a lighter than usual workload, and evidence is submitted from the educational institution.**

[(g) (c) The minimum amount the Authority will guaranty is \$200.00. [All loan requests above this amount must be in \$50.00 multiples.]

[9:9-1.4] **9:9-1.3** Use of funds

[(a) Funds borrowed under this program may only be used for school and school-related expenses.]

[(b) Funds may not be used to retire prior indebtedness.

[(c) A loan guaranteed under this program may only be used for the academic year and school indicated on the application.]

[9:9-1.5] Time for filing applications

Application for a student loan should be made approximately two months prior to the beginning of the academic year; however, applications may be made at any time during the year.]

[9:9-1.6] Change of school

If, during the term of the loan, the student transfers from one school to another, he must secure a letter from the new school certifying his enrollment status.]

[9:9-1.7] Loss of institutional eligibility status

Students having a guaranteed loan and attending an educational institution which loses its eligibility through loss of accreditation may continue to be eligible for a guaranteed loan at that institution, but will be responsible for payment of all interest benefits on future

loans. No loans can be guaranteed for new students or students who had not made prior loans to attend an institution which loses its accreditation. Lenders will be notified when an institution loses its accreditation.]

[9:9-1.8] **9:9-1.4** Junior year abroad
(No change in text.)

[9:9-1.9 (Reserved)]

[9:9-1.10] **9:9-1.5** Change of lenders

A student should obtain all loans from the same lender. If a student wishes to borrow from a different lender, the new lender must agree in writing to the [authority] **Authority** to purchase the prior loan. The note must be assigned and forwarded with the duplicate application to the new lender. After this transaction has been completed, the [authority] **Authority** should be notified by the purchaser. In a case where a student has a loan outstanding for a prior academic year and the lender holding that note is unwilling to grant a loan under the limits prescribed by law or has discontinued participation in the student loan program, the student may obtain a new loan from any lender of his choice without the new lender being required to purchase the prior loan. **However, a letter of loan denial from the original lender must be submitted to the Authority.**

[9:9-1.11] **9:9-1.6** [Application procedure; applicant]
Insurance and origination fees

(a) An applicant for a student loan must:

[1. Secure loan applications from a participating lender. Normally, forms will not be available at the student loan office or the school;

2. Complete the application following the directions on the forms. All parts of the application must be completed regardless of the applicant's age or marital status;

3. Submit the application to the eligible educational institution he plans to attend for certification of enrollment;]

[4.] **1.** Pay an insurance [premium] **fee of one percent** of the [recommended] **requested** amount of the loan. [A check or money order payable to "Treasurer, State of New Jersey" must be submitted with the application. No personal checks will be accepted, and no refunds will be issued after the application is approved;] **Checks should be made payable to the lender. Any adjustment or refund is made by the lender. No refunds will be issued after the application has been approved by the Authority. Fee is only charged upon approval, however, is not charged twice if the student changes schools within the same academic year;**

[5. Appear at the lending institution for an interview, approval of the loan and the signing of the application;]

[6.] **2.** [File with the lender an affidavit, properly notarized, stating that any proceeds of a loan guaranteed by the authority will be used solely for expenses related to attendance at the eligible institution the student intends to attend or is attending.] **Pay an origination fee based upon a rate assigned by Federal guidelines, on the principal amount of the loan. This fee may be directly deducted from the proceeds of the loan prior to disbursement by the lender or paid to the lender prior to processing. Refunds shall be made by the lender in accordance with promulgated Federal guidelines.**

[9:9-1.12 Application procedure; lender

(a) The lender of a student loan must do the following:

1. The lender should require the student to appear for an interview after the necessary forms have been completed. However, the lender at his discretion may waive the interview. In such cases, the signature on the application should be witnessed by a correspondent lender, school official, or notary public;

2. The application should be checked for completeness. The items

most commonly found to be incomplete are the Social Security number, estimated expenses and resources, items under college certification and the signature of the applicant;

3. The lender should indicate in the appropriate section the recommended amount of the loan. The application should then be signed by the designated official and forwarded with the insurance premium to the Authority; and

4. Only an application bearing the lender's approval should be submitted to the student loan office. If the lender does not wish to recommend approval, the student should be so informed. The lender may wish to provide the student with the names of other participating lenders.]

[9:9-1.13 Authority

Upon receipt of the completed application, the Authority will review, process, and notify the lender, the student, and the educational institution simultaneously of its action.]

[DISBURSEMENT OF FUNDS]

[9:9-1.14 Notification of approval

(a) Upon receipt of notification that the loan has been approved, the student should contact the lender and arrange for disbursement of funds.

(b) The applicant (and spouse) must complete the original note.]

[9:9-1.15] **9:9-1.7** Authority action

Upon approval of the loan application, the lending institution will receive the [proper] student loan [guaranty form] **interim promissory note**. This is the lender's [authorization] **guarantee and authorization** to disburse the funds and must then be attached to the duplicate copy of the application. [A copy of the] **Notification of guaranty [notice]** will be sent to the student and the school at the same time.

[9:9-1.16 Guaranty

The guaranty, once issued by NJHEAA, will remain in effect for the lifetime of that loan. The guaranty notice will indicate the amount of loan guaranteed and whether or not interest on the loan will be subsidized. If the lender disburses more than the amount indicated, it does so at its own risk.]

[9:9-1.17 Time limit on disbursement

Funds should be disbursed within 90 days from the start of the school year or the date of approval, whichever is later. If part of the funds are disbursed within the 90-day period, the remaining funds may be disbursed at any time during the academic year for which the loan was approved.]

[9:9-1.18 Time and method of disbursement

Disbursement of funds should occur at such time and in such amounts as the lending institution and the applicant agree best meets the applicant's needs. Normally, this should be immediately prior to the beginning of the academic year.]

[9:9-1.19] **9:9-1.8** Securing the note

(a) After approval of the loan, the lender [should] **must** secure the student's signature on the original note. The note forms provided by the Authority must be used in all cases except when prior approval by the Authority has been given to the lender's forms.

(b) When it is anticipated that the student will be away at school at the time the application is approved by the Authority, the lender may follow [one of] the following procedure[s] for securing the note [and application for Federal interest benefits]:

[1. Have the applicant sign both forms prior to leaving for school;]

[2.] **1.** Mail [both forms] **the note** directly to the student for signature;

[3. Mail the forms to the financial aid officer at the school requesting that he contact the student and have him sign the note and application; and

4. Send the necessary forms to a correspondent bank for signature.]

2. The student's signature on the note must be notarized and the original note must be returned to the lender.

[9:9-1.20 Certifying application for interest subsidy

When the loan is approved for interest subsidy, the lender must complete the proper form each time funds are disbursed and forward this form to Washington. It is not necessary to have the student sign this form if this is a second disbursement for the same academic year; where the "signature of student" is requested, the words "For Information and Reporting Purposes Only" should be typed. Use all capital letters when typing this form.]

[9:9-1.21 Preparing check

(a) The authority recommends that the check be made payable to both the student and the school. If and when conditions warrant, the check may be made payable solely to the student. In any case, the check must be endorsed by the student borrower.

(b) A student entering his first year should receive one half the funds the first semester and the remaining one half the second semester. It is the policy of most colleges not to dismiss a student for academic reasons at the end of the first semester; however, a student may withdraw. Since the borrower is known to you, a statement from him that his status at the institution is continuing unchanged should be sufficient basis to disburse the balance of his guaranteed loan. If conditions warrant one disbursement instead of two, the lender may exercise his judgment without fear of jeopardizing the guaranty.]

[9:9-1.22] **9:9-1.9** Documents to student

After disbursement of funds, the duplicate copies of the original note and the agreement between the student and the [authority] **Authority** should be given to the student.

[9:9-1.23] **9:9-1.10** Change of school **before disbursement**

[(a)] If, prior to disbursement of funds, the applicant indicates he will be attending a school other than the one indicated on the application, [the authority must receive written verification from the new school that the student is:

1. Accepted or enrolled at least on a part-time basis;
2. In his assigned year in school;
3. Expected to graduate in month/year; and
4. Making normal progress toward his degree.]

he must notify the lender to cancel the loan application. The loan is not transferable from school to school. Another application for the new school must be completed. No insurance fee will be charged if amounts remain the same.

[9:9-1.24 Truth-in-lending

The proper disclosure statements, in accord with Federal Reserve regulation Z, must be made at the time the student signs the original (interim) note and the installment note.]

[9:9-1.25] **9:9-1.11** Interest[; rates]

[(a) On all loans disbursed before June 21, 1966, the maximum interest permitted by law was five per cent per annum. On all loans disbursed between June 22, 1966, and August 2, 1968, the maximum interest permitted by law was six per cent per annum. On all loans disbursed on or after August 3, 1968, the maximum interest permitted by law is seven per cent per annum.] Interest is charged on the unpaid principal balance [and] **but if not paid when due, may at the option of the holder of the note be added to the unpaid principal balance in accordance with applicable regulations.** The rate charged on the original note must remain in effect for the duration of that loan.

(b) On all loans made subsequent to September 30, 1982, interest must be calculated on a simple interest basis by all lenders.

(c) On all loans not approved for Federal interest subsidy, the student will be required to pay the full amount of interest.

[9:9-1.26 Interest; collection

(a) Student: On all loans not approved for Federal interest subsidy, the student will be required to pay the full amount of interest according to legal rates as stated in section 25 of this subchapter. The authority recommends that this be billed quarterly, while the student is in school.

(b) Federal: For eligible student loans, the total interest will be paid direct to the lender by the Federal government while the student is in full-time enrollment half-time enrollment, and for a period not to exceed 12 months from the date he graduates or withdraws from an eligible school. On all loans made between November 8, 1965, and December 15, 1968, the Federal government will pay a portion of the interest, three per cent, while the student paying the balance, during the period of repayment. There will be no interest subsidized during repayment on all loans made after December 16, 1968. "Loans made" is defined as the date moneys are disbursed, thereby consummating the loan agreement. Both State guaranteed and Federally insured loans may be combined in one billing.]

[9:9-1.27] **9:9-1.12** Repayment of loan; installment arrangements

[(a)] When a student ceases to be enrolled [less than] **at least [part] half-time** at an eligible school, the student must contact the lender within four months for the purpose of making arrangements toward repayment of the loan. At this time, the student must sign the installment note.

[(b) A student must be provided with a repayment schedule of not less than five years (unless the student, during the nine-month period preceding the start of the repayment period, specifically requests that repayment be made over a shorter period), nor more than ten years, commencing not earlier than nine months nor later than 12 months following the date on which the student ceases to be enrolled less than part time at an eligible institution, unless the lender and the student agree to a repayment schedule which begins earlier. In the event a student has requested and obtained a repayment period of less than five years, the student may at any time prior to the total repayment of the loan have the repayment period extended so that the total repayment period is not less than five years. The period of the note may not exceed 15 years, unless the borrower is eligible for a deferment, not to exceed three years, for service with Armed Forces, Peace Corps or a full-time volunteer under the Domestic Volunteer Service Act of 1973, or return to school as full-time student at an eligible educational institution, or during a single period, not in excess of 12 months, during which the borrower is seeking and unable to find full-time employment. This period of authorized deferment shall not be counted in the total 15-year period. The borrower may accelerate payment without penalty. Subsidized loans as well as non-subsidized loans may be combined on one note. Separate notes must be kept on loans which are Federally insured from those which are State guaranteed.

(c) The minimum payment permitted is \$30.00 per month based on the total of all notes (Federally insured and State guaranteed, subsidized and non-subsidized), unless a lesser amount is agreed to by the lender and borrower, as long as the maximum period of time allowed by law is not exceeded. If husband and wife both hold student loans, the \$30.00 monthly payment applies to the couple.

(d) On all loans guaranteed by NJHEAA or insured under the Federally Insured Loan Program, use only the repayment tables marked "NO INSURANCE CHARGE". These tables reflect normal monthly installments and do not provide for a one-time installment which may be made and incorporated into the final installment.]

[9:9-1.28 Deferment of payment

(a) After arrangements for conversion to installment have been

effected, the student may void these terms and continue to have the loans subsidized if he chooses to continue his education full time at an eligible school before 12 months from date of graduation or withdrawal. A non-subsidized note may be converted back to an interest-only basis if a student during the repayment period decides to reenter an eligible school full time.

(b) Periodic installments of principal need not be paid, but interest shall accrue and be paid during any period:

1. During which the borrower is pursuing a full-time course of study at an eligible institution, or is pursuing a course of study pursuant to a graduate fellowship program approved by the United States Commissioner of Education;

2. Not in excess of three years during which the borrower is a member of the Armed Forces of the United States;

3. Not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act;

4. Not in excess of three years during which the borrower is in service as a full-time volunteer under the Domestic Volunteer Service Act of 1973; or

5. During a single period, not in excess of 12 months, at the request of the borrower, during which the borrower is seeking and unable to find full-time employment.

(c) If the option set forth in subsection (b) of this section is exercised with a student already on an installment basis, the total of all future installments must be applied toward the principal balance until the interest subsidy terminates. For those students serving a medical internship, the NJHEAA sanctions and encourages a policy of leniency. Although this group of students is not covered by the extension of interest subsidy as stated above, consideration should be given in light of the limited income during this interim.]

[9:9-1.29] **9:9-1.13** Delinquent payments; responsibility of lender

[(a) It is the responsibility of the lender to exercise reasonable diligence in the collection of delinquent payments. The lender should use the same procedure followed in handling his other accounts.]

[(b)] (a) When an account becomes delinquent as a result of failure to convert when due, nonpayment of interest on a nonsubsidized loan when due or nonpayment of installment when due **or the failure to return funds due to non-enrollment in school**, the [authority desires to] **Authority must** be notified of such an event either through a carbon copy of a statement or other correspondence at the time of occurrence.

[9:9-1.30] Delinquent payments; authority assistance

A series of letters, individually prepared, are sent the student with carbon copies to the lender toward helping bring the account current. The dual reminder from the lender and the authority has a tremendous psychological effect upon the student, which has led to great success in keeping the accounts in satisfactory status. Normally, no action will be taken upon receipt of the first notice; this is filed with the student's other records. With receipt of a second notice, the agency sends a delinquent notice to the student. If the account remains unchanged 30 days after sending the notice, as reported by the lender, a second reminder, more firmly worded, is sent with a copy to the parents. In the event both messages fail to bring the account current after 30 days from the sending of the second notice as reported by the lender, a third and final warning is sent threatening default proceedings after seven days if the account is not in satisfactory order. No follow-up is conducted with the third letter. Approximately nine days from the sending of this letter, a call to the lending institution from this office will be made to ascertain present status of that account.]

[9:9-1.31] **9:9-1.14** Late charges

[The maximum late charge permitted is five per cent of the payment due or \$5.00, whichever is the lesser, when payments are made after the ten day grace period.]

Late charges are not permitted on any notes which compute simple interest on a daily basis.

[DEFAULT REIMBURSEMENT]

[9:9-1.32] **9:9-1.15** Requirements for default] **Notification of bankruptcy proceedings**

[(a) Delinquent interest payments. A loan on which the student is paying interest while enrolled in school shall not be considered in default until a period of 180 days shall have elapsed since the last due date.

(b) Delinquent installment payments. Whenever any installment payment is more than 120 days in arrears on loans made after November 8, 1965 or 90 days on loans made prior to that date, or any approved note not converted to installment within nine months from graduation or withdrawal, the loan may be considered in default.

(c) Death of borrower. When a loan recipient dies, a copy of the death certificate must be submitted with the claim form. With subsidized loans, interest should be charged to the Federal government within the quarterly period until the date of death. No attempt on the part of the lender toward collection should be made since these claims are 100 per cent reinsured by the Federal government.

(d) Permanent and total disability of borrower. If the borrower becomes totally and permanently disabled, the loan may be considered in default. Appropriate Federal forms should be requested, completed, and submitted with the claim certifying that the student is totally and permanently disabled. When and if this claim is properly adjudged to be a bona fide disability, no attempt should be made by the lender toward collection for this will be 100 per cent reinsured by the Federal government.]

[(c) Bankruptcy.] In the event the lender is notified of bankruptcy proceedings against the borrower, a copy of the notice of bankruptcy petition must be sent to the Authority immediately.

[9:9-1.33] **9:9-1.16** Procedure for filing claim

(a) Calling the note: With loans meeting the definition of default status, the lender reserves the right to call the note demanding payment in full within 30 days or to insist that the account be brought current immediately.

(b) Request for claim forms: A request for claim forms may be submitted upon expiration of the required time period[.] **provided proper due diligence has been exercised by the lender.**

[(c) Authority action. If attempts to salvage an account from default proceedings fail, claim forms will be honored.]

[(d)] (c) Separate claims must be submitted on each loan accruing interest at different rates. It is permissible to combine more than one loan on one claim form as long as the interest rate is the same. Two sets of claim forms will be sent with both copies expected to be returned in completed form. The lender will be reimbursed for the total unpaid principal and interest due, not to exceed one year's interest following the expiration of the grace period **on all non-converted accounts and not to exceed one year's interest following the date of the first delinquent payment on converted accounts.** A photostatic copy of the note must be forwarded with the claims. By law, the Authority may not reimburse the lender for late charges.

[9:9-1.34] **9:9-1.17** Assignment of note

(a) When payment is received from the State, the original note should be assigned to the Authority. [This assignment should read:

For value received, the (name of lender) hereby assigns and transfers all right, title, and interest arising from this note to the New Jersey Higher Education Assistance Authority without recourse or warranty.

Date_____ Authorized Signature_____ Title_____]

(b) The original note and duplicate application(s) should then be returned to the Authority.

RECORD KEEPING AND REPORTING

[9:9-1.35] **9:9-1.18** Certification of loans outstanding

Periodically, a list of loans outstanding will be sent to each lending institution. This list should be checked against the lender's records and returned within [30] **60** days with necessary corrections. Loans which have been cancelled, paid in full, reduced in amount [or], currently on installment **or on deferment** should be noted[.] **and documented.** [The Federal government will send an audit list directly to the lender from time to time in order to verify the status of accounts for those loans subsidized.]

[9:9-1.36] **9:9-1.19** Certification of student enrollment in school

[(a)] If a lender suspects a student is no longer attending the institution stated on the most recent application, steps should be taken immediately to verify this data in [one of several ways.] **the following manner.** The lender should communicate with the student requesting written evidence of current status [, or the lender could alert the Authority of suspected withdrawal] **from the school and must also notify the Authority if it is suspected that the borrower has withdrawn from school.**

[(b)] The Authority will in turn correspond with the student requesting written verification. Upon receipt of confirmation, the Authority will adjust its records and notify the lender of most recent data. If after 30 days from the sending of the inquiry, no answer is received, the Authority will notify the lender to convert the loan to one of installment.]

[9:9-1.37] **9:9-1.20** Reports (No change in text.)

[9:9-1.38] **9:9-1.21** [Returning duplicate applications] **Notification of paid or cancelled loans**

[In order that NJHEAA maintain a current and accurate record of loans outstanding at all times, it is imperative that lenders] **Lenders must return [to this office] immediately to the Authority** the [duplicate application and/or guaranty notice] **lender copy of the application and/or the interim or installment promissory note** clearly marked when the loan is either paid in full, cancelled, or has entered default status. [At this time the loan will be deleted from our active outstanding loans file and recorded accordingly.]

SUBCHAPTER 2. GUARANTEED STUDENT LOAN PROGRAM STATUTES AND REGULATIONS

9:9-2.1 Rules **and statutes** incorporated by reference

(a) [Regulations governing the Guaranteed Student Loan Program appearing in the "Federal Register," Volume 35, No. 213, October 31, 1970 Part II, are hereby incorporated.] **The part of the Code of Federal Regulations known as 34 C.F.R. §682.100 through and including 34 C.F.R. §682.713 (as of July 1, 1981) including all subsequent amendments and supplements is hereby adopted as rules and incorporated within these regulations.**

(b) [Higher Education Act of 1965 (P.L. 89-329) National Vocational Student Loan Insurance Act of 1965 (P.L. 89-287) as amended by:

1. P.L. 89-698 (October 29, 1966)
2. P.L. 89-752 (November 3, 1966)
3. P.L. 89-794 (November 8, 1966)
4. P.L. 90-460 (August 3, 1968)
5. P.L. 90-575 (October 16, 1968)
6. P.L. 92-318 (June 23, 1972)
7. P.L. 92-391 (August 19, 1972) and

8. The Emergency Insured Student Loan Act of 1969 (P.L. 91-95) October 22, 1969, are also incorporated.] **The part of the United States Code known as Title 20, Chapter 28, Subchapter IV, Part B, 20 U.S.C. § 1071 through and including 20 U.S.C. §1087-2 (as of August 13, 1981) including all subsequent amendments and supplements is hereby adopted as rules and incorporated within these regulations with the modifications indicated in (c) below.**

[(c) Regulations governing the guaranteed student loan program appearing in the Federal Register, volume 38, number 1, January 3, 1973, pages 24, 25, 26, are hereby incorporated.]

(c) **The following are modifications to (b) above:**

1. **20 U.S.C. §1078-2 is deleted.**
2. **20 U.S.C. §1086 is deleted.**

[SUBCHAPTER 3. POLICY GOVERNING DEFAULT OF STUDENT LOANS GUARANTEED BY NJHEAA

9:9-3.1 General provisions

The New Jersey Higher Education Assistance Authority, pursuant to authority of N.J.S.A. 18A:72-10, at its meeting May 5, 1970, clarified and adopted the following policy governing the default of a student loan which it guarantees:

The promissory note (interim note) shall become due and payable on the last day of the ninth calendar month following the month in which graduation or withdrawal from the educational institution occurs.]

SUBCHAPTER 3. POLICY GOVERNING PLUS LOAN PROGRAM

9:9-3.1 Rules and statutes incorporated by reference

(a) **The part of the Code of Federal Regulations known as 34 C.F.R. §683.1 through and including 34 C.F.R. §683.113 (as of April 21, 1982) including all subsequent amendments and supplements is hereby adopted as rules and incorporated within these regulations.**

(b) **The part of the United States Code known as Title 20, Chapter 28, Subchapter IV, Part B, 20 U.S.C. §1078-2 (as of August 13, 1981) including all subsequent amendments and supplements is hereby adopted as rules and incorporated within these regulations.**

(c) **The provisions of subchapter 1 of this chapter, N.J.A.C. 9:9-1, governing the Guaranteed Student Loan Program shall also apply to loans made under the PLUS program unless they are inconsistent with or otherwise excepted within the provisions of this subchapter.**

9:9-3.2 Eligibility

(a) **An applicant for a PLUS loan must meet the following requirements:**

1. **Be a resident of New Jersey as defined by N.J.A.C. 9:9-1.1; and**
2. **Otherwise fulfill the requirements set forth in 34 C.F.R. §683.11.**

9:9-3.3 Insurance fee

An applicant for a PLUS loan must pay an insurance fee as set forth in N.J.A.C. 9:9-1.6; however no applicant for a PLUS loan shall be charged an origination fee as expressed in N.J.A.C. 9:9-1.6(a)(2).

9:9-3.4 Interest

On all loans made subsequent to September 30, 1982, interest must be calculated on a simple interest basis by all lenders.

SUBCHAPTER 4. POLICY GOVERNING DIRECT PUBLIC LOANS

[9:9-4.1 Objectives

(a) The objectives are:

1. To assist eligible students to obtain maximum loan benefits under provisions of the guaranteed student loan program;
2. When necessary, to make loans to qualified students who have not yet reached permissible loan maximums.]

[9:9-4.2] **9:9-4.1** Qualifications for eligibility

(a) [Qualifications for eligibility are:

1. Resident of New Jersey for at least six months prior to filing application for student loan;
2. Enrolled or accepted for enrollment as a full-time student in an educational institution designated by the authority;]

To be eligible for a direct public loan:

1. A borrower must meet the eligibility requirements set forth in the statutes and regulations governing the Guaranteed Student Loan Program;

[3] **2. [First-time] A first-time** applicant must exhaust the possibility of using eligible lenders first, by providing documented evidence of loan denial by three eligible lending institutions;

[4] **3. [Applicant] An applicant** who has previously borrowed under the guaranteed student loan program must provide documented evidence that previous lender, and two other eligible lenders, will not grant an additional loan;

[5] **4. [Request assistance in obtaining loan from NJHEAA.] An applicant must request assistance in obtaining loan from the Authority.**

[9:9-4.3] **9:9-4.2** Loan amount

(a) Students unable to obtain the amount of loan needed to defray educational costs may apply for the difference between the amount granted by an eligible lender and [\$6,500] **\$5,000** per academic year.

(b) The entire loan amount, not to exceed [\$6,500] **\$5,000**, may be obtained from [NJHEAA] **the Authority** or its agent when circumstances warrant.

[9:9-4.4] **9:9-4.3** Terms of loan

Loans shall be governed by the procedures and policies of the guaranteed student loan program in effect at the time the loan is made.

[9:9-4.5] **9:9-4.4** Repayment

[(a)] Repayment shall be in accord with [that provided by the manual of] **the** policy and procedures of the guaranteed student loan program.

[(b)] NJHEAA shall endeavor to consolidate all loans of student, under the guaranteed student loan program, with one lender so that student can make all repayments to one source.]

SUBCHAPTER 5. POLICY GOVERNING GRADUATE INSURED LOANS

[9:9-5.1 Objectives

(a) The objectives are:

1. To assist eligible students to obtain a loan in excess of the Federally insured maximum (currently \$10,000 per year or \$15,000 cumulative);
2. This is an extension of the guaranteed student loan program, not a substitute.]

[9:9-5.2] **9:9-5.1** Qualifications for eligibility

(a) [The qualifications for eligibility are] **To qualify for eligibility under this program, an applicant must:**

1. **Be a [Permanent] permanent** resident of New Jersey for at least six months prior to filing **an** application; **and**

2. **Be [Enrolled] enrolled** or accepted for enrollment as a full-time student pursuing a graduate or professional degree beyond the baccalaureate level, attending a school approved by [NJHEAA] **the Authority** for medicine, osteopathy, dentistry, veterinary medicine, podiatry or optometry;

3. [Have] **Have** exhausted the provisions of the guaranteed student loan program.

[9:9-5.3] **9:9-5.2** Loan amount

(a) The maximum loan amount shall not exceed \$7,000 annually.

(b) The total cumulative amount of loans for undergraduate, graduate or professional work shall not exceed [\$22,000] **\$32,000**.

[9:9-5.4] **9:9-5.3** Terms of loan

(a) Loans shall be governed by the appropriate policies and procedures of the **guaranteed** student loan program in effect at the time the loan is made.

(b) The interest rate shall be nine percent simple, per annum.

(c) The borrower shall be responsible for payment of interest beginning with the disbursement of funds in accord with a schedule agreed to with the lender.

[9:9-5.5] **9:9-5.4** Repayment

(a) Repayment shall be in accord with [that provided by the manual of] **the** policy and procedures of the **guaranteed** student loan program.

(b) Repayment shall commence following a grace period of [nine] six months for a nine percent loan and nine months for a seven percent loan after withdrawal or graduation from school.

(c) In cases which involve multiple lenders, simultaneous amortization is required[;] **and** payment shall be prorated among lenders involved.

(d) The borrower shall be provided at least five years following the grace period, but no longer than 10 years, to repay, providing that the annual repayment to all lenders involved be not less than [\$360.00] **\$600.00** (principal and interest).

SUBCHAPTER 6. LOAN REFINANCING WITH THE FEDERALLY SPONSORED STUDENT LOAN MARKETING ASSOCIATION

9:9-6.1 Eligible lenders

Refinancing by an eligible lender of student loans guaranteed by the [authority] **Authority** with the Student Loan Marketing Association (hereinafter SLMA), a private corporation Federally sponsored in accordance with 20 U.S.C., section] §1087-2 et seq., shall be in conformance with all applicable [authority] **Authority** statutes, rules and regulations, as amended, and SLMA guidelines for loan servicing.

9:9-6.2 Written notification of transfer/refinance

Upon transfer or refinance of an [authority] **Authority** guaranteed note to SLMA, an eligible lender shall give written notification of such transfer/refinance to the [authority] **Authority**. Each notification shall contain the name of the student borrower, the student borrower's Social Security number and the amount of the student borrower's loan(s).

9:9-6.3 Notice of rejection

If SLMA rejects a note after its transfer/refinance, the eligible lender shall immediately notify the [authority] **Authority** of such rejection. If SLMA permits the eligible lender to substitute a new note in place of the rejected note, the eligible lender shall immediately notify the [authority] **Authority** of such substitution and shall provide the [authority] **Authority** with the requisite information [set forth in N.J.A.C. 9:9-1.2].

9:9-6.4 Alterations and modifications

The only loan condition or term which may be altered or modified

is the extension of the repayment period as provided by N.J.S.A. 18A:72-15 [and N.J.A.C. 9:9-1.27(b)] **or an authorized deferment period.** The maximum permissible repayment period for a student loan(s) shall be 15 years, which period of time shall commence on the execution date of the student borrower's first [authority] **Authority** guaranteed loan.

9:9-6.5 [Judicial actions; written approval] (Reserved)

[Institution of any judicial action against a student borrower in default on any loan(s) in any court of competent jurisdiction by SLMA, its agents or subcontractors, involving an outstanding authority guarantee, must receive the prior written approval of the Attorney General of the State of New Jersey.]

SUBCHAPTER 7. POLICY GOVERNING EDUCATIONAL INSTITUTIONS

[9:9-7.1 Eligibility of schools

(a) All schools must be approved by the New Jersey 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 New Jersey Department of Education when New Jersey law is applicable.

(c) State supported schools under the jurisdiction of the New Jersey Departments of Higher Education and Education must comply with subsection (a) of this section, 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 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] 9:9-7.1 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] **Authority**. No loan shall be guaranteed by the [authority] **Authority** unless it is covered by such an agreement.

[(c)] (b) The [authority] **Authority** shall [also] consider the following criteria in determining whether to enter into an agreement with an institutional lender[.]:

1.-7. (No change.)

[(b)] (c) The agreement may contain, but is not limited to, the following provisions as the [authority] **Authority** may require[.]:

1. [The agreement may include a] **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.] 2. The agreement shall cover loans that are originated by the institution. A loan shall be deemed originated if an eligible **commercial** 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.] 3. Loans shall be made only to students enrolled at that institution or an institution under the same ownership.

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

(d) The [authority] **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] **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.

[(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 two consecutive years.]

[9:9-7.3] 9:9-7.2 Audits (No change in text.)

[9:9-7.4] 9:9-7.3 Eligible limitations, suspension or termination

(a) [Procedures include the following:] **The following procedures shall be utilized by the Authority in limiting suspending or terminating a school's eligibility to act as a school lender pursuant to N.J.A.C. 9:9-7.2:**

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

2. When guaranteed student loan problems appear sufficient to merit a formal [authority review] **review by the Authority** of continuing or modified school eligibility, the director of the **Authority** 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[.] of the **Authority**; **provided, however, that no period of suspension shall exceed 60 days unless the school and the director of the Authority agree to an extension or unless limitation or termination proceedings are initiated by the Authority within that period of time.** The notice of suspension shall be provided by the [staff] **director of the Authority** to the school in written form [and] **with the reasons [therefore] therefor** and date of the [next formal meeting of the authority] **Authority's formal review of the school's eligibility.** Schools must arrange for an appearance before the [authority] **authority** to show cause why the suspension should be lifted.

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

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

ii. Impose or continue a [staff] suspension **imposed by the director of the Authority** 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] **Authority** may:

(1) Impose a limit on the number of loans it will guaranty 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] **Authority** or the United States [Commissioner] **Secretary** of Education is necessary to remedy a violation of applicable laws, regulations, agreements or limitations;

vi. The [authority] **Authority** may take [the] **any** 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] **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] **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 United States [Office] **Department** of Education or [Department of Health, Education and Welfare] **Department of Education** 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] **Authority** in reaching its eligibility determination.

5. School eligibility may be withdrawn or limited by the **Authority** for any of the following reasons.

i. If more than 10 percent of the **former** students beyond their grace period are in default.

ii.-xiv. (No change in text.)

xv. If the financial condition of the school appears unsound, or if the financial condition is not clearly apparent. (The [authority] **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] **Authority**.

xvii.-xx. (No change in text.)

xxi. If refund[ed] 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 the school fails to comply with Federal and State statutory and regulatory requirements governing the guaranteed student loan program.**

[xxii.] xxiii. 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] **18** 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] **18-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] **18** months from the effective date of these regulations before applying for reinstatement as an eligible school or lender.

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

SUBCHAPTER 8. POLICY CONCERNING 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] **9:9-8.1** 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 New Jersey 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 New Jersey Higher Education Assistance Authority. The [authority] **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] **9:9-8.2** Terms of loan

(a) The loan amount shall not exceed [\$8,000] **\$8,500** 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] **12** 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] **9:9-8.3** Accounting
(No change in text.)

[9:9-8.6] **9:9-8.4** Reports

(a) Each institution of higher education shall submit an annual report to the New Jersey 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 [subsection (a) of this section] **(a) above**, showing the same categories, shall be made annually using cumulative figures.

(c) Other reports shall be provided to the New Jersey Higher Education Assistance Authority as may be deemed appropriate by the [authority] **Authority**.

[9:9-8.7] **9:9-8.5** Truth-in-lending and equal credit opportunity
(No change in text.)

[9:9-8.8] **9:9-8.6** 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 10 days of the suspension.

(b) The suspended institution shall be given a hearing before the New Jersey 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] **Authority** shall determine whether or not the suspension was based on sufficient cause. If so, the [authority] **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.

SUBCHAPTER 9. POLICY GOVERNING DIRECT PLUS LOANS

9:9-9.1 Qualifications for eligibility

(a) An applicant for a direct PLUS loan must meet the following requirements:

1. Be a resident of New Jersey as defined by N.J.A.C. 9:9-1.1; and

(b) Otherwise fulfill the requirements set forth in 34 C.F.R. §683.11; and

(c) Request assistance in obtaining a PLUS loan from the Authority.

9:9-9.2 Loan prerequisites

(a) Prior to obtaining a direct PLUS loan, the borrower must satisfy the following additional requirements:

1. A first-time applicant must exhaust the possibility of using eligible lenders first, by providing documented evidence of loan denial by at least one eligible lending institution;

2. An applicant who has previously borrowed under the PLUS program must provide documented evidence that the previous lender will not grant an additional loan;

3. Each applicant will be required to have a co-signer for each loan; and

4. Each applicant shall be required along with the co-signer to personally appear at the office of the Authority prior to disbursement of the loan funds; and

5. Creditworthiness will be evaluated on both the borrower and the co-signer.

9:9-9.3 Loan amount

(a) The maximum amount a parent of a full-time dependent undergraduate student or a full-time graduate student may borrow for one academic year (grade level) shall not exceed \$3,000 excluding Guaranteed Student Loan funds.

(b) The maximum amount a full-time independent undergraduate student may borrow for one academic year shall not exceed \$2,500 including any amounts borrowed under the Guaranteed Student Loan Program for the same academic year.

(c) The maximum amount which may be borrowed for one academic year by or on behalf of the half-time student shall not exceed \$1,500 for the parent of a dependent undergraduate student or a graduate student excluding Guaranteed Student Loan funds, or \$1,250 for an independent undergraduate student including any Guaranteed Student Loan funds borrowed for the same academic year.

(d) The total amount of loans to any one student or parent shall not exceed \$15,000 excluding Guaranteed Student Loan funds for the parent of a dependent undergraduate student or a graduate student, or \$12,500 for an independent undergraduate student including any amounts borrowed under the Guaranteed Student Loan Program.

9:9-9.4 Application procedure; applicant

(a) An applicant for a direct PLUS loan must;

1. Provide written evidence of denial from a participating PLUS lender. An applicant who has previously borrowed under the PLUS program must provide documented evidence that the previous lender will not grant an additional loan;

2. Once loan denial has been proven, an applicant will be forwarded an application and two credit applications (for borrower and co-signer); these forms may only be obtained from the direct PLUS loan office at the Authority;

3. Complete the application and two credit applications following the directions on the forms; all parts of the application and credit applications must be completed regardless of the applicant's and co-signer's age or marital status;

4. Submit the application to the eligible educational institution the borrower plans to attend for certification of enrollment and completion of school section;

5. Pay an insurance fee of one percent of the requested amount of the loan. Checks should be made payable to "Treasurer, State of New Jersey" and must be submitted with the application. No refunds will be issued after the application has been approved by the Authority;

6. If approved, appear at the direct loan office (borrower and co-signer) to sign promissory note and pick up check; however, in some cases where the borrower and co-signer are unable to appear at the direct loan office, a notarized signature may be acquired by mailing the promissory note for signature of borrower and co-signer, upon receipt of signed and notarized promissory note, the check will be mailed to the borrower.

9:9-9.5 Interest rates

Loans shall be governed by the interest rates of the PLUS program in effect at the time the loan is made.

9:9-9.6 Repayment

Terms of repayment shall be governed by the regulations of the PLUS program, 34 C.F.R. §683.1 et. seq., as amended.

9:9-9.7 Deferment of payment

Deferments of payment shall be governed by the regulations of the PLUS program, 34 C.F.R. §683.1 et. seq., as amended.

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Long Term Care Services Manual Alternative Care

Proposed Amendment: N.J.A.C. 10:63-1.5

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:4D-6a 4(a), b(2), (14)(16) and
30:4D-7 and 7b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Administrative Practice Officer
Division of Medical Assistance
and Health Services
CN 712
Trenton, NJ 08625

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

This proposal is known as PRN 1983-179.

The agency proposal follows:

Summary

This proposal concerns the role of the MET (Medical Evaluation Team) in assessing a Medicaid patient's need for long term care services. The MET is comprised of a physician, nurse, and social worker, all of whom are employed by the Division of Medical Assistance and Health Services. The MET is responsible for evaluating, prior to admission and periodically during the person's stay in a long term care facility, a Medicaid recipient's need for nursing home care. The MET has the option of assigning an appropriate level of care, for example Level III (skilled nursing care) or Level IV A or Level IV B (intermediate nursing care), or denying the need for nursing home care. In any instance, where long term care is denied, the Medicaid recipient is advised of his or her right to a fair hearing.

As part of this evaluation process, a determination is made by the MET regarding the feasibility of the person's health needs being met through alternative non-institutional community based services.

This proposal will allow the MET to deny a request for nursing home care if alternative care is available, accessible, and appropriate to the needs of the Medicaid recipient. The proposal will apply to both patients residing in a long term care facility (LTC) and to individuals in the community applying for admission to a LTC facility.

Social Impact

Most frail elderly and disabled people prefer to remain in the non-institutionalized community setting. This proposal will encourage such individuals to remain, or return to, the non-institutionalized community setting supported by community services and the informal network of family, friends, and neighborhood organizations, rather than face institutionalization.

Current financial eligibility standards will still apply. Nursing home care will still be an option if alternative community care is not available, accessible, and appropriate to the needs of the Medicaid recipient.

Economic Impact

There should be no increased cost to the Medicaid program. Alternative care might be less costly than institutionalization, but when the cost of alternative care approaches the cost of a LTC facility, then the plans would have to be re-evaluated.

There is no change in reimbursement for any Medicaid services being offered, including, but not limited to, home health care, medical day care, or long term care.

Medicaid patients are still required to pay towards the cost of institutionalized long term care from their available income, less \$25.00 per month personal needs allowance. Medicaid patients would not be required to pay towards the cost of care received in the community.

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

10:63-1.5 Utilization control

(a) (No change.)

(b) Utilization review is a continuous program of review of the need for services to eligible individuals which includes:

1.-2. (No change.)

3. Alternate care; discharge planning considerations:

i. Alternate care planning is the determination, initially and periodically as to whether or not each Medicaid eligible patient requires initial placement or continued placement in an institutional setting and whether or not their nursing, social and other health care needs can be met through alternative institutional or non-institutional services.

(1) The MET will authorize initial long term care after consideration and rejection of possible means of alternate care. Similarly, the possibility of alternate means of care will be a prime consideration in every reassessment of the level of care required by the patient.

(2) The facility shall maintain continued vigilance and effort to utilize alternate means of care for all long term care patients. The [MRT] MET will examine patients records for proof of continued vigilance and effort by the facility to utilize alternate means of care for all long term care patients.

(3) If alternative care is available, accessible, and appropriate to the needs of the patient, the MET should deny the request for long-term care facility services.

(4) If an appropriate alternate plan of care becomes available and accessible for a person already approved for long-term facility care who is awaiting placement, the MET should rescind the authorization of the long term care services.

ii.-iv. (No change.)

(c)-(h) (No change.)

(a)

DIVISION OF YOUTH AND FAMILY SERVICES

Residential Child Care Manual of Standards for Residential Child Care Facilities

Proposed New Rule: N.J.A.C. 10:127
Proposed Repeal: N.J.A.C. 10:127

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:1-14 and 15 and N.J.S.A. 30:4C-4.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard Crane, Chief
Bureau of Licensing
Division of Youth and Family Services
One South Montgomery Street
Trenton, NJ 08625

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

This proposal is known as PRN 1983-140.

The agency proposal follows:

Summary

The proposal replaces the current Manual of Standards for Residential Child Care Facilities, which was last revised in February, 1976. It governs facilities that provide 24-hour-a-day residential care and treatment services to 13 or more children who cannot be maintained in a normal family situation, and who require intensive therapeutic services and education in a residential setting in order to overcome multiple social, emotional, mental, educational or other handicaps.

The new Manual of Standards for Residential Child Care Facilities simplifies and clarifies the regulations pertaining to such facilities by providing concise minimum baseline requirements governing staff, program, life/safety and transportation areas. The new regulations eliminate the financial requirements contained in the present regulations. It is envisioned that these proposed regulations will only address life/safety and programmatic issues. The financial requirements were eliminated because such requirements, which have become more sophisticated since their promulgation in 1976, are addressed as a matter of contract fiscal requirements and are not appropriate for promulgation as regulations at this time.

The new manual eliminates the unspecific and vague language contained in the current manual, and will assist the State regulatory authority in efficiently fulfilling its delegated authority by providing clear and specific requirements for residential child care facilities.

Social Impact

The new manual will affect some 29 New Jersey and 36 out-of-state residential child care facilities now required to be approved and/or inspected in accordance with N.J.S.A. 30:1-14 and 15 and N.J.S.A. 30:4C-4. The children receiving care and treatment

services in such facilities are placed there because of their need for intensive educational and therapeutic services in an environment away from their own home. Many of the children in residential child care facilities have experienced serious familial break-downs and suffer from a multitude of chronic and severe emotional, social, mental, educational or other handicaps. The children have often experienced a number of unsuccessful surrogate family placements prior to their placement in a residential child care facility. Placement in such a facility is instituted only after all attempts to maintain a child in need of ameliorative services in his or her home have failed and all community-based alternatives have been exhausted.

The goal of the regulations contained in the new manual is to ensure that all children in residential child care facilities will receive the level of care and specialized services that they require.

Economic Impact

The Division expects that the proposal will minimize the costs and cause no discernible economic impact for residential child care facilities in complying with the requirements of the new Manual of Standards for Residential Child Care Facilities.

Opportunities for cost-saving by residential child care facilities under the new manual include: permitting for the first time the use of volunteers to substitute for paid staff members, provided that the volunteers possess the same qualifications as do paid staff members; and the minimum required amount of floor space in a child's bedroom has been reduced and additional space allowances have been provided for bedrooms containing bunk beds or any combination of bunk beds and single beds, thereby permitting facilities to increase their population capacities in a way that does not jeopardize the health or safety of the children served.

Full text of the chapter proposed for repeal can be found in the New Jersey Administrative Code at N.J.A.C. 10:127.

Full text of the proposed new chapter follows.

CHAPTER 127
MANUAL OF STANDARDS
FOR RESIDENTIAL CHILD
CARE FACILITIES

SUBCHAPTER 1. GENERAL PROVISIONS

10:127-1.1 Legal authority

(a) This chapter is promulgated pursuant to N.J.S.A. 30:1-14 and 15 and N.J.S.A. 30:4C-4.

(b) Under N.J.S.A. 30:1-14 and N.J.S.A. 30:4C-4, the Department of Human Services is authorized to inspect, evaluate and approve publicly or privately operated residential child care facilities that:

- 1. Provide board, lodging or care for children who are placed or financed by the Division of Youth and Family Services or any other New Jersey State agency; and
- 2. Are not subject to licensing or regulation by any New Jersey State agency.

(c) Under N.J.S.A. 30:1-14, the following facilities shall be subject to inspection, evaluation and approval by the Department of Human Services.

1. New Jersey-based residential child care facilities serving 13 or more children, except that:

- i. Facilities that are licensed and regulated pursuant to State law by the Division of Mental Retardation or the Division of Mental Health and Hospitals, both of the State Department of Human Services, by the State Department of Health, and/or by the State Department of Education shall be exempt from provisions of this chapter, unless five or more of the children accommodated in a residential child care facility licensed or regulated by the above-noted agencies are under the supervision of the Division of Youth and Family Services, in which case the facility shall also be required to meet all provisions of this chapter.

ii. Residential facilities, whether public or private, operating a net work of specialized foster homes as defined in N.J.A.C. 10:127-1.2 and serving a total of 13 or more children, shall be required only to comply with N.J.A.C. 10:127-1,2, and 4, while the specialized foster homes developed as part of the facility's network shall be required to comply with provisions of the Division of Youth and Family Services Foster Home Developers Manual, which is administered by the Regional Offices of the Division of Youth and Family Services.

2. Out-of-state residential child care facilities, serving 13 or more children and in which five or more of the children accommodated in such facilities are under the supervision of the Division of Youth and Family Services.

(d) In order to be eligible to receive in-residence children, a residential child care facility described in (b) and (c) above shall demonstrate to the satisfaction of the Department of Human Services or its duly authorized agent through such methods and procedures as may be prescribed that it complies with each of the rules and regulations herein, which shall constitute minimum standards only.

(e) Responsibility for insuring that such residential child care facilities comply with the provisions of the statutes cited in (a) above and in this chapter is hereby delegated by the Department of Human Services to the Bureau of Licensing of the Division of Youth and Family Services.

(f) Under N.J.S.A. 30:1-15, the Department of Human Services is authorized to "visit and inspect" publicly or privately operated residential child care facilities that:

1. Provide board, lodging or care for children who are not placed or financed by the Division of Youth and Family Services or any other New Jersey agency; and

2. Are not subject to licensing or regulation by any New Jersey State agency.

(g) Under N.J.S.A. 30:1-15, the following facilities shall be subject to visitation and inspection by the Department of Human Services:

1. New Jersey-based residential child care facilities serving 13 or more children and in which fewer than five of the children accommodated in such facilities are under the supervision of the Division of Youth and Family Services.

(h) The Department of Human Services or its duly authorized agent is authorized to "visit and inspect" such residential child care facilities as described in (f) and (g) above to assess the general health, safety, and well-being of the children and the care and treatment they are receiving. Although such residential child care facilities cannot be required to comply with the rules and regulations contained herein, the Department may use these rules and regulations as the basis for its inspection.

10:127-1.2 Definitions

The following words and terms, when used in this chapter, have the following meanings:

"Bureau" means the Bureau of Licensing of the Division of Youth and Family Services.

"Child" means any person who is under the age of 21.

"Department" means the New Jersey Department of Human Services.

"Division" means the Division of Youth and Family Services, New Jersey Department of Human Services.

"Manual of Standards for Residential Child Care Facilities" or "Manual of Standards" means the rules and regulations promulgated in this chapter, which shall constitute minimum requirements for residential child care facilities.

"Parent" means a parent, legal guardian, or any other person having responsibility for, or custody of, a child.

"Person" means any individual, agency, corporation, company, association, organization, society, firm, partnership, joint stock company, the State or any political subdivision thereof.

"Placing agency" means an agency that assumes responsibility for

payment of room and board for a child placed in a residential child care facility.

"Resident" means any child residing in a residential child care facility.

"Residential child care facility," or "residential facility" or "facility" means any public or private establishment that provides room, board, care and services for treatment of emotional and/or behavioral disturbances for 13 or more children on a 24 hour-a-day basis.

"Shall" denotes a provision of this chapter that a residential child care facility must meet before approval is granted by the Bureau.

"Specialized foster home" means a private home recruited by a residential facility that meets the Division's standards for foster homes and that provides treatment services, as specified by the program, for a child placed there by the facility.

"Staff member" means any person employed by or working for or with a residential child care facility on a regularly scheduled basis. This shall include full-time, part-time, voluntary and substitute staff, whether paid or unpaid.

10:127-1.3 Approval requirements

(a) A residential child care facility shall obtain approval from the Bureau pursuant to the legal authority specified in N.J.A.C. 10:127-1.1(b) prior to establishment and operation.

(b) The Bureau shall conduct on an annual basis an on-site physical facility and programmatic inspection of the facility to determine compliance with this chapter.

(c) If the facility meets all applicable provisions of this chapter, the Bureau shall issue a letter of approval.

(d) The Bureau shall provide notice if a letter of approval shall not be issued.

(e) If the Bureau determines that a facility is in substantial compliance with the provisions of this chapter, providing that no serious or imminent hazard affecting the children exists, the Bureau may issue a letter of temporary approval.

(f) When a letter of temporary approval is issued, the Bureau shall provide a written statement explaining what the facility must do to achieve full compliance.

(g) The letter of approval or temporary approval shall be kept on file at the facility.

(h) An authorized representative of the Bureau may, at any time make an announced or unannounced visit and inspect the facility and/or review files, reports or records to determine its compliance with this chapter and/or to investigate a complaint.

(i) A facility's approval may be denied or revoked for any activity, policy or conduct that presents a serious or imminent hazard to the health, safety and well-being of a child or that otherwise demonstrates unfitness or inability to operate a residential child care facility.

10:127-1.4 Administrative hearings

(a) To effectuate the purposes of this chapter, the Bureau may initiate an administrative hearing in the interest of justice.

(b) Where the Bureau proposes not to approve or not to continue approval of a facility, the Bureau shall afford the facility notice and opportunity for an administrative hearing.

(c) All administrative hearings shall be conducted pursuant to the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.) and the Uniform Administrative Procedure Rules of Practice (N.J.A.C. 1:1).

10:127-1.5 Public access to Bureau records for residential child care facilities

(a) Files of residential facilities maintained by the Bureau are public records and shall be readily accessible for examination by any person, under the direction and supervision of the Bureau, except when public access to records is restricted in keeping with State Public Records Law or other appropriate statutes.

(b) The Bureau shall establish policies governing the review by the public of residential facility records.

SUBCHAPTER 2. ADMINISTRATION

10:127-2.1 Statement of purpose

(a) The facility shall maintain on file a written statement of purpose. The statement of purpose shall be reviewed by the facility staff members and shall identify its:

1. Philosophy, goals and objectives;
2. Characteristics of the children to be served;
3. Types of services provided to residents, including those provided directly by the facility and those provided in cooperation with community agencies or outside individuals;
4. Methods for implementing those services; and
5. Criteria for successful implementation of the services program.

10:127-2.2 Intake and admissions procedures

(a) Pre-admission requirements:

1. For non-emergency placements, the facility shall admit only those children for whom a comprehensive intake evaluation, including the psychological, family, development, social, and chronological age factors affecting the child, is completed.

2. For emergency placements, the facility shall obtain the evaluation specified in (a)1 above within 30 days of the child's admission.

3. Except for children admitted on an emergency basis, the facility shall insure that the child and his or her parent(s) have an opportunity to visit the facility prior to the child's placement.

4. The facility shall inform the appropriate staff members and the children in the living unit of each new admission.

(b) Admission requirements:

1. Upon the child's admission, the facility shall obtain pertinent factual and identifying information, including, as a minimum, the following:

- i. Child's name (and nicknames), gender, date of birth, religion and race;
- ii. Name, address, phone number and relationship to the child of the person(s) with whom the child was living at the time of admission;
- iii. Name, address and phone number of the father, mother, foster parent(s) or legal guardian(s), if different from above;
- iv. Name, address and phone number of the person to notify in an emergency;
- v. Names of siblings, their ages, and gender;
- vi. School attended, grade level and employer, if any;
- vii. Name, address and phone number for the caseworker of the placing agency;
- viii. A descriptive summary of the reason for placement of the child and the estimated length of care required;
- ix. Date(s) and length of stay of admission to and discharge from previous facilities; if any;
- x. Child's medical history, chronic conditions, past serious illnesses, allergies, special diet; and
- xi. A statement signed by the parent(s) granting consent for emergency medical or surgical care for the child.

2. Upon the child's admission, the facility shall provide the child's parent(s) with a written description of the facility's visitation and communication policy and the procedure for expressing and discussing concerns regarding their child's placement and program.

3. Following admission to a facility each child shall be:

- i. Given a secure place to store valuables;
- ii. Informed of house rules and regulations; and
- iii. Informed of fire exits and evacuation procedures.

10:127-2.3 Reporting requirements

(a) The facility shall notify the Bureau within 24 hours after any of the following changes and events:

1. Unanticipated temporary or permanent closing of a facility;
2. Legal action against a facility or staff member which involves or affects any child or the operation of the facility;
3. Damage to the premises of the facility caused by fire, accident or the elements; or

4. Injury requiring hospitalization or action(s) resulting in the death of a child which occurred while the child was on the premises of the facility or while in the care of a facility staff member(s).

(b) The facility shall notify the Bureau in writing at least 30 days prior to any of the following proposed changes and events:

1. Anticipated temporary or permanent closing or relocation of the facility for any reason;
2. Name or administration of the facility;
3. Administrative staff or services offered; or
4. Type of children served.

(c) New Jersey facilities and out-of-state facilities caring for New Jersey children shall notify the Division immediately if it is believed that a child has been or is being abused or neglected by staff, residents or any other person, as required by the Child Abuse and Neglect Law (N.J.S.A. 9:6-8.9, 8.10, 8.13 and 8.14). Copies of the law and information about it are available from the Division, upon request.

10:127-2.4 Records

(a) General requirement:

1. Records required to be maintained by the facility pursuant to this chapter shall be kept on file at the facility.

2. Records shall be open for inspection by an authorized representative of the Bureau.

3. The facility shall insure the confidentiality of records, in accordance with New Jersey State law.

(b) Children's records:

1. The facility shall maintain on file a written record for each child, which shall be retained for at least one year following the discharge of the child.

2. The record shall provide a chronological picture of the child's functioning and progress throughout his or her stay at the facility.

3. All entries in the record shall be signed and dated by the individual making the entry.

4. The record shall include:

- i. Identifying information, as specified in N.J.A.C. 10:127-2.2(b);
- ii. Treatment services information, as specified in N.J.A.C. 10:127-4.6(d);
- iii. Educational records, as specified in N.J.A.C. 10:127-4.12(e);
- iv. A copy of each treatment plan formulated for the child, as specified in N.J.A.C. 10:127-4.4(c);
- v. Reports of incidents/accidents, including any placement in a behavior management room, as specified in N.J.A.C. 10:127-2.3(a)4, N.J.A.C. 10:127-2.3(c) and N.J.A.C. 10:127-4.7(d)3;
- vi. Documentation regarding the opening of a child's mail at a facility, as specified in N.J.A.C. 10:127-4.23(c);
- vii. Reports of the restriction or termination of communication with an individual(s) outside the facility, as specified in N.J.A.C. 10:127-4.23(h)3;
- viii. Medical records, as specified in N.J.A.C. 10:127-4.8(h);
- ix. Aftercare plan, as specified in N.J.A.C. 10:127-4.5(e);
- x. A discharge summary, as specified in N.J.A.C. 10:127-4.5(d); and
- xi. Documentation of placing agency consent for temporary suspension of the child, as specified in N.J.A.C. 10:127-4.16(e)10.

(c) Staff records:

1. The facility shall keep on file a written record of every staff member working at the facility.

2. Staff records shall be retained for at least one year following a staff member's separation.

3. Staff records shall include:

- i. Name, address and telephone number;
- ii. Qualifications and references;
- iii. Information on health, as specified in N.J.A.C. 10:127-3.2;
- iv. Dates of employment and prior work history; and
- v. If terminated, date and reason.

(d) Administrative records – Every facility shall keep on file for at least one year the following written records:

1. A statement of purpose, as specified in N.J.A.C. 10:127-2.1;

2. A copy of the facility's insurance coverage including:
 - i. Comprehensive liability insurance; and
 - ii. Fire insurance.
3. Transportation records, if the facility provides transportation, as specified in N.J.A.C. 10:127-6.4;
4. A record of the performance of required monthly fire/evacuation drills, as specified in N.J.A.C. 10:127-5.4(d)2;
5. A shift log book in each living unit, in which a child care staff member shall comment on the activities/events of each working shift on a daily basis, and staff response to those events;
6. A current copy of this chapter (Manual of Standards);
7. Staff members' work schedules and time sheets;
8. A record of in-service training programs for staff members, as specified in N.J.A.C. 10:127-3.5(b);
9. A medication log book, as specified in N.J.A.C. 10:127-4.8(d)5 and (e)3;
10. A behavior management room log book, as specified in N.J.A.C. 10:127-4.7(d)2;
11. A record of policies and procedures regarding discipline and control, as specified in N.J.A.C. 10:127-4.16(a);
12. A record of all incidents/accidents, including each use of the behavior management room, recorded on an incident/accident report form, explaining all details of the incident/accident and any action(s) taken by the staff/administration;
13. A record of signed parental consent for medical treatment;
14. A record of the comprehensive health plan, as specified in N.J.A.C. 10:127-4.8(a);
15. A record of menus of food served to the children, including special diets, as specified in N.J.A.C. 10:127-4.10(a)2 and (b)3;
16. A written daily schedule of planned recreational, leisure time and physical exercise activities, which shall be kept on file for 90 days after the date of implementation, as specified in N.J.A.C. 10:127-4.13(b);
17. A record of the following aggregate statistical information on children served:
 - i. Name of each child referred, disposition of each referral and reason for rejection, when applicable; and
 - ii. Date of each admission, date of each discharge and reason for each discharge;
18. A list of the current membership of the governing body/citizens board, as specified in N.J.A.C. 10:127-3.6(d);
19. An annual audited financial statement prepared by an independent accounting firm, in accordance with generally accepted accounting principles;
20. A record of signed parental consent for a child participating in fund raising, publicity, photographing and audio or audiovisual activities related to the facility; and
21. A copy of the children's grievance procedure, as specified in N.J.A.C. 10:127-4.2(a).

SUBCHAPTER 3. STAFF REQUIREMENTS

10:127-3.1 Basic information

- (a) Every facility staff member shall:
1. Be at least 18 years of age;
 2. Be of good character and reputation;
 3. Respect and understand children and be sensitive to and capable of meeting their needs;
 4. Have a capacity to work and confer with professionals, consultants, parents and community groups;
 5. Make a full disclosure of his or her background, experience, previous work, schooling, and arrests and convictions, if any; and
 6. Be in satisfactory physical, mental and emotional health to perform his or her job duties satisfactorily.
- (b) A facility staff member's following action(s) shall constitute grounds for possible suspension or termination from the job:
1. Failure to comply with the requirements stated in (a) above;
 2. Failure to fulfill the responsibilities and duties of his or her position; and/or

3. Evidence of conviction for a crime of violence, moral turpitude and/or child abuse, neglect or exploitation.

(c) Every facility shall have:

1. A full-time administrator, who shall be responsible for the overall planning, operation and management of the facility, including staffing, programming and financing. She or he shall also designate staff to be in charge at all times during his or her absence;
 2. Teaching staff member(s), if the facility provides an in-house educational program, one of whom shall be responsible for developing and implementing the facility's educational program;
 3. Social service staff, who shall be responsible for developing and implementing the facility's social service program including the performance of duties relating to casework services, intake procedures, treatment planning, provision of direct therapeutic services, family contacts and maintenance of treatment records.
 4. Licensed medical, licensed dental and psychological personnel, including community providers, on either a staff or consultation basis, who shall be responsible for insuring that the medical, dental and psychological needs of the children are met. A member of the medical staff shall be responsible for coordinating the facility's medical services;
 5. A nurse, as specified in N.J.A.C.10:127-3.4(a)3, who shall be responsible for caring for sick children and for assisting the physician in providing continuous health care;
 6. Child care staff, who shall be responsible for providing daily care and supervision of the children;
 7. A staff member(s) designated to plan and implement the facility's recreational program;
 8. A staff member(s) designated to direct and be responsible for providing food services. If the staff member directing the food services is not a registered dietician, the facility shall arrange to receive consultation from a registered dietician, who shall approve the menus; and
 9. Staff who shall be responsible for conducting everyday housekeeping and maintenance functions.
- (d) In addition to the staff required in (c) above, every facility with a capacity of more than 50 children shall have a child care director, who shall be responsible for developing and implementing the facility's child care program.
- (e) In addition to the staff required in (c) and (d) above, every facility with a capacity of more than 80 children shall have a social services/clinical director, who shall be responsible for planning, developing, implementing and overseeing the facility's social service program.
- (f) A facility may utilize volunteers and/or college students provided that the following requirements are met:

1. Volunteers and/or college students shall be aware of and have the opportunity to propose suggestions into the service plan for children they are working with directly and be briefed fully on any special needs or problems they might encounter in working with these children on a continuing basis; and
2. A volunteer and/or college student may serve in a staff position provided that he or she:
 - i. Meets the qualification for the position;
 - ii. Signs a statement agreeing to meet and perform the specific duties and responsibilities of the position; and
 - iii. Has the time necessary to serve in the position on a regular basis.

10:127-3.2 Health requirements for staff

- (a) Tuberculin testing requirements:
1. Prior to or upon working for or with a facility, each staff member who comes in contact with the children for at least one full day a week shall take a Mantoux tuberculin skin test with five TU (tuberculin units) of PPD tuberculin and submit to the facility written proof of the results of the test.
 2. If the Mantoux tuberculin test result is insignificant (0 to 9 mm of induration), no further testing shall be required. The Bureau or facility shall have the authority at any time in the future to require

a staff member to retake the Mantoux tuberculin test, if there is reason to believe or suspect that the staff member may have contracted tuberculosis.

3. If the Mantoux tuberculin skin test results is significant (10 or more mm of induration), the individual shall take a chest x-ray. If the chest x-ray shows significant results, the staff member may not come in contact with the children unless he or she submits to the facility a written statement from a physician certifying that he or she poses no threat of tuberculosis contagion.

4. Any staff member who fails to submit to or to receive satisfactory results from the tuberculin testing requirements, as specified in (a)1 through 3 above, shall be prohibited from having contact with the children at the facility.

(b) Prior to working for or with a facility, and at least once every three years thereafter, each staff member who comes in contact with the children for at least the equivalent of one full day a week shall submit a written statement from a physician that he or she is in good health and free from chronic or recurrent communicable diseases. The initial statement shall be based on an examination conducted within the six months immediately preceding such person's association with the facility.

(c) Any staff member who, upon examination, shows indication of a physical, emotional or mental condition that could be hazardous to a child, other staff or self or that would otherwise prevent satisfactory performance of duties shall not be assigned or returned to a position until the condition is alleviated to the satisfaction of the examining physician and the administrator.

10:127-3.3 Staff qualification

(a) Administrator - The administrator of the facility shall:

1. Have a bachelor's degree from an accredited college or university and five years of professional experience in the human services, mental health or a related field, two years of which shall have been in a supervisory or administrative position; or

2. Have a master's degree from an accredited graduate school in social work, psychology, business or public administration or a related field and three years of professional experience in human services, mental health or a related field, at least two years of which shall have been in an administrative or supervisory position; or

3. If applicable, meet the civil service requirements for the position.

(b) Education staff - All educational staff members of the facility, including administrative, supervisory and teaching staff shall:

1. Comply with the staff qualifications, certifications, licensing and experience requirements of the New Jersey Department of Education or of the equivalent agency in the state in which the facility is located.

(c) Social services/clinical director - The social services/clinical director of the facility shall:

1. Have a bachelor's degree from an accredited college or university and three years of professional clinical experience in the human services or mental health field, one year of which shall have been in a supervisory or administrative position; or

2. Have a master's degree from an accredited graduate school in sociology, psychology, science work, mental health or a related field and two years of professional clinical experience in the human services or mental health field; or

3. If applicable, meet the civil service requirements for the position.

(d) Social service staff - All social service staff members shall:

1. Have a bachelor's degree from an accredited college or university and one year of professional experience in the human services or mental health field; or

2. Have a master's degree from an accredited graduate school in social work or a related field; or

3. If applicable, meet the civil service requirements for the position.

(e) Medical, psychiatric and dental staff - Any physician, nurse, psychiatrist or dentist retained by the facility shall:

1. Be licensed to practice in the State in which the facility is located.

(f) Child care director - The child care director of the facility shall:

1. Have a bachelor's degree from an accredited college or university and three years of professional experience in the human services or mental health field, one year of which shall have been in a residential child care facility, group home or shelter; or

2. Have a high school or high school equivalency diploma and five years of professional experience in the human services or mental health field, two years of which shall have been in a residential child care facility, group home or shelter; or

3. If applicable, meet the civil service requirements for the position.

(g) Child care staff - All child care staff members shall:

1. Have a bachelor's or associate degree from an accredited college or university; or

2. Have a high school or high school equivalency diploma and one year of work experience involving the supervision of children in the human services or mental health field; or

3. If applicable, meet the civil service requirements for the position.

10:127-3.4 Staff/child ratios

(a) Each facility shall provide minimum staff/child ratios based on the number of children in residence at the facility, as stated below:

1. Child care:

i. During the waking hours, there shall be a minimum of one child care worker for every six or fewer children 12 years of age and under and one child care worker for every 12 or fewer children 13 years of age and older.

ii. During the sleeping hours, there shall be a minimum of one child care worker present in each living unit and one other staff member awake and on-duty for each 50 children, or fraction thereof, in residence. In a co-educational living unit there shall be a minimum of one child care worker awake and on-duty.

2. Social services: There shall be a minimum of one social service worker for every 20 children.

3. Medical services: There shall be a minimum of one full-time nurse at each facility serving 35 or more children. There shall be at least a part-time nurse at each facility serving fewer than 35 children.

(b) The administrator or other professional staff designated by the administrator shall be on call to assist the on-duty persons in cases of admissions, emergencies and/or personnel or other problems.

(c) In facilities with a capacity of 30 or fewer children, the administrator may serve as director of one other program area, providing he or she possesses the qualifications for that position.

10:127-3.5 Staff development and evaluation

(a) The facility shall have a written annual evaluation for each staff member.

(b) The facility shall have continuing in-service training programs for all staff members. A record of such programs shall be kept on file.

(c) Upon employment, every staff member shall be instructed in all emergency procedures, administrative procedures and the facility's service program.

(d) The facility shall insure that every new staff member is accompanied on his or her duties by an experienced staff member(s) as part of an orientation program.

10:127-3.6 Governing body/citizens board

(a) Every facility shall have governing body/citizens board which shall either:

1. Be responsible for and have authority over the policies and operation of the facility; or

2. Provided advice and counsel to the facility on the policies and operation of the facility.

(b) A facility staff member shall not serve as a voting member of the governing body/citizens board for that facility.

(c) Every governing body/citizens board shall meet at least twice a year.

(d) The facility shall keep on file a list of the current membership of the governing body/citizens board.

SUBCHAPTER 4. PROGRAM REQUIREMENTS

10:127-4.1 Posting of rights of children

(a) The facility shall prepare a list of children's rights and shall post it prominently in each children's living unit and, as a minimum, the list shall specify the children's right to:

1. Communicate with others;
2. Send and receive uncensored mail and unmonitored phone calls;
3. Reasonable visitation with family members;
4. Prompt and appropriate medical treatment; and
5. Be free of physical or sexual abuse and corporal punishment.

10:127-4.2 Children's grievance procedure

(a) The facility shall prepare and issue to all staff members and children a written grievance procedure governing how the children may raise questions about and/or voice disagreements and problems with policies, procedures, care and specific incidents.

(b) The facility shall not take or threaten to take retaliatory or disciplinary action of any kind against a child who uses the grievance procedure or files a grievance.

10:127-4.3 Grouping of children within living units

The composition and size of children's groups within living units shall be determined by the facility on the basis of the children's problems, gender, age, level of functioning and the availability of supervisory personnel.

10:127-4.4 Treatment plan

(a) The facility shall develop and keep on file a written treatment plan (individualized program) for each child designed to meet that child's needs and to remediate the problems and behavior which caused the child to be placed in the facility.

(b) The treatment plan for each child shall be developed by a staff member representing each program area of the facility. In addition, the facility shall afford the placing agency, school district or residence and parent(s) an opportunity to participate in the development of the treatment plan.

(c) The treatment plan shall include the following information:

1. Name of the child;
2. Date of the child's admission;
3. Date of the meeting at which the plan is developed/revised, referred to as the review meeting;
4. Name and position of the persons attending the review meeting;
5. Child's social, familial, emotional, behavioral and academic strengths and problems;
6. Specific treatment goal(s) in each program area and projected time frame for completing each goal;
7. Technique to be utilized for the implementation of each treatment goal;
8. Name of the staff member responsible for the implementation of each treatment goal;
9. Criteria to determine if each treatment goal is achieved;
10. Notation of progress made in each program area; and
11. Goals and recommendations for discharge and aftercare.

(d) The facility shall develop the initial treatment plan within 30 days following a child's admission.

(e) The facility shall review/revise the initial treatment plan within 90 days after it has been developed and every six months thereafter.

(f) The facility shall insure that the child's treatment plan and any revisions to it are explained to the child, his or her parent(s) and all staff members responsible for the plan's implementation.

(g) The facility shall send to the child's placing agency a copy of the treatment plan and/or any revisions to it within 30 days after it is completed.

10:127-4.5 Discharge/aftercare

(a) The facility shall inform the parent(s) and placing agency immediately upon an emergency discharge of a child. An emergency discharge means a discharge caused by the child presenting a danger to himself or others.

(b) The facility shall notify the placing agency in writing at least 10 calendar days prior to the discharge of a child when a child had demonstrated an inability to continue functioning in the program.

(c) The facility shall notify the placing agency in writing at least 90 calendar days prior to the discharge of a child when a child either has completed or has attained maximum benefit from the program.

(d) The facility shall prepare and send to the placing agency within 30 days a written discharge summary for each child providing the following information:

1. Details of the events and circumstances leading to discharge;
2. Date of admission;
3. Date of discharge; and
4. Name and address of the individual or agency to whom the child was discharged.

(e) Except in the case of emergency, the facility shall prepare an aftercare plan, including discharge recommendations, in consultation with the child, the parent(s) and the caseworker of the placing agency.

10:127-4.6 Treatment services

(a) The facility shall provide social, clinical and casework services to meet the treatment goals as stated in the treatment plan developed for each child.

(b) The facility shall provide for the availability of psychiatric services, as needed, for crisis intervention purposes.

(c) The facility shall provide or arrange for services for residents in social skills, life skills and career education, appropriate for the age of the child.

(d) The facility shall keep on file for each child a record of:

1. Reports of family contacts, including documentation of efforts to involve the family in the child's treatment;
2. Summaries of therapy provided to the child; and
3. Results of psychiatric or psychological evaluations of the child.

10:127-4.7 Behavior management room

(a) A Facility may isolate a child who poses a danger to self or others or is destructive of property in a behavior management room. A behavior management room shall be used as a therapeutic tool to provide a child with a firm, safe and non-stimulating environment and may only be used when staff members' efforts to bring the behavior under control are unsuccessful. It shall not be used for punitive or disciplinary purposes.

(b) General requirements:

1. The facility shall prepare and maintain a written policy governing the criteria for use of the room, staff members authority to place a child in the room, procedures for insuring a child's safety while confined, and time limitations for placement of a child in such a room.

2. A behavior management room may be used only if prior approval has been authorized by the facility's administrator or by his or her designee and only when staff members' efforts to bring the behavior under control are unsuccessful.

(c) Specific requirements:

1. A behavior management room shall be unlocked.

2. The child shall not remain in such a room for more than two consecutive hours or for more than four hours in a 24-hour period.

3. There shall be no required minimum length of placement in such a room.

4. No more than one child shall be placed in such a room at a given time.

5. The staff member responsible for supervising the child while he or she is in such a room shall have visual contact with the child at least every 15 minutes and be free from other responsibilities to insure the child's safety while in the room. If necessary, the staff member shall remain in the room with the child.

6. A child placed in such a room shall not have belts, matches, knives or other objects in his or her possession which could be used to inflict self injury.

(d) Recordkeeping requirements:

1. The facility shall maintain a behavior management room log book detailing each use of such a room.
2. The behavior management room log book shall provide the following information:
 - i. Name of the child;
 - ii. Date and time of day that the child was placed in such a room;
 - iii. Signature of the staff member authorizing placement;
 - iv. Situation precipitating the decision to place the child in such a room, including other intervention strategies attempted;
 - v. Time(s) the observing staff member checked on the child in such a room, including a description of the child's behavior and signature of the staff member responsible for observing the child;
 - vi. Time that the child was removed from such a room; and
 - vii. The child's condition and appearance at time of removal.

3. In addition to maintaining a behavior management room log book, the facility shall insure that a report, including the information in (d)2 above, is placed in the child's individual record each time the child is placed in such a room.

4. All recordkeeping pertaining to use of such a room shall be recorded as soon as possible, but shall be completed no later than eight hours following each use of such a room.

(e) Physical design of behavior management room:

1. The floor space of the room shall provide a minimum of 70 square feet; ceiling height shall be at least seven feet and six inches.
2. There shall be durable padded covering secured on the walls up to the six-foot level. Wall coverings, as well as any contents of the room, shall be fire retardant.
3. The walls shall be kept completely free of objects.
4. There shall be a minimum of 10 foot candles of light provided in all areas of the room. All lighting fixtures shall have a protective covering to prevent tampering by a child.
5. The door shall be padded and equipped with a safety glass window to provide visibility of the entire room.
6. The room shall meet the requirements for ventilation, as specified in in N.J.A.C. 10:127-5.3(k).

10:127-4.8 Health

(a) Comprehensive health plan - The facility shall prepare and implement a comprehensive health plan to insure that each resident receives adequate, necessary and prompt medical and dental care.

(b) Health care and medical treatment - The facility shall provide or arrange for appropriate health services for residents, as follows:

1. A medical examination administered by a physician or nurse within 72 hours after admission, unless the child received a medical examination administered by a physician within 30 days prior to placement. However, when the facility suspects that a child is ill or carrying a contagious disease, he or she shall be examined immediately upon admission. If the examination is performed by a nurse, the child shall receive a medical examination administered by a physician within 10 days following admission;

2. An annual physical examination, including visual and audiological tests as appropriate, administered by a physician, for children six years of age or older; a semiannual physical examination administered by a physician for children aged two to six years;

3. Dental examinations for each child administered within three months following admission and semiannually thereafter;

4. Examination of a child by a physician, dentist or nurse and the prescription of appropriate treatment, as diagnosis and conditions warrant, whenever the child shows any symptom of illness, or complains of illness or pain, even when there are no apparent symptoms;

5. Follow-up care for any ailments discovered during physical examinations or identified in the referral material on the child; and

6. Provision of eye glasses, orthopedic apparatus or other equipment, as necessary.

(c) General medical practices:

1. Any medical, dental, psychological/psychiatric treatment or medication administered to a child shall be explained to the child.

2. When serious accidents or illnesses occur to a child, the facility shall take the necessary emergency action and notify the parent(s) immediately.

3. In non-emergency medical situations, the facility shall make every effort to obtain written parental consent in advance of provisions of medical treatment.

4. The facility shall not subject residents to any form of electroconvulsive therapy or any other form of convulsive therapy.

5. Non-medical staff may initially treat only minor wounds or injuries. All other injuries shall be treated by a nurse or physician.

(d) Medication administration:

1. Prescription medication shall be administered to a child by a staff member only when authorized by a physician.

2. The facility shall insure that children are not subjected to excessive or unnecessary medication.

3. Medication shall not be administered to children as a punishment or used for the convenience of staff members or as a substitute for a treatment program.

4. The facility shall make arrangements for such pharmaceutical services as are needed.

5. When any medication is administered to a child, an entry shall be made in a medication log book, which shall contain the following information:

- i. Name of child receiving medication, whether prescription (including psychotropic medication) or non-prescription;
- ii. Type of medication, dosage and intervals between dosages;
- iii. Reason for medication;
- iv. Date and time medication was administered;
- v. Signature and title of staff member dispensing medication; and
- vi. Name of authorizing physician for prescription medication.

(e) Psychotropic medication:

1. Within two weeks after a child is admitted, the facility shall review all psychotropic medication (medication that affects mental activity, and mood or behavior) the child is taking.

2. The facility shall insure that any psychotropic medication is administered to a child only under the conditions prescribed by a physician. In each case:

i. The physician prescribing psychotropic medication for a child shall specify, in writing, what behavior of the child is to be modified and ways in which progress towards the treatment objectives will be measured;

ii. The prescription may be renewed only upon approval of a physician;

iii. The facility shall insure that the physician reviews every 30 days the status, behavior, well-being and side effects being experienced by each child receiving psychotropic medication and documents his or her review, including any changes in medication or dosage; and

iv. The facility shall convey to the child, the parent(s) and the staff member(s) involved with the child information about the medication used, its effects and possible side effects.

3. If psychotropic medication is administered, the facility shall include in the medication log book, in addition to (d)5 above, the following information:

- i. Reason for use of psychotropic medication;
- ii. Weekly notation recording the child's response to the medication and daily notation of side effects, if any;
- iii. Name of the physician or supervisor who was informed of observed side effects of the medication; and
- iv. Signature of the prescribing physician following each use of psychotropic medication on a PRN (as needed) basis.

(f) Storage of medication:

1. All prescription drugs shall be kept in a refrigerator (if needed) or in a secured (locked) cabinet, with poisons, external and internal drugs stored on separate shelves.

2. The telephone number of the regional poison control center

shall be posted at all medication dispensing stations.

3. All outdated stocks and prescriptions no longer in use shall be disposed of safely.

(g) Medical supplies:

1. Medical supplies shall be stored in an area accessible to staff members at all times.

2. One or more staff members shall be assigned responsibility for maintaining medical and first-aid supplies.

(h) Medical records for each child shall be maintained and shall include the following information:

1. Reports on results of physical and dental examinations, as required in N.J.A.C. 10:127-4.8(b)1-3 and examinations done as part of routine health care and treatment given;

2. Record of immunizations; and

3. Reports of any illness or injury and the treatment given.

10:127-4.9 Physical care of children

(a) Personal care and hygiene:

1. For children unable to provide for their own personal care and hygiene, the facility shall properly bathe, groom and provide other necessary health and personal hygiene services to meet their needs.

2. The facility shall insure that the children receive training in good habits of personal care, hygiene and grooming appropriate to their age and gender.

3. The facility shall furnish or arrange for the provision of personal hygiene items for all children.

(b) Clothing and personal belongings:

1. The facility shall insure that each child has adequate, clean, well-fitting and attractive clothing as required for health, comfort and physical well-being and as appropriate to age, gender, individual needs, community standards and season.

2. The facility shall insure that each child's clothing is kept clean and in good repair.

3. The facility shall insure that provisions are made for the protection of each child's personal property.

10:127-4.10 Food and nutrition

(a) General requirements:

1. The facility shall provide or arrange for the provision of three nutritious meals a day (breakfast, lunch and dinner) and snacks from food that is selected, stored, prepared and served in a sanitary and palatable manner.

2. The facility shall plan its menus under the direction of, or in consultation with, a registered dietician. Menus shall be dated and kept on file for a minimum of 90 calendar days.

3. The facility shall insure that meals are served in a manner that makes mealtime a pleasant social experience.

4. The facility shall not force-feed or otherwise coerce a child to act against his or her will, except by order of a physician.

(b) Nutrition requirements:

1. Each meal shall contain a sufficient amount of food for every child; children shall be permitted to have an additional serving(s), as needed.

2. The facility shall make available, as necessary, an alternate choice of food for each meal served for children on special diets or children who, because of religious beliefs, cannot eat particular foods.

3. Individualized diets and feeding schedules that are submitted to the facility by the child's physician(s) shall be posted and followed.

10:127-4.11 Rest, bedroom and sleep

(a) Space requirements:

1. Any bedroom containing a single bed occupied by one child shall provide a minimum of 70 square feet of floor space, including space that is occupied by furniture.

2. Any bedroom containing single beds and occupied by more than one child shall provide a minimum of 70 square feet of floor space for the first child and 50 square feet of floor space for each additional child, including space that is occupied by furniture.

3. Any bedroom containing bunk beds or any combination of single beds and bunk beds shall provide 50 square feet of floor space for each child, including space that is occupied by furniture.

4. In addition to the minimum square feet of floor space, as stated in (a)1 through 3 above, any bedroom shall not be less than seven feet in any dimension.

5. Any bedroom used by a child shall provide a minimum ceiling height of seven feet and six inches.

(b) General requirements:

1. Every child shall be provided with a standard household bed or crib, as age appropriate, in sanitary condition.

2. Every set of bunk beds shall be limited to two in height.

3. Every bed or crib shall be equipped with a firm, sanitary, washable mattress and waterproof mattress cover.

4. Every child shall be provided with sanitary bed linens that are changed weekly and a blanket or other suitable covering that is cleaned or replaced, as necessary.

5. Two or more children shall not share the same bed.

6. Children, other than infants, shall not share the same bedroom with an adult.

7. A child shall not sleep on the same bed or crib that another child has occupied unless the bed linen is changed.

8. Children five years of age or over shall occupy a bedroom only with a member(s) of the same gender.

9. Any bedroom occupied by children shall have natural light and ventilation provided by one or more windows opening directly to the exterior.

10. An unfinished attic or basement shall not be used for sleeping purposes.

11. All rooms used as bedrooms shall not be used for any other purpose.

12. Each child shall be provided with a chest of drawers or some other permanent arrangement for storage of clothing and other personal belongings, including closet space or the equivalent.

13. Children under the age of five years shall be provided with a separate sleeping room from children five years of age and older.

14. Each child shall be permitted reasonable freedom to express his or her personal tastes in the decoration of his or her bedroom or bedroom area.

15. Each child shall have the opportunity for at least eight hours of uninterrupted sleep each night. Schedules for arising and retiring each day shall be adapted according to the ages, physical condition and characteristics of children in each group.

16. The facility shall not permit more than four children to occupy a designated bedroom space for sleeping. If partitions are used to designate a bedroom space, the facility shall insure that the arrangement and height of partitions shall provide privacy for the occupants of the space.

17. Every bedroom shall be provided with a reading lamp or other means of artificial light for quiet activities and every bedroom window shall be equipped with curtains, blinds or shades.

10:127-4.12 Education

(a) General requirements:

1. Facilities located in New Jersey shall insure that school-age children receive educational instruction to which they are entitled under provisions of Federal and State education law and regulations.

2. Facilities located in other states shall insure that school-age children receive educational instruction to which they are entitled under provisions of education laws and regulations of the state in which they are located.

3. Education shall be provided either in a public school or private educational institution in the community or in an approved on-grounds school operated by the facility.

4. The facility shall insure that any child who is legally not attending school is either gainfully employed or enrolled in a training program that teaches necessary life skills or methods of job acquisition.

5. The facility shall provide or utilize on-grounds or community vocational education services appropriate to the age, skill level, interest and abilities of those children who require such services.

(b) Requirements for facilities operating on-grounds education programs:

1. The facility shall provide an education program that insures instruction is given to each school-age child in all specific curriculum areas identified in the Individualized Education Plan, as required by Federal education law, or in the child's treatment plan.

2. The facility shall inform the child's appropriate school district if its on-grounds education program cannot provide instruction in all specific curriculum areas, as specified in (b)1 above.

(c) Requirements for facilities using off-grounds education programs:

1. When the facility determines that the child is ready to attend a public or community school, the facility shall make efforts to place the child in that setting and document such efforts in the child's record.

2. When a child attends school in the community, the facility shall maintain regular contact with the teachers and other appropriate personnel concerning the child's progress.

(d) Requirements for facilities providing vocational programs:

1. A facility providing a vocational program shall insure that the vocational services for a child include the following information:

- i. Vocational evaluation;
- ii. Formulation of vocational goals;
- iii. Development of vocational training plan; and
- iv. Provision of skill training, employment counseling, job development and placement services or referral to appropriate sources providing these services.

(e) Education records:

1. A facility with an on-grounds education program(s) shall maintain on file copies of all approvals and accreditations of its program and physical facilities from the department of education of the state in which it is located.

2. The child's education record shall include:

- i. Information used in the identification, classification and instruction of the child prior to developing a course of study or training to meet the child's academic or vocational needs, including records from the school district of residence and from previously attended residential facilities;
- ii. Initial and revised Individualized Education Plans, when legally required for the child;
- iii. Results of educational testing and evaluations;
- iv. Reports on the child's academic functioning, completed at regular intervals;
- v. Vocational training plan; and
- vi. If the child attends school in the community, semiannual instructional progress reports obtained from the community school.

10:127-4.13 Recreation

(a) The facility shall provide a balanced on-grounds and off-grounds recreational program consisting of athletics, social and leisure time activities and an organized physical exercise program, including a balance of group play activities, competitive and non-competitive games, quiet individual activity and opportunities for interaction with members of the opposite sex.

(b) A written daily schedule of planned recreational, leisure time and physical exercise activities shall be developed with input from staff members and residents and shall be kept on file.

10:127-4.14 Religion

(a) If a facility's program has a particular religious orientation, the facility shall maintain a written description of its religious orientation and of any religious practices or restrictions that are observed or imposed. Prior to the child's admission, this description shall be given to the child and the parent(s) and discussed at the time of the preplacement visit.

(b) Every child shall be afforded the opportunity to participate in

religious activities and services in accordance with his or her own faith or with that of his or her parent(s).

(c) Every child shall be permitted to attend religious activities and services in the community and the facility shall arrange for or directly provide transportation for any child who wishes to attend religious activities or services.

(d) The facility shall not coerce or require children to participate in religious activities but may encourage them to do so.

10:127-4.15 Routines and house rules

The facility shall prepare and post in a location of prominence within each living unit a listing of rules governing the routines of daily living in the facility.

10:127-4.16 Discipline and control

(a) The facility shall have written policies and procedures regarding discipline and control, which shall be maintained on file, explained and be made available to all children, parent(s) and staff members.

(b) The discipline, control or supervision of the children in a facility shall be the responsibility of the staff members and that responsibility shall not be delegated to the children, except as part of an organized self government system that is directly supervised by a staff member(s).

(c) Disciplinary practices of facility staff members shall be designed to assist the children in developing self-control and an ability to conform to accepted levels of social behavior.

(d) A child's rights in a facility shall not be removed or discontinued for purposes of discipline, control or punishment; however, the deprivation of a child's privileges may be used as a disciplinary technique.

(e) The facility shall prohibit the following types of punishment:

- 1. Any type or threat of physical hitting or of corporal punishment inflicted in any manner upon the body;
- 2. Forced physical exercise or forcing a child to take an uncomfortable position;
- 3. Group punishment for misbehaviors of individuals;
- 4. Punishment that subjects the child to verbal abuse, ridicule, humiliation or other forms of degradation;
- 5. Deprivation of meals, sleep, mail, clothing appropriate to the season or time of day, verbal communication, family visits and/or other basic rights;
- 6. Mechanical, chemical or excessive physical restraint;
- 7. Assignment of unduly physically strenuous harsh work;
- 8. Exclusion from any program or essential treatment service, such as education or clinical treatment;
- 9. Refusing a child entry to the residence; or
- 10. Temporary suspension of a child from the facility to a parent(s), relative(s), foster home or drop-in shelter without the consent of the placing agency, such consent shall be documented in the child's record.

10:127-4.17 Aversive conditioning procedures

The facility shall not use aversive conditioning procedures (any technique used to decrease the frequency of an undesired behavior by causing either pain or discomfort or risking physical injury), unless it is approved by the Division to care for autistic children and the Division has approved the facility's plan for utilizing such procedures.

10:127-4.18 Firearms/weapon prohibition

(a) The facility shall not maintain any firearm, chemical or other weapon within or on the grounds of the facility.

(b) The facility shall prohibit any staff member or child to possess any firearm, chemical or other weapon within or on the grounds of the facility.

10:127-4.19 Search and seizure requirements

(a) Search procedure for a weapon(s):

1. A facility staff member shall be permitted to frisk search (surface search of outer clothing) a child only when there is reasonable suspicion that the child is in possession of weapon(s).

2. A facility staff member shall be prohibited from reaching into a child's pockets unless the frisks search indicates that their is reasonable belief that the child is in possession of a weapon(s).

3. The facility shall complete and keep on file an incident/accident report for every incident involving the frisk searching of a child.

(b) Search procedure for illegal drugs or contraband:

1. A facility staff member shall be prohibited from frisk searching a child who is suspected of possessing illegal drugs or contraband.

2. A facility staff member who has reasonable suspicion that a child is in possession of illegal drugs or contraband shall request that the child voluntarily empty a garment pocket(s), a bag, a purse or other such item within a child's possession or control. If the child complies with the request, the facility staff member shall inspect all items that are in plain view. The staff member shall be prohibited from conducting an exploratory search of another garment pocket(s) or other compartment(s) of a bag or a purse without the volunary permission of the child.

3. If a child refuses a voluntary request to empty a garment pocket(s), a bag, a purse or other such item, the faciltiy staff member shall summon a law enforcement officer to conduct a lawful search of the child.

(c) A facility staff member shll be prohibited from strip searching a child for any reason.

10:127-4.20 Work and employment

(a) Children shall not be responsible for duties assigned to staff members but may be required to perform work assignments in the facility that have an instructive value, including such tasks as normal household chores. However, work assignments shall not interfere with regularly scheduled program activities.

(b) Children shall be allowed to hold part-time employment outside the facility, provided that the work shall not interfere with regularly scheduled program activities or a school program.

10:127-4.21 Children's money and allowance

(a) The facility shall permit and encourage a resident to possess his or her own money by giving an allowance and/or by providing opportunities for paid work within the facility.

(b) Money earned, received as a gift or received as allowance by a resident shall be the child's personal property.

(c) The facility shall not require a child to assume expenses for his or her care and treatment.

(d) The facility shall not deduct sums from a child's allowance in excess of the amount that is needd to pay for damages done to the facility by the child.

10:127-4.22 Visitation

(a) The facility shall establish regular visiting hours for approved visitors. In addition, the facility shall make provision for visitation for approved visitors unable to visit during the regular visiting hours.

(b) The facility shall provide conditions of reasonable privacy for visits between children and their families and other visitors.

(c) The facility shall permit an approved visitor(s) to take a child away from the facility for a period of time determined by the facility and provided that approval for off-grounds visitation has been granted by the parent(s) or by the agency legally responsible for the child.

(d) The facility shall provide an opportunity for visitation to approved visitors for children without families and for whom regular visitation is impossible.

10:127-4.23 Mail and telephone communications

(a) There shall be no restriction on the amount of mail a resident is permitted to send or receive.

(b) Incoming and outgoing mail for or from any resident shall not be withheld or read by any facility administrator or staff member.

(c) A staff member may open parcels and letters only if he or she suspects that the contents contain contraband and then only in the presence of the child sending or receiving the parcel or letter and another staff member. A record signed by the staff member, shall be maintained in the child's file documenting the specific reason why such mail was opened and the results.

(d) Every child shall receive a reasonable postage allowance and writing materials for correspondence.

(e) A telephone located in an area that allows for privacy when making calls shall be made available for use by the children.

(f) Every child shall be permitted to make and receive a reasonable number of telephone calls.

(g) Telephone calls made or received by a child shall not be monitored.

(h) When the right of a resident to communicate with an individual(s) outside the facility must be curtailed, the facility shall:

1. Secure the permission of the placing agency to restrict communication;

2. Inform the resident of the conditions of and reasons for restriction or termination of his or her right to communicate with the specified individual(s); and

3. Prepare a report that is placed in the child's records stating the name of the individual(s) for whom communication is restricted and the reason for such action.

10:127-4.24 Space, furnishings and decor

(a) Space:

1. Administrative and counseling space – The facility shall provide sufficient space separate from space used for program/treatment activities for administrative activities, individual counseling sessions and other staff functions required by the program design.

2. Lounge space – Each living unit shall contain space large enough to allow for comfortable use by all residents of the living unit and all staff members assigned to the living unit.

3. Dining space – The dining area(s) shall be large enough to accommodate tables and chairs for all residents.

4. Recreational space:

i. Indoor – A room or area located either on the site of the facility or at another indoor facility, such as a gymnasium, exercise room or other exercise or recreational facility; and

ii. Outdoors – An area located either on the site of the facility or within the community, including but not limited to a playground, rear yard, side yard, park and/or community recreation area.

(b) Furnishings and decor:

1. Lounge, dining, recreation and sleeping areas used by children shall be decorated and furnished in such a manner as to create a warm, homelike environment and shall be appropriate for the function of the room.

2. Broken, rundown or defective furnishings and equipment shall be repaired or replaced.

SUBCHAPTER 5. PHYSICAL FACILITY AND LIFE-SAFETY REQUIREMENTS

10:127-5.1 New Jersey local government physical facility requirements

(a) Any residential child care facility located in New Jersey shall comply with the requirements in (b) through (d) below.

(b) An applicant seeking approval to open and operate a facility for the first time as such shall:

1. For newly constructed buildings, existing buildings whose construction code use group classification would change from that which it had been or existing buildings that require major alteration or renovation, submit to the Bureau a copy of building's certificate of occupancy issued by the municipality in which it is located, reflecting the building's compliance with the provisions of the State Uniform Construction Code (N.J.A.C. 5:23), hereinafter referred to as UCC, for the following use groups classifications:

- i. Use group R-1 for buildings accommodating more than 20 residents; or
- ii. Use group R-2 for buildings accommodating from six to 20 residents.

2. For buildings not newly constructed whose construction code use group classification is already R-1 or R-2 and which has not had major alterations or renovations to make it suitable for use as a residential child care facility, submit to the Bureau a copy of the building's certificate of occupancy issued by the municipality in which it is located at the time the building was originally constructed or approved for use in the R-1 or R-2 use groups, or a certificate of continued occupancy issued by the municipality in which it is located, reflecting the facility's compliance with the municipality's construction code requirements that were in effect at the time it was originally constructed or converted to use group classification R-1 or R-2; and

3. Submit to the Bureau a copy of the municipal or county health inspection approval for the building, based on an inspection conducted within the preceding 12 months. The local or county health official shall certify that the building meets all local or county health codes and Chapter 12 of the State Sanitary Code (N.J.A.C. 8:24-1), and poses no health hazard to the children served.

(c) An applicant seeking renewal of the approval to operate a facility shall:

1. Submit to the Bureau a copy of the municipal or county health inspection approval for the building, as specified in N.J.A.C. 10:127-5.1(b)3; and

2. If the municipality in which the facility is located has enacted an ordinance governing the maintenance of buildings, including such residential child care facilities, submit to the Bureau a statement from the municipal enforcing agency certifying that the building is in compliance with such ordinance.

(d) The facility shall submit to the Bureau a copy of a new certificate of occupancy issued by the municipality in which it is located, reflecting the facility's compliance with the provisions of the UCC whenever it takes any of the following actions:

1. Changing the building's use group classification to one other than the one prescribed on its original certificate of occupancy; or

2. Making a major alteration or renovation, as defined by the UCC, of the building or premises in which the facility is located; or

3. Increasing the floor area or the number of stories to the building or premises in which the facility is located.

10:127-5.2 Out of state government approval, physical facility and life-safety requirements

(a) A facility located in a state other than New Jersey shall comply with the state, county and/or municipal government code approval requirements, as appropriate, for a building used for the purpose of residential child care.

(b) A facility located in a state other than New Jersey shall submit with each application for approval a copy of a valid written certification(s) from the state, county and/or municipality in which the facility is located that the physical facility meets the provisions of all applicable codes governing building, fire, safety and health requirements.

(c) In addition to (a) and (b) above, a facility located in a state other than New Jersey shall only be required to comply with the physical facility and life-safety requirements, as specified in N.J.A.C. 10:127-5.3(q), 5.4 and 5.5.

10:127-5.3 New Jersey State government physical facility requirements

(a) All facilities shall be inspected by the Bureau prior to the receipt of an initial and/or subsequent approval to insure that the building has been maintained in accordance with the requirements specified in (b) through (r) below.

(b) Facilities shall be classified according to the type of construction designated by the UCC.

(c) Limitations on the use of upper and lower levels:

1. Non-ambulatory children shall not have bedrooms above or below the first floor.

2. In UCC-designated buildings of Type 3 and Type 4A construction, children shall not be permitted above the third floor.

3. In UCC-designated buildings of Type 4B construction, children shall not be permitted above the second floor.

(b) Exit requirements:

1. Exits:

i. Exits shall be maintained in proper operating condition and the facility shall insure that:

(1) There are two independent unobstructed exits from every floor of a building or room in two separate directions; and

(2) Exits shall not be permitted through boiler, furnace or storage areas.

ii. Exits above or below the first floor:

(1) Exits above or below the first floor in buildings having a maximum capacity of 12 children shall provide exiting by a corridor that leads to stairways completely enclosed at the upper and lower landings with a one hour fire-rated partition and a C-label (3/4 hour) fire-rated door equipped with an automatic closing device.

(2) Exits above or below the first floor in buildings having a capacity of greater than 12 children shall provide exiting by a corridor that leads to two stairways completely enclosed in fire separation assemblies of the fire resistance rating of the building's construction type, as designated by the UCC.

2. Doors:

i. The exit access travel distance in a room shall not be greater than 100 feet. (Buildings equipped with a fire suppression system may have an exit access travel distance of 150 feet.)

ii. Every room with an occupant load of more than 50 or which exceeds 2,000 square feet in area shall have at least two egress doorways leading from the room to an exit or corridor.

iii. Doors used for exits shall:

(1) Be unobstructed;

(2) Be unlocked from the inside of the building while children are at the facility; and

(3) Swing outward when serving an occupant load of more than 50.

iv. Bathroom and closet doors may be locked; however, locked doors shall be designed to permit opening from the inside and outside in case of emergency.

3. Stairways:

i. Stairways used for exits shall be unobstructed.

ii. Interior stairways:

(1) The maximum height of risers shall be seven inches, and the minimum width of tread shall be nine inches.

(2) Winding staircases shall not be counted for purposes of meeting the exit requirements of this chapter.

(3) A space below a stairway shall be enclosed with a one hour fire-rated material.

iii. Exterior stairways:

(1) Exterior stairways conforming to the interior stairway requirements, as noted in (d)3ii above, shall be acceptable as required exits in buildings not exceeding five stories in height.

(2) Exterior stairways shall be constructed of noncombustible materials or of wood not less than two inches thick.

iv. Handrails and guardrails:

(1) Handrails shall be provided for all stairs that have three or more risers.

(2) All stairways shall have a handrail on at least one side. Stairways more than 44 inches wide shall have continuous handrails on both sides. Stairways more than 88 inches wide shall also have an intermediate handrail dividing the stairway.

(3) Handrails shall be 30 to 34 inches above the nosing of treads.

(4) Guardrails shall not be less than 42 inches in height measured vertically above the nosing of treads.

(5) Guardrails shall be provided with intermediate guards spaced six inches apart or with screening.

4. Special requirements for facilities serving nonambulatory

PROPOSALS

children – The following special requirements shall be met by facilities serving nonambulatory children:

i. A sufficient number of doors, corridors, ramps or walkways and landings shall be provided and be wide enough to permit their being used by children utilizing wheelchairs, braces, walkers or any other prosthetic equipment or devices.

ii. Ramps shall have a grade not greater than the equivalent of one foot rise for every 12 feet of length. Handrails shall be provided on both sides of the ramps.

iii. Facilities serving primarily children with physical limitations or handicaps or having a unit serving such children shall comply with the New Jersey Barrier Free Design Regulations (N.J.A.C. 17:19A).

(e) Emergency escape:

1. Every sleeping room below the fourth story shall have at least one operable window or exterior door approved for emergency egress or rescue.

2. The units must be operable from the inside without the use of separate tools.

3. When windows are provided as a means of egress or rescue, they shall have a sill height not more than 44 inches above the floor.

4. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet, with:

i. A minimum net clear height dimension of 24 inches; and

ii. A minimum net clear width dimension of 24 inches.

5. Any bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or excessive force.

(f) Fire protection:

1. Facilities shall not be located in the vicinity of high hazard areas (such as, welding shops, paper storage areas, gasoline storage areas, etc.).

2. Boiler or furnace rooms shall be separated from the living and common areas by a minimum of a one hour fire-rated material.

3. If boiler or furnace rooms are in the basement, a furnace control switch shall be provided at the top of the stairs leading to the basement area.

4. A fresh air supply directly from the outside shall be provided in all boiler or furnace rooms, when rooms are completely enclosed.

5. Buildings with a capacity of more than 12 children shall have and maintain at least one of the following:

i. A comprehensive automatic electrical fire alarm and detection system; or

ii. A comprehensive automatic sprinkler system with smoke detector units in each hallway on all floor levels and at the top of each stairwell.

6. Buildings with a capacity of 12 or fewer children shall have and maintain at least one of the following:

i. A comprehensive automatic electrical fire alarm and detection system; or

ii. A comprehensive automatic sprinkler system with smoke detector units in each hallway on all floor levels and at the top of each stairwell; or

iii. Battery powered smoke detector units as follows:

(1) One unit for each bedroom;

(2) One unit for each hallway on all floors;

(3) One unit for living room and/or indoor recreational areas; and

(4) One unit at the top of each stairwell.

7. There shall be at least one 10 B-C rated fire extinguisher provided for the kitchen area and one located directly outside or near the boiler or furnace room.

8. All floors shall be provided with at least one 2 1/2 gallon water pressurized fire extinguisher for each 3,000 square feet of floor area.

9. All extinguishers shall be serviced at least once a year and recharged, if necessary.

10. Commercial stoves, if utilized, shall have an automatic extinguishing system installed.

HUMAN SERVICES

11. Interior furnishings, drapes, curtains, paneling, mattresses etc., shall be made of fire retardant materials.

12. Chimneys, flues and vent attachments shall be structurally sound, free from defects and cleaned and maintained, as necessary.

13. Storage areas containing highly flammable materials shall be segregated from areas used by the children with a minimum one hour fire-rated material.

14. Combustible materials shall be stored in non-combustible containers.

(g) Glass surfaces – Glass surfaces that are located in any room/area of the building determined by the Bureau to be a hazardous area to the children shall be made of safety glass or the glass surface shall be protected with a guard, grille or other protective material.

(h) Electricity:

1. All electrical wiring and equipment shall comply with local or municipal requirements in effect at the time the structure first became a residential facility and shall be maintained in good operating condition.

2. Any new equipment and wiring installed in the facility shall be in compliance with the Electrical Sub-Code of the UCC.

3. Upon request, the facility shall provide the Bureau with a copy of an electrical inspection report based on an inspection conducted within the preceding 12 months. This report shall confirm that the electrical system is adequate and in compliance with the Electrical Sub-Code of the UCC.

4. Inspections as noted in (h)3 above, shall be performed by the local electrical sub-code official, an approved service organization or a licensed electrical contractor.

(i) Lighting:

1. General requirements:

i. Natural or artificial light shall be provided in all areas.

ii. In classroom or study areas, there shall be at least 20 foot candles of light (artificial or natural). This illumination shall be measured three feet above the floor at the furthest point from the light source.

iii. Parking areas, pedestrian walkways, or other exterior portions of the premises subject to use by occupants at night shall be illuminated.

2. Buildings having a capacity of greater than 12 children shall provide:

i. Illuminated exit signs; and

ii. An emergency lighting system for exit signs, stairways and corridors. This emergency lighting system shall be provided by emergency battery packs or an auxiliary generator and shall be kept in good working condition.

(j) Heating: A minimum temperature of 65 degrees Fahrenheit shall be maintained in all rooms used by residents.

(k) Ventilation:

1. Natural or mechanical ventilation shall be provided in all rooms used by children.

2. All mechanical ventilation systems shall exhaust directly to the outside.

3. Rooms not having windows with an openable area of at least four percent of the floor space shall be equipped with a ventilating or air conditioning system with a capacity equal to that required for natural ventilation.

4. Corridors shall be provided with natural or mechanical ventilation equivalent to two percent of the floor area.

5. Crawl spaces and attic spaces shall be provided with a cross ventilation system.

6. All openable windows and doors used for natural ventilation shall be provided with insect screening in good condition.

7. Kitchens provided with a stove of more than four burners shall be vented with a mechanical system having a capacity of at least three cubic feet per minute per square foot of floor area and not less than 150 cubic feet per minute.

8. Bathrooms with a mechanical ventilation system shall have a minimum capacity of 50 cubic feet per minute when only one toilet is provided, or 40 cubic feet per minute per toilet when more than

one toilet is provided.

9. Bathroom doors shall have at least one inch of space between the floor and the bottom of the door.

(l) Plumbing:

1. All plumbing shall be in compliance with the provisions of the Plumbing Sub-Code of the UCC.

2. All plumbing shall be maintained in good operating and sanitary condition.

3. The temperature of tap water shall not exceed 125 degrees Fahrenheit.

(m) Bathroom and toilet facilities:

1. The facility shall have at least one toilet, wash basin and bathtub or shower for every six children above the age of 2 1/2 years. These facilities shall not be located more than one floor from any bedroom or living area.

2. The handwashing facilities shall be located in or adjoining the toilet area.

3. All bathrooms shall include hot and cold running water and a non-slip surface in the shower or bathtub.

4. Toilet accessories shall be provided in all bathroom and toilet facilities.

5. Mirrors, paper towel and toilet paper dispensers and other equipment shall be fastened securely.

(n) Kitchen facilities – The facility's kitchen and food preparation areas shall meet the following requirements:

1. The cooking and kitchen facilities and equipment shall be kept clean and sanitary and be in compliance with provisions of Chapter 12 of the New Jersey State Sanitary Code (N.J.A.C. 8:24).

2. The kitchen and food preparation areas shall be separate from areas used for any other purpose.

3. If the occupancy of the building is more than 12 children, or if commercial cooking equipment is used, the kitchen shall be separated by a one hour fire-rated enclosure which is equipped with a C-label (3/4 hour) fire-rated door with a self-closing device and positive latching.

(o) Swimming pools – Any swimming pool used by the children shall comply with the requirements pertaining to swimming pools, as specified in the New Jersey Youth Camp Safety Act Standards (N.J.A.C. 8:25-5.1 through 5.4 and N.J.A.C. 8:25-6.9).

(p) Asbestos:

1. Coatings containing asbestos shall not be sprayed on any interior or exterior surfaces of a building used as a residential facility or on any equipment used therein, in accordance with regulations of the New Jersey Department of Environmental Protection, as specified in N.J.A.C. 7:27-17.2.

2. If sprayed-on asbestos-containing material appear to be present in a facility, the Bureau shall notify the New Jersey Department of Health and the material shall be tested, through laboratory analysis, to determine its contents. When test results reveal the presence of sprayed-on asbestos-containing materials, and the Health Department determines that action must be taken to correct the health hazard, the facility shall insure that it is covered or removed from the building structures or premises, in a manner consistent with all Federal, State and local regulations and guidelines concerning asbestos removal.

(q) Maintenance and sanitation:

1. General – The indoor and outdoor areas of the building shall be maintained in a safe and sanitary manner and free from any hazards to the health and safety of the children.

2. Indoor maintenance and sanitation requirements:

i. Basements, cellars and crawl spaces shall be free of moisture resulting from water leaks or seepage.

ii. Floors, walls, ceilings and other surfaces shall be kept clean and in good repair. These areas shall be covered or treated when necessary, and no paint containing lead shall be used.

iii. Stairways shall be free of hazards such as toys, boxes, loose steps, uneven treads, torn carpeting, raised strips or risers that are not uniform.

iv. Garbage shall be removed from the interior of the building on

a daily basis.

v. The facility shall utilize receptacles for food waste disposal that are made of noncorrosive materials that are impervious and leak proof and provided with tight fitting covers.

vi. The facility shall arrange for an exterminator to take necessary action to protect the building from rodent, insect and related infestations. Such treatment shall be provided not less than once a year, and more frequently when there is evidence of infestation.

3. Outdoor maintenance and sanitation requirements:

i. The land, including the outdoor play area, shall be properly graded and provided with drains to dispose of surface water.

ii. The facility shall fence or otherwise enclose with a natural barrier outdoor areas on its grounds that are within, adjacent to or near potential safety hazards, including, but not limited to, steep grades, cliffs, open pits, swimming pools, high voltage boosters, high speed roads or propane gas tanks.

iii. The building structure shall be maintained to prevent water from entering, excessive drafts or heat loss during inclement weather, and to provide protection against infestation from rodents, insects, etc.

iv. Railings of balconies, landings, porches or stairs shall be maintained in safe condition.

v. The facility shall utilize garbage receptacles to accommodate its waste disposal needs. The receptacles shall be made of non-corrosive materials and shall be provided with covers.

(r) Lead paint – Facilities caring for children six years of age and/or younger shall comply with the following:

1. Lead paint shall not be used on and shall be removed by the facility from any interior exterior surfaces, furniture, toys or other equipment used therein, in accordance with the provisions of Chapter 51 of the New Jersey State Sanitary Code (N.J.A.C. 8:51-7.1 through 7.5).

2. When lead paint is found in areas of a facility not specified under N.J.A.C. 8:51-7.1 through 7.5, the Bureau shall determine whether the lead paint is hazardous to the health, safety and well-being of the children served and, if considered to be hazardous, the facility shall remove the lead paint hazard.

10:127-5.4 Life-safety requirements

(a) Emergency information – The facility shall post in a prominent location written emergency information, including the following:

1. The location of the first aid kit and any additional first aid supplies;

1. The name, address and telephone number of the physician retained by the facility or of the health facility to be used in emergency situations;

3. The hospital and/or clinic to which injured or ill children are to be taken;

4. The telephone numbers of the police and fire department and the local ambulance service(s);

5. The telephone number of the Division's Office of Child Abuse Control (800-792-8610);

6. The location of Medicaid validations and written authorization from parent(s) or guardian(s) for emergency medical care for each child; and

7. The location of the telephone in each living unit available for use in emergency.

(b) In addition to (a) above, a facility shall post an evacuation plan, including a diagram of the building and a description of how the facility is to be evacuated in case of emergency.

(c) First aid equipment – First aid equipment shall be located in a convenient, accessible location in the facility and shall include:

1. A standard first aid kit recommended by the American Red Cross or the local or State health department; and

2. The Red Cross First Aid Manual or its equivalent.

(d) Fire/evacuation drills and training:

1. The facility shall conduct fire/evacuation drills at least once every month to familiarize the staff members and children with the procedures for leaving the building in an emergency situation. A

representative of the Bureau shall be present at a fire/evacuation drill at least once a year.

2. The facility shall maintain a record of each fire/evacuation drill. The record shall include:

- i. The date and time of day of the drill;
- ii. The number of children and staff members who participated; and

iii. The total amount of time necessary to evacuate the facility. Such time shall not exceed two minutes.

3. The facility staff members shall be trained in the use and operation of fire extinguishers.

(e) Facilities caring for children six years of age and under shall comply with the following:

1. Fireplaces, open face heaters, stoves, hot radiators, electrical outlets and hazardous windows in rooms used by the children shall be adequately protected by screens or guards.

2. All corrosive agents, insecticides, bleaches, detergents, polishes, any product under pressure in an aerosol spray can and any other toxic (poisonous) substance, shall be stored in a locked cabinet or in an enclosure located in an area not accessible to the children.

10:127-5.5 Supplemental requirement

In addition to the requirements, as specified in N.J.A.C. 10:127-5.1 through 5.4, the Bureau shall also require facilities to take whatever additional steps that it seems are necessary to correct any conditions in the facility that may endanger in any way the health, safety and well-being of the children served.

SUBCHAPTER 6. TRANSPORTATION

10:127-6.1 Vehicle requirements

(a) Vehicles used for transportation of children shall be in conformity with all motor vehicle laws and/or regulations for the state in which the vehicle is registered.

(b) Vehicles used for transportation of children shall be maintained in safe operating condition and shall be properly registered and have a currently valid inspection sticker for the state in which it is registered.

(c) Vehicles used for transportation of children to or from school, school-connected activity, day camp, summer day camp, nursery school, child care center or pre-school center shall meet the vehicle requirements for such vehicles.

(d) For facilities located in New Jersey, the facility may authorize staff members who have a New Jersey automobile driver's license to transport children to and from related school activities (such as, visits to the zoo, museum or other field trips) or to transport children to a doctor's office for medical treatment in a private passenger vehicle with a capacity of eight or fewer persons. A person providing such transportation shall not be required to have a New Jersey school bus driver's license and the vehicle used for such transportation shall not be required to meet the registration, equipment, inspection and maintenance requirements for a school bus.

10:127-6.2 Driver requirements

(a) The driver of a vehicle used for the purpose of transporting children shall possess a valid driver's license for that type of vehicle.

(b) The driver shall not transport more persons, including children and adults, than the capacity of the vehicle.

10:127-6.3 Safety practices

(a) Children shall never be left unattended in a vehicle.

(b) Children shall be loaded and unloaded from the curbside of the vehicle.

(c) The interior of each vehicle shall be maintained in a clean, safe condition, with clear passage to operable doors.

(d) All persons in the vehicle shall be secured in seats with safety

belts for those vehicles required by law to be equipped with safety belts.

(e) There shall be no standees in any vehicle transporting children.

(f) When transporting more than six children under six years of age, there shall be one adult in addition to the driver in the vehicle at all times.

10:127-6.4 Transportation records

(a) The facility shall keep on file the name of each driver and a photostatic copy of his or her valid driver's license.

(b) These records shall be available upon request to any authorized representative of the Bureau.

10:127-6.5 Insurance

(a) The facility shall maintain liability insurance for bodily injury or death in minimum amounts of \$300,000 per person and \$500,000 per accident.

(b) If the facility's transportation services are provided by a private individual or firm under contract or other arrangement, the facility shall maintain a file copy of the individual's or firm's insurance coverage in the amount specified in (a) above and make a copy of such coverage available to the Bureau upon request.

10:127-6.6 Other requirements

(a) The facility shall provide each child with the transportation necessary for implementing the child's treatment plan.

(b) The facility shall have means of transporting children in cases of emergency.

10:127-6.7 Special regulations

(a) The following additional regulations shall be required for facilities serving specially handicapped, non-ambulatory children:

1. A ramp device shall be provided to permit entry and exit of a child from the vehicle. A hydraulic lift may be utilized provided that a ramp is also available in case of emergency.

2. Wheelchairs shall be securely fastened to the floor of the vehicle.

3. The arrangement of the wheelchairs shall provide an adequate aisle space and shall not impede access to the exit door of the vehicle.

SUBCHAPTER 7. CONFLICT OF INTEREST

10:127-7.1 Division requirements

(a) Facilities receiving funds from the Division shall comply with the appropriate New Jersey and Federal Statutes and Regulations concerning conflict of interest. In addition, the following standards will apply:

1. A facility shall not permit funds provided under its agreement with the Division to be paid or committed to any corporation, firm, association, or business in which any of the facility's board members, executive personnel, or their immediate families have any direct or indirect financial interest or serve as officers and/or staff members, unless prior written approval of the Division is obtained. In securing such approval, a facility shall make clear the terms of the agreement and indicate whether the services or goods are provided at a competitive cost or under terms more favorable to the facility.

2. A facility shall not employ in any capacity, as consultant or otherwise, any person who is a member of the immediate family of any executive personnel or board member without prior written consent of the Division.

3. A staff member of a facility may hold other employment so long as such employment does not interfere with the efficient performances of the staff member's duties as prescribed in the work program appended to the incorporated in the facility's contract with the Division.

4. An individual board member may perform professional duties for a facility in addition to his or her duties on the board provided

such services are compensated at a rate that does not exceed normal professional fees for the service, and the assignment is approved by the Board of Directors in advance.

LAW AND PUBLIC SAFETY

(a)

DIVISION ON CIVIL RIGHTS

Processing of Discrimination Complaints Fact-finding Conference

Proposed New Rule: N.J.A.C. 13:4-2.3

Authorized By: Pamela S. Poff, Director, Division on Civil Rights.

Authority: N.J.S.A. 10:5-8g and i.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Pamela S. Poff, Director
Division on Civil Rights
Room 400
1100 Raymond Boulevard
Newark, NJ 07102

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

This proposal is known as PRN 1983-176.

The agency proposal follows:

Summary

The following rules are proposed pursuant to the power of the Director of the Division on Civil Rights to investigate complaints of discrimination. They are designed to shorten investigations thereby saving time and money for all involved parties. The proposed rules outline the procedures to be followed during fact-finding conferences, and clarify the roles of attorneys, witnesses, Division representatives, and other participants.

Social Impact

The proposed rules are intended to enable the Division on Civil Rights to more efficiently investigate discrimination complaints. Hence, a positive social impact is foreseen because complaints will be investigated and disposed of in a more expeditious manner.

Economic Impact

The proposed rules will also have a positive economic impact on those involved in the Division's investigatory process. Fact-finding conferences help the Division representative to focus on material issues, and obtain pertinent information quickly and easily. This procedure is expected to facilitate the respondent's task of producing information relevant to the complaint. In addition, the fact-finding conference procedure is in compliance with provisions of the Division's contract with the Equal Employment Opportunity Commission, thereby availing the State agency of Federal funds.

Full text of the proposed new rule follows.

13:4-2.3 Fact-finding conference

(a) Fact-finding, as part of an investigation in a discrimination complaint, is subject to the following:

1. As part of its investigation, the Division may convene a fact-finding conference for the purpose of obtaining evidence, identifying the issues in dispute, ascertaining the positions of the parties and exploring the possibility of settlement. The fact-finding conference is not an adjudication of the merits of the complaint.

2. The Division shall provide the parties with written notice of the conference. Said notice shall identify the individuals requested to attend on behalf of each party, and any documents which any party is requested to bring to the conference.

(b) The conference shall be conducted as follows:

1. The Division employee acting as fact-finder shall conduct and control the proceedings.

2. Upon prior notice to the Division, the parties may bring witnesses to the conference in addition to those whose attendance may be specifically requested by the Division, but the fact-finder shall have discretion over which witnesses shall be heard and the order in which they are heard. The fact-finder may exclude any witness or other person from the conference not limited to those who are not giving evidence, except that one representative of each party and counsel shall be permitted to remain throughout.

3. The Division may request the parties to provide affidavits from witnesses who appear at the fact-finding conference.

4. A party may be accompanied at a fact-finding conference by his/her attorney or another representative, and by a translator, if necessary.

5. An attorney for a party who has not previously entered his or her appearance shall do so at the outset of the conference.

6. Because the fact-finding conference is a means of investigation and not a hearing on the merits of a case, the parties shall not be entitled to cross-examine witnesses. All questioning shall be conducted by the fact-finder, unless in his or her discretion the fact-finder permits questions to be asked by other persons present at the conference.

7. During the conference, the fact-finder may allow a recess to permit the parties to discuss settlement.

(c) A record of the fact-finding conference shall be maintained as follows:

1. Following a Finding of Probable Cause or No Probable Cause, any reports of factual statements made at the fact-finding conference shall be discoverable by the parties.

2. Any records made of settlement discussions during the conference shall not be discoverable.

(d) Postponements of a fact-finding conference shall be subject to the following:

1. Postponements of a scheduled fact-finding conference will be granted only for good cause shown. Parties are discouraged from requesting adjournment from fact-finding conferences. Requests for adjournments should be directed to the branch manager. Except in extraordinary circumstances, requests for adjournments must be made, upon notice to all parties at least five working days prior to the conference.

2. If a party does not appear at a fact-finding conference without obtaining a postponement, the Division may proceed with the conference without that party.

(e) If the respondent or the complainant refuses or fails to attend a scheduled fact-finding conference, the Division may schedule an alternate conference date. The Division may subpoena any party or witness who has failed to attend the initially scheduled fact-finding conference. The Division may also subpoena any documents which either party was requested to bring, and fails to bring, to the fact-finding conference.

(a)

DIVISION ON CIVIL RIGHTS

**Processing of Discrimination Complaints
When Hearings Ordered**

Proposed Amendment: N.J.A.C. 13:4-12.1

Authorized By: Pamela S. Poff, Director, Division on Civil Rights.
Authority: N.J.S.A. 10:5-8g and 10:5-13.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Pamela S. Poff, Director
Division on Civil Rights
Room 400
1100 Raymond Boulevard
Newark, NJ 07102

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

This proposal is known as PRN 1983-150.

The agency proposal follows:

Summary

The proposed amendment explains the complainant's right to present his or her case to the Office of Administrative Law any time after 180 days from the filing of a Verified Complaint with the Division on Civil Rights.

Social Impact

The proposal is expected to have a positive social impact in that it is designed to help individuals more fully understand their rights and options under the law.

Economic Impact

The proposed amendment is not foreseen to have any significant economic impact on affected parties.

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

13:4-12.1 When hearings ordered

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

(c) At any time after 180 days from the filing of a Verified Complaint with the Division, a complainant may file a request with the Division to present the action by himself or through his own counsel to the Office of Administrative Law. Such request shall be in writing.

(d) Upon receipt of such request, the Director of the Division shall file the action with the Office of Administrative Law, unless at the time of receipt of the request the Division has found No Probable Cause or otherwise dismissed the complaint.

(e) The complainant or his or her attorney may be required to complete any forms which may be necessary to permit the Division to transmit the case to the Office of Administrative Law.

(b)

DIVISION OF MOTOR VEHICLES

**Driver Control Service
Probationary Driver Licenses**

Proposed Repeal: N.J.A.C. 13:19-2

Authorized By: Clifford W. Snedeker, Director.
Authority: N.J.S.A. 39:2-3, 39:3-10 and 39:5-30.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director
Division of Motor Vehicles
25 So. Montgomery Street
Trenton, NJ 08666

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

This proposal is known as PRN 1983-151.

The agency proposal follows:

Summary

The proposal repeals the Probationary Driver License Regulations which were adopted when the Division of Motor Vehicles experimented in the 1950's with the issuance of distinctive probationary driver licenses to point system violators. The Division discontinued this practice over 20 years ago because it proved unworkable, but has not officially repealed the regulations.

Social Impact

The proposal will have a beneficial social impact in that the potential for misunderstanding, concerning the present practice of the Division of Motor Vehicles, with respect to probationary driver licenses will be reduced.

Economic Impact

The proposal produces no significant economic impact on the State of New Jersey or its citizens. The proposal will eliminate potential inefficiencies within the Division because of confusion as to existing practice.

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

SUBCHAPTER 2. [PROBATIONARY DRIVER LICENSES]
(RESERVED)

[13:19-2.1 Purpose

Beginning August 9, 1955, the Division of Motor Vehicles will observe the following rules in matters involving point system violators who have become subject to the point system; but for whom, because of extenuating or mitigating circumstances, the issuance of a "probationary" driver license is warranted rather than a revocation of the driver's license.

13:19-2.2 Form

(a) The probationary license will be different in color and form from a regular driver's license and will replace the regular driver's license for the duration of the probationary period.

(b) Such a license will be issued only after a hearing conducted

in accordance with the rules relating thereto and upon recommendation of the hearing officer, acceptance by the driver and approval of the Director.

13:19-2.3 Probation period

The period of probation will be fixed by the Director on recommendation of the hearing officer.

13:19-2.4 Contents

(a) The probationary license will contain the record of the violator covering limited periods, excepting a record of conviction under N.J.S.A. 39:4-50 which will be listed regardless of the date.

(b) If the point value is 12 or more, the record of violations will cover a three-year period, except in unusual cases.

13:19-2.6 Multiple violations

Should another violation be recorded against an individual while his probationary license is in force, his driver's license will be revoked forthwith as a point system violator.

13:19-2.7 Renewals

All renewals of probationary licenses will be issued from the central office in Trenton only.

13:19-2.8 Duplicate probationary license

Applications for a duplicate of a probationary license that has been lost will be issued by the central office only.

13:19-2.9 Nonresidents

These rules will not apply to nonresidents who do not hold a New Jersey driver's license.]

(a)

BOARD OF ARCHITECTS

Examination Fees

Proposed Amendment: N.J.A.C. 13:27-3.13

Authorized By: New Jersey Board of Architects, Patricia Koch, President.

Authority: N.J.S.A. 45:1-3.2.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

M. Lisbeth Citrino, Executive Secretary
State Board of Architects
1100 Raymond Boulevard, Room 327
Newark, NJ 07102

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

This proposal is known as PRN 1983-153.

The agency proposal follows:

Summary

The amendment to the Board of Architects fee rules is needed to cover increased costs due to changes in the examination process, increased fees for postage, and increased fees charged by the supplier of the examinations. The Board has analyzed its expenses and concludes that the new fees will defray increased costs but not generated excess funds. Whenever fees of this nature increase, it creates some degree of economic hardship on the examination

candidates. However, in comparison with the economic and social benefits of holding an architect's license, the examination fees are a minimal burden.

Social Impact

The amendment will affect all applicants who take architectural exams. Little impact is expected as the increase in exam fees should not deter candidates from taking the examination.

Economic Impact

Candidates will pay \$110.00 more for the entire architect's examination. This is a one-time payment, and although substantial, should have minimal overall economic impact on candidates.

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

13:27-3.13 Fees

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

1. Applicants for examination or license shall pay a fee of [~~\$20.00~~] **\$25.00** for processing their applications.
2. The fees for the licensing examination[s] are as follows:
 - i. Stage I: Equivalency or qualifying examination \$75.00;
 - ii. Stage II: Professional examination \$75.00;]
 - i. Entire Architectural Registration Examination - \$260.00:**
 - (1) Sections I: Pre Design \$40.00;**
 - (2) Sections II and III: Site and Building Design \$100.00;**
 - (3) Section IV:**
 - (A) Structural General \$20.00;**
 - (B) Structural Lateral Forces \$14.50;**
 - (C) Structural Long Span \$10.50;**
 - (D) Mechanical, Plumbing, Electrical Health and Safety \$20.00;**
 - (E) Material and Methods \$25.00.**
 - (4) Section V: Construction Documents and Services \$30.00;**
 - (5) The fee for retake of any part of the exam is the same as listed above.**
 - iii. ii. If awarded a certificate of license a further charge of \$30.00 is made for issuing it, and of [~~\$15.00~~] **\$25.00** for a seal press and filing it with the Secretary of State. This provides registration to the end of the [fiscal year] **licensing period** in which the license is issued.
 3. Candidates who are required to retake any part or parts of stage I, equivalency or qualifying examination, shall pay fees for the individual parts as follows, but not exceeding the sum of \$75.00 for all three parts.
 - i. Construction theory and practice \$30.00;
 - ii. History and theory of architecture, and environmental planning \$10.00;
 - iii. Architectural design and site planning \$40.00;
 - iv. Candidates who are required to retake a site planning examination as prepared by the board shall pay a fee of \$15.00;
 - v. Candidates who fail any part of stage II, professional examination, are required to retake this entire test and shall pay a fee of \$75.00.]

[4.] **3.** Applicants already licensed by another state shall pay an application fee of [~~\$20.00~~] **\$25.00**. If awarded a certificate of license, the charge is [~~\$65.00~~] **\$75.00** plus [~~\$15.00~~] **\$25.00** for a seal press and filing with the Secretary of State. This provides registration to the end of the [fiscal year] **licensing period** in which the license is issued.

[5.] **4.** The fee for reissuing a certificate of license [to any architect who may have lost or mislaid his certificate] shall be \$15.00.

[6.] **5.** The renewal registration fee shall be [~~\$40.00~~] **\$100.00**, payable during the month of July on a biennial basis [beginning in July of 1975]. When registrations occur within the second [fiscal] year of a biennial period, the fee shall be [~~\$20.00~~] **\$50.00** for that single year or portion thereof, and thereafter [~~\$40.00~~] **\$100.00** for a full biennial period.

[7.]6. The charge for reinstatement of certificate of license shall be [~~\$25.00~~] **\$50.00** if applied for within two years of forfeiture or cancellation. In addition thereto, the applicant shall pay the biennial registration fee or part thereof as the circumstances may require.

[8.]7. The charge for the new seal press shall be [~~\$15.00~~] **\$25.00**.

[9.]8. The fee for transmittal of grades, or certification as to registration and status thereof, to other State boards, or to the National Council of Architectural Registration Boards, or to governmental agencies or governments, shall be [~~\$10.00~~] **\$15.00**.

[10.]9. The charge for late payment of biennial registration fees between August 1 and the date forfeiture shall be [~~\$5.00~~] **\$10.00**.

[11.] The charge for review of failed examination shall be \$5.00.]

[12.]10. A charge of [~~\$5.00~~] **\$8.00** shall be required for a copy of the "Roster of Architects", except that it shall be issued free to State, county and municipal government agencies and to all architects listed therein.

(a)

BOARD OF MEDICAL EXAMINERS

Standards and Rules of Board of Medical Examiners

Proposed Repeal: N.J.A.C. 13:35-1 through 7, and 9 through 10

Proposed New Rules: N.J.A.C. 13:35-1 through 6

Authorized By: Board of Medical Examiners, Edwin H. Albano, M.D., President.
 Authority: N.J.S.A. 45:9-2.

A **public hearing** will be held by the Board respecting proposed N.J.A.C. 13:35-2.4, Requirements for Approval of Colleges of Chiropractic. The hearing will take place Thursday, May 12, 1983. Persons interested in participating should contact the Board office at 28 W. State Street, Trenton, New Jersey 08608, and they will be notified of the time and location of the hearing.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Edwin H. Albano, M.D.
 President, Board of Medical Examiners
 28 West State Street
 Trenton, NJ 08608

Persons who would like the Board to hold a public hearing on any aspect of these rules should so indicate in their written submissions. The Board will thereafter decide whether, and to what extent, a public hearing shall be held and shall notify all such interested persons. The Board of Medical Examiners thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-154.

The agency proposal follows:

Summary

The Board of Medical Examiners proposes to repeal all rules presently codified in Title 13, Chapter 35, Subchapters 1 through 7 and 9 through 10. The subchapters presently deal with approval of professional schools, requirements for licensure, general rules of

professional conduct and some rules applicable only to certain of the categories licensed by this Board. The proposed rules will cover all of the same subjects in a modernized and recodified format. A few of the existing rules will be deleted altogether: present codification N.J.A.C. 13:35-1.2, 2.2, 2.3, 2.4 and 6.9. Subchapter 8 of the existing rules deals with Hearing Aid Dispensers; that subchapter will be revised at a later date.

For the convenience of readers who wish to compare the existing rules with the proposed rules, the following list indicates the source rule for each proposal:

13:35-1.1 EXTERNSHIP PROGRAM repeals in its entirety and replaces N.J.A.C. 13:35-6.2.

13:35-1.2 FIFTH PATHWAY repeals in its entirety and replaces N.J.A.C. 13:35-2.5.

13:35-1.3 INTERNSHIP OR POSTGRADUATE YEAR 1 (PGY 1) repeals in its entirety and replaces 13:35-2.6.

13:35-1.4 MILITARY SERVICE IN LIEU OF M.D. OR D.O. INTERNSHIP OR POSTGRADUATE TRAINING repeals in its entirety and replaces 13:35-2.7.

13:35-1A CLINICAL TRAINING PROGRAMS IN NEW JERSEY reprints the version which the Board on March 9, 1983 voted to adopt under the former citation of N.J.A.C. 13:35-11.1.

13:35-2.1 APPROVED COLLEGES OF PODIATRY repeals in its entirety and replaces 13:35-1.2.

13:35-2.2 PODIATRY INTERNSHIP OR POSTGRADUATE WORK repeals in its entirety and replaces 13:35-1.1.

13:35-2.3 MILITARY SERVICE IN LIEU OF INTERNSHIP IN PODIATRY repeals in its entirety and replaces 13:35-1.5.

13:35-2.4 REQUIREMENTS FOR APPROVAL OF COLLEGES OF CHIROPRACTIC repeals in its entirety and replaces 13:35-10, and proposes a significant change in 13:35-10.10.

13:35-2.5 STANDARDS CONCERNING TESTING AND DIAGNOSTIC CENTERS repeals in its entirety and replaces 13:35-6.14.

13:35-2.6 MIDWIFE AND CERTIFIED NURSE MIDWIFE PRACTICE repeals in its entirety and replaces N.J.A.C. 13:35-9.

13:35-3.1 FEDERATION LICENSING EXAM repeals in its entirety and replaces 13:35-3.1.

13:35-3.2 ENDORSEMENT, FEDERATION LICENSING EXAM repeals in its entirety and replaces 13:35-3.2.

13:35-3.3 ENDORSEMENT OF SISTER-STATE LICENSEE AFTER EXTENDED PRACTICE OR SPECIALTY BOARD OR NATIONAL BOARD CERTIFICATIONS OR BY COMBINATION OF NATIONAL BOARD AND FLEX EXAMS; AND PODIATRY ENDORSEMENT repeals in its entirety and replaces N.J.A.C. 13:35-3.3, 3.4, 3.5 and 3.7.

13:35-3.4 EXAMINATION IN THIRD PART OF FLEX AFTER PROOF OF PASSING FIRST TWO PARTS OF NATIONAL BOARDS repeals in its entirety and replaces 13:35-3.8.

13:35-3.5 ENDORSEMENT, CERTIFIED NURSE MIDWIVES repeals in its entirety and replaces 13:35-6.8.

13:35-3.6 BIOANALYTICAL LABORATORY DIRECTORY LICENSE, PLENARY OR SPECIALTY, GRANTED TO PHYSICIAN repeals in its entirety and replaces 13:35-6.3.

13:35-3.7 LIMITED EXEMPTION FROM LICENSURE repeals in its entirety and replaces 13:35-3.9 and 13:35-6.10.

13:35-3.8 ADMINISTRATIVE PROCESSING OF LICENSE APPLICATION repeals in its entirety and replaces 13:35-2.1.

13:35-3.9 ABSENCE OF A CANDIDATE FROM EXAMINATION repeals in its entirety and replaces 13:35-6.1.

13:35-3.10 CHEATING DURING A LICENSING EXAMINATION repeals in its entirety and replaces 13:35-6.4.

13:35-4.1 MAJOR SURGERY; QUALIFIED 1ST ASSISTANT repeals in its entirety and replaces 13:35-7.1.

13:35-4.2 TERMINATION OF PREGNANCY repeals in its

entirety and replaces 13:35-7.2.

13:35-5.1 MINIMUM EYE EXAMINATION, CONTACT LENSES repeals in its entirety and replaces 13:35-5.2.

13:35-5.2 MINIMUM STANDARDS AND TOLERANCES OF OPTICAL LENSES repeals in its entirety and replaces 13:35-5.1.

13:35-6.1 DEGREE DESIGNATION repeals in its entirety and replaces 13:35-4.1.

13:35-6.2 PRONOUNCEMENT OF DEATH repeals in its entirety and replaces 13:35-6.5.

13:35-6.3 COUNTERSIGNING OF ORDERS AND PRESCRIPTIONS OF UNLICENSED PHYSICIANS repeals in its entirety and replaces 13:35-6.10.

13:35-6.4 PROHIBITION OF KICKBACKS, REBATES OR RECEIVING PAYMENT FOR SERVICES NOT RENDERED repeals in its entirety and replaces 13:35-6.11.

13:35-6.5 PREPARATION OF PATIENT RECORDS AND RELEASE THEREOF repeals in its entirety and replaces 13:35-6.12.

13:35-6.6 REQUIREMENTS FOR ISSUING PRESCRIPTIONS FOR ALL MEDICATIONS; SPECIAL REQUIREMENTS FOR PRESCRIBING OR DISPENSING CONTROLLED DRUGS repeals in its entirety and replaces 13:35-6.6 and incorporates standards of certain existing Department of Health rules.

13:35-6.7 PRESCRIBING OF AMPHETAMINES AND SYMPATHOMIMETIC AMINE DRUGS repeals in its entirety and replaces 13:35-6.16.

13:35-6.8 PRESCRIBING, ADMINISTERING OR DISPENSING AMYGDALIN (LAETRILE) repeals in its entirety and replaces 13:35-6.17.

13:35-6.9 REFERRAL FOR RADIOLOGICAL SERVICES repeals in its entirety and replaces 13:35-6.18.

13:35-6.10 ADVERTISING AND SOLICITATION repeals in its entirety and replaces 13:35-6.13.

13:35-6.11 EXCESSIVE FEES repeals in its entirety and replaces 13:35-6.19.

13:35-6.12 EXCESSIVE FEE REVIEW COMMITTEES repeals in its entirety and replaces 13:35-6.20.

13:35-6.13 FEE SCHEDULE repeals in its entirety and replaces 13:35-3.6.

13:35-7 RESERVED.

13:35-8 HEARING AID DISPENSERS (Unchanged).

Social Impact

Many of the changes involve correction of prior printing errors involving spelling. Grammar and format have been modernized. Terminology has been updated to reflect current professional references. None of these changes is expected to have any social impact other than easier readability.

One proposal has already appeared in the New Jersey Register and was then officially adopted on March 9, 1983. This rule on Clinical Training is expected to have the beneficial social impact already described in its former published presentation to the public; its inclusion here notes changes made from a prior published proposal and also changes its proposed codification number (see 15 N.J.R. 75(a)).

The repeal of the five rules listed in the summary is expected to have no impact, as their subject matters are deemed to be either obsolete or sufficiently covered under other existing laws or rules.

There are two proposals which are expected to have some impact. One is the increase in fees, N.J.A.C. 13:35-6.13. It should have minimal impact upon applicants for licensure, and is solely a reflection of increased costs incurred by the Board for these services. The other, N.J.A.C. 13:35-2.4(k), requires that applicants for chiropractic licensure must be graduates of schools which are approved not only by the Board but have also met approval standards of the Council on Chiropractic Education (CCE). There are at present 15 chiropractic colleges in the United

States already approved by the CCE, a nationally-recognized accrediting body. Only one school, hitherto approved by the Board, has not yet attained CCE accreditation. The delayed effective date of this rule, November 6, 1983, will allow time for that accreditation to be requested, in the event that this school wishes to secure it.

Economic Impact

None of the proposed replacement rules is expected to have any economic impact, except for the one increasing licensure and examination fees. One totally new category presented herein requiring fees is that of bio-analytical laboratory specialty license, which category was created by P.L. 1981, c. 314, adopted December 3, 1981. The only substantial fee difference is for the licensing examination for physicians—FLEX. The cost increase is based entirely on two factors: the increase in cost charged to the Board by the Federation of State Medical Boards which designs, provides and grades the examinations; and a modest increase in anticipated cost to the Board for employment of proctors, processing of the applications and rental of the test sites.

Full text of the proposal follows.

Delete in its entirety the current text in the New Jersey Administrative Code found at N.J.A.C. 13:35-1 through 7, and 9 through 10 and replace it with the following new text:

SUBCHAPTER 1. MEDICAL SCHOOLS, COLLEGES, EXTERNSHIPS, CLERKSHIPS AND POST-GRADUATE WORK

13:35-1.1 Externship program

(a) "Extern" shall mean an undergraduate medical student of an allopathic or osteopathic school accredited either by the Liaison Committee on Medical Education or the American Osteopathic Association or a foreign medical school listed in the World Health Organization Directory and whose graduates are accepted by the New Jersey Board of Medical Examiners as eligible to sit for the licensure examination. Externships are limited to the student's vacation period in an extra-curricular professional experience as hereafter delineated.

(b) An externship program shall be limited to:

1. Observation of operative procedures;
2. The taking of histories;
3. The performance of physical examinations;
4. The performance of non-invasive procedures under the direct supervision of and in the immediate presence of the supervising licensed physician; and
5. The participation in patient rounds and other organized patient care activities of the supervising physician.

(c) At no time shall the extern be delegated any responsibility for the care of the patient, the patient's diagnosis or any aspect of the patient's treatment, including the prescription of medication for the patient. An extern shall make no entries on the patient's permanent record.

(d) The extern shall at all times of patient contact wear an identifying badge inscribed "Medical Student."

(e) Prior to commencing participation in an externship program, the student shall have obtained written permission from the Chief of Staff and the Administration of the participating hospital and shall retain such letter.

(f) Under no circumstances shall the performance of any of the above duties by an extern, while engaged in such a program, be construed as the practice of medicine.

(g) The time spent in an externship program shall not be considered as part of or credited toward fulfillment of any statutory academic or clinical requirements for licensure.

13:35-1.2 Fifth pathway

(a) Students who have completed the academic curriculum in residence in a foreign medical school and who:

1. Have studied medicine at a medical school located outside of the United States, Puerto Rico and Canada, which school is recognized by the country of domicile and which is listed in the World Health Organization Directory; and

2. Have completed all of the formal requirements of the foreign medical school except internship and/or social service, may substitute for the internship or social service required by a foreign country, an academic year of supervised clinical training (clinical clerkship) prior to entrance in the first year of A.M.A. or A.O.A.-approved graduate education.

(b) The supervised clinical training must be under the direction of a medical school approved by the Liaison Committee on Medical Education.

(c) Before beginning the supervised clinical training said students must have their academic records reviewed and approved by the medical schools supervising their clinical training and shall pass a screening examination acceptable to the Education Commission on Foreign Medical Graduates which examination will be conducted by the supervising medical school with the approval of the State Board of Medical Examiners.

(d) Said students who are judged by the sponsoring medical schools to have successfully completed the supervised clinical training shall be eligible to enter the first year of A.M.A. or A.O.A.-approved graduate training programs without completing social service or internship obligations required by the foreign country and without obtaining E.C.F.M.G. certification.

13:35-1.3 Internships or postgraduate year 1 (PGY 1)

(a) A rotating internship is one which provides experience on a variety of services. The minimum requirement for a rotating internship is one year of internship or postgraduate training in a hospital approved by the Board which provides not less than 13 weeks of training in medicine, 13 weeks of training in surgery and six weeks of training in obstetrics. The remainder of the time may be spent in additional work in any of these three fields, or in other surgical and medical specialties.

(b) A straight internship or postgraduate training program is one which provides experience on a single service, although one or more related subspecialties may be included. Straight internships are approved in internal medicine, surgery, pediatrics, obstetrics-gynecology and pathology. To offer satisfactory straight internships a hospital must be approved by the Liaison Committee on Graduate Medical Education or the American Osteopathic Association for postgraduate training in the specialties involved.

(c) A mixed internship or postgraduate year 1 (PGY 1) is one in which not less than six months nor more than eight months of the total time is spent on one of the major services of medicine, surgery, obstetrics and gynecology, pediatrics, psychiatry or pathology. Additional experience may be on one or two other services, but no assignments may be of less than two months' duration. Assignments to special fields of less than two months' duration shall be incorporated into and closely related with the six to eight month assignment on one of the above major clinical services. The services to be offered in the mixed internship may be varied in the case of the individual intern, provided an approved postgraduate year 2 (PGY 2) or beyond program exists in at least the service offering six months' experience; no more than three assignments are made in a 12-month period; and none is of less than two months' duration. Each proposed combination of services must be approved in advance by the Board. If candidates have had a mixed internship, the Board requires not less than one year of training and experience.

13:35-1.4 Military service in lieu of M.D. or D.O. internship or postgraduate training

The Board may grant a license to practice medicine and surgery to any person who shall furnish proof, satisfactory to the Board, that

such person has fulfilled all of the formal requirements established by N.J.S.A. 45:9-1 et seq., and who has served at least two years in active military service in the United States Army, Air Force, Navy, Marine Corps, Coast Guard or the U.S. Public Health Service as a commissioned officer and physician and surgeon in a medical facility which the Board determines constitutes the substantial equivalent of the one year approved internship or residency training program required by N.J.S.A. 45:9-8; provided, however, that such military service actively occurred subsequent to graduation from an approved medical school.

SUBCHAPTER 1A. STANDARDS FOR NEW JERSEY CLINICAL TRAINING PROGRAMS SPONSORED BY MEDICAL SCHOOLS NOT ELIGIBLE FOR EVALUATION AND NOT APPROVED BY THE L.C.M.E., THE A.O.A. OR OTHER AGENCY RECOGNIZED BY THE NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

13:35-1A.1 Definitions and principles of responsibility

(a) For the purpose of this subchapter, the term medical school or parent medical school shall mean a medical school approved by its country of domicile and listed in a current World Health Organization Directory, but which medical school is not currently eligible for evaluation and not approved by the Liaison Committee on Medical Education, the American Osteopathic Association or other group or agency recognized by the New Jersey State Board of Medical Examiners.

1. The term affiliate institution shall mean a licensed hospital in the State of New Jersey approved by the Accreditation Council on Graduate Medical Education, the American Osteopathic Association, or any other equivalent group or agency recognized by the New Jersey State Board of Medical Examiners, for the purpose of conducting therein one or more postgraduate training programs in specific medical specialties.

(b) A medical school offering or conducting a clinical training program in the State of New Jersey shall secure the prior approval of such program by the New Jersey State Board of Medical Examiners. Following receipt of approval for a specific program, the medical school (referred to hereinafter sometimes as the parent medical school) shall be responsible for the education, clinical training program and faculty performance at the affiliate institution in the State of New Jersey. The affiliate institution must have a current accredited postgraduate training program in the subject matter of the clinical training proposed for the program.

(c) The clinical programs as well as adequate supervision of the students assigned to such programs shall be planned and evaluated by the parent medical school and administered in close cooperation with representatives of the affiliate institution. Supervision shall include periodic on-site inspection by a member of the parent medical school's central administration.

13:35-1A.2 Administration of the clinical training program

(a) A director of the clinical medical education program at and acceptable to the affiliate hospital shall be appointed by and be responsible to the administrative head of the parent medical school. The affiliate institution must demonstrate to the Board's satisfaction that the Director possesses the academic credentials and experience sufficient to assure competent performance of the program director's function. The position of program director shall be half-time or more, proportionate to the number of students approved by the Board and sufficient to assure comprehensive planning and supervision of the program.

(b) The clinical program of the affiliate institution with respect to instruction and faculty assignments shall be coordinated with the overall educational program of the parent medical school.

(c) The parent medical school shall file with the New Jersey State

Board of Medical Examiners a certified copy of the written agreement between the parent and affiliate institution(s) establishing responsibility for the planning, financing, conduct and monitoring of the clinical program at the affiliate(s).

(d) Financial provision shall be made by the parent medical school to assure completion of each semester program at the affiliate hospital.

13:35-1A.3 Faculty

(a) The affiliate institution must demonstrate to the Board's satisfaction that all clinical faculty possess academic credentials and experience sufficient to assure competent performance of the instructional assignment.

(b) The program director shall be responsible for filing with the Board a syllabus for each course of instruction.

13:35-1A.4 Educational program

(a) Student eligibility for participation in the program shall be subject to the following:

1. The parent medical school shall establish academic eligibility criteria for student participation in the clinical training program. The criteria shall include minimum academic performance as demonstrated by maintenance of no less than a passing grade for all academic course work preceding entry into the clinical program, as shown on a certified copy of the transcript submitted directly by the medical school to the director of the clinical program at the affiliate institution.

2. In addition, the academic eligibility requirement for those students participating in clinical training programs shall include proof that each student has successfully completed clinical training equivalent to the fifth and sixth semesters or third year of a United States medical school curriculum through a program in a licensed teaching hospital outside the State of New Jersey. Such record of prior clinical training shall include a certificate issued by the director of the clinical program to each student, noting the dates and describing the type and length of each service and the date issued. The record of prior clinical training shall also include proof of the program's supervision by the parent medical school and proof that the teaching hospital has been approved by the ACGME, the A.O.A. or another equivalent organization recognized by the New Jersey State Board of Medical Examiners for the conduct of one or more postgraduate training programs in specific medical specialties. If the teaching hospital in which the prior clinical training took place is outside of the geographical jurisdiction of the abovesaid accrediting organizations, the record of prior clinical training must include proof that the hospital and training program have been approved by the parent medical school.

3. Preparedness of each student applying for the clinical training program shall in addition be demonstrated by achievement of any one of the following:

- i. A passing grade on Part I of the National Board of Medical Examiners Examination; or
- ii. A grade on the Medical Science Knowledge Profile Examination (MSKP) which grade shall be determined by the New Jersey State Board of Medical Examiners as the equivalent of the aforesaid Part I National Board grade; or
- iii. A passing grade on a similar examination acceptable to the New Jersey State Board of Medical Examiners.

4. Students who have satisfied (a)1, 2 and 3 above and who are permanent residents of the State of New Jersey shall be given preference in placement in New Jersey affiliate institutions, insofar as is practicable.

(b) Education criteria for the program follows:

1. The clinical training program shall be limited to students entering a level of education equivalent to the final two semesters or the equivalent of the final year of clinical experience in a United States medical school curriculum.

2. The parent medical school must be approved by the State Board of Medical Examiners for the purpose of placing students in New

Jersey hospitals for clinical training through an academic review of the parent medical school conducted on behalf of and in conjunction with the Board of Medical Examiners by the New Jersey Department of Higher Education.

3. The student-faculty ratio of the program at each affiliate institution shall bear a reasonable relationship to the availability of service of the program director, the budget proposed, faculty and facilities available, all subject to final approval of the Board.

4. A certificate shall be issued by the director of the clinical training program to each enrolled student recording the dates, type and length of each service and an evaluation of the student's accomplishment, and the date the certificate was issued.

13:35-1A.5 Facilities

(a) For the purpose of clinical training, the parent medical school shall propose an affiliate institution which must be a licensed hospital approved by the Accreditation Council on Graduate Medical Education, the American Osteopathic Association or other group acceptable to the Board for postgraduate training in subject area(s) of the proposed clinical training program, or which institution is part of such a program through affiliation(s) approved by the above bodies. The affiliate shall provide to the Board a certified copy of the approval(s).

(b) No hospital accredited for postgraduate training programs shall be under any obligation by virtue of these regulations to accept medical students in clinical programs, and any medical school or hospital accredited for postgraduate training programs may impose standards for admission to the clinical programs which exceed the standards set forth in this regulation.

13:35-1A.6 Request for approval

(a) At least six months prior to the anticipated start of the clinical program, two copies of a detailed outline of the entire proposed program shall be submitted to the Board on a form provided by the Board. The application shall include the certified copies of hospital approvals described in N.J.A.C. 13:35-1A.5(a) and shall be signed by the administrative heads of both the parent medical school and the affiliate institution.

(b) The original application for Board approval as well as any request for renewal thereof shall be accompanied by an agreement signed by a school representative duly authorized to do so, consenting to financial responsibility for all reasonable costs incurred by the Board in performing the administrative review and monitoring of the program.

1. The application shall include a certified check for \$10,000 drawn on a United States bank payable to the New Jersey State Board of Medical Examiners, which sum shall serve as a deposit for costs incurred by the Board and the Department of Higher Education for review of the program and also for subsequent inspections to assure compliance during such period as the Board has authorized the program to function. If the school's application is denied, the Board shall deliver a statement of account and shall arrange to refund to the school in United States dollars any sum received in excess of the amount due. If the application is approved, with or without conditions, and the school elects to proceed with the program as approved, the Board shall deliver a statement of account to the school from time to time, and shall arrange to refund to the school at the conclusion of Board monitoring of the program any sum received in excess of the amount due, in United States dollars. Should the statement of account at any time show a balance due and payable, the school shall promptly remit the payment due in United States dollars.

(c) An on-site inspection shall be required at the affiliate institution during the review period, and also may be required at the parent medical school, taking into account alternatives available under N.J.A.C. 13:35-1A.1(a). The parent medical school shall agree in advance to be responsible for all reasonable out-of-pocket expenses incurred by the Board and the Department of Higher Education and an inspection team appointed by the Board in conjunction with the Department of Higher Education.

(d) Following review of the program and on-site inspection visit, if any, the Department of Higher Education shall submit a report to the Board, a copy of which shall be provided to the parent medical school and the proposed affiliate institution. The report may evaluate program strengths and weaknesses, if any, suggestions for improvement, if any, and shall make recommendations respecting approval.

(e) The parent medical school and/or affiliate shall have 30 days to comment in writing on the report, if desired.

(f) Following review of the report and written comments, if any, the Board shall attempt to issue notice of its decision no later than three months before the anticipated start of the program.

(g) The Board's decision may provide for any of the following:

1. Approval for a period of two years;
2. Probationary approval for a specified period, with status-reporting requirements;
3. Denial of approval, with reasons;
4. Revocation of prior approval, with reasons;
5. Reapproval of prior approved program following review of status report updating all the elements of prior application.

(h) Subsequent to notice of program approval and prior to the start of any clinical program in this State, the medical school shall provide to the Board a list identifying each student participating in the clinical program, the affiliate institution(s) to which such person is assigned, and dates for such program participation. The school shall bring such records up to date as necessary.

13:35-1A.7 Public record

A list of currently approved schools and affiliates together with the final Board determination on the status of their programs shall be maintained at the office of the New Jersey State Board of Medical Examiners and shall be available on request.

13:35-1A.8 Termination of program approval

(a) A program approved by the Board shall be deemed to have continuing approval for the time set forth in the Board decision unless and until:

1. A notice of revocation is sent by the Board to the parent medical school which may then request hearing on the matter; or
2. Any substantial change is made by either the parent medical school or affiliate institution in the program respecting general subject matter of the program, length of course components or topics, credentials or number of faculty assigned to the instruction, number of students per program, financial security of the program, program facilities at the affiliate institution or management thereof; or
3. A notice of termination is sent to the Board by either the parent medical school or the affiliate institution.

13:35-1A.9 Violations

Violation of the above requirements for establishing a clinical education program in this State, or maintaining or participating in an unapproved program whether as student or faculty, may be regarded as engaging in the unlicensed practice of medicine or aiding and assisting in the unlicensed practice, pursuant to the residual or other general powers of the Medical Practice Act, N.J.S.A. 45:9-1 et seq. and also, in particular, N.J.S.A. 18A:68-12 et seq., N.J.S.A. 45:9-6, 45:9-8, 45:9-18, 45:9-22, and 45:1-21(e) and 45:1-23. Violators shall be subject to the monetary penalties and/or other disciplinary sanctions authorized by law.

13:35-1A.10 Severability

If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

13:35-1A.11 Effective date and limited waiver provision

This rule shall apply to all clinical training programs, as defined in N.J.A.C. 13:35-1A.1, taking place in New Jersey on or after January 1, 1983. However, the Board recognizes that, prior to the adoption of this rule, it has granted to a number of foreign medical schools permission to sponsor modest clinical programs which were not required to meet the explicit standards now set forth herein, and which permission reserved all rights of the Board respecting the ultimate evaluation of the adequacy of any such program. Those limited programs on file with the Board may proceed, but shall be completed no later than December 31, 1983.

SUBCHAPTER 2. LIMITED LICENSES: PODIATRY, CHIROPRACTIC, MIDWIVES AND CERTIFIED NURSE MIDWIFE, DIAGNOSTIC TESTING CENTERS AND MISCELLANEOUS

13:35-2.1 Approved colleges of podiatry

The requirement of N.J.S.A. 45:5-5.2 that the applicant for podiatric licensure shall have graduated from a college or colleges of podiatry approved by the Board shall mean that the college or colleges were approved during the entire course of the applicant's training by the American Podiatry Association.

13:35-2.2 Podiatry internship or postgraduate work

The requirement of N.J.S.A. 45:5-5.2(5) that the applicant for licensure has served an internship in a duly licensed clinic, hospital or institution, approved by the Board shall be deemed to have been met by the successful completion of an internship or postgraduate program fully approved by the American Podiatry Association.

13:35-2.3 Military service in lieu of internship in podiatry

The Board may grant a license to practice podiatry to any person who shall furnish proof, satisfactory to the Board, that such person has fulfilled all of the formal requirements established by N.J.S.A. 45:5-1 et seq., and has served at least two years in active military service in the United States Army, Air Force, Navy, Marine Corps, Coast Guard or the United States Public Health Service as a commissioned officer and podiatrist in a medical facility which the Board determines constitutes the postgraduate training program required by N.J.S.A. 45:5-5.2(5); provided, however, that such military service actively occurred subsequent to graduation from an approved school of podiatry.

13:35-2.4 Requirements for approval of colleges of chiropractic

(a) Organization: The Chiropractic College shall be incorporated as a nonprofit institution of learning and shall be lawfully chartered to grant the degree of Doctor of Chiropractic within the state of its residence.

(b) Faculty:

1. The basic science division and each department within such division shall be headed by a person possessing at least a Master of Science degree.

2. Each member of the chiropractic science division shall be headed by a person possessing a degree of Doctor of Chiropractic and shall be eligible for licensure within the state in which the institution is located.

(c) Plant:

1. The school shall have sufficient space to provide lecture rooms, laboratories, library, administrative and faculty offices, as well as out-patient clinics for men and women.

2. The library shall be headed by a full-time librarian with a degree in library science, and shall consist of at least 10,000 volumes whose quality reflects current knowledge in the field.

3. There shall be a medical museum containing sufficient pathological, embryological, histological and anatomical specimens to augment the teaching of related subjects.

4. There shall be sufficient, useful auxiliary equipment sufficient for the teaching of the student body, such as mannikins, charts, skeletons, models, projectors, microscopes, adjusting tables and other equipment peculiar to the teaching of chiropractic.

(d) Clinical facilities: Each college of chiropractic shall operate a general chiropractic clinic or clinics in which the student shall gain clinical chiropractic practice with patients in chiropractic case management, which shall include the chiropractic clinical aspects of the courses which are required in the curriculum, for a proper understanding of the knowledge gained from the classroom and laboratory instruction. The clinic shall include proper experience in various aspects of patient examination for the purpose of determining the appropriateness of chiropractic care. Clinical instruction shall encourage the student to refer patients to doctors in the practice of medicine when impressions obtained as a result of a chiropractic examination indicate a consultation is in the patient's best interest.

(e) Resources: The school shall have sufficient resources to ensure financial stability and continuous operation.

(f) Administration: There shall be responsible supervision of the entire school by the dean or other executive officer who, by training and experience, is qualified to interpret the prevailing standards in chiropractic and therapeutic education and who shall possess sufficient authority to integrate such standards into the school's curriculum.

(g) Records: There shall be a comprehensive system of records showing conveniently and in detail the credentials, grades and accounts of the students, by means of which an exact knowledge of each student's work can be obtained. Records should also be kept showing the clinical work of each student and attendance. Except for good cause, such as illness, no credit shall be given for any course when the attendance has been less than 80 percent of the full time, or when the student fails to satisfactorily complete course requirements.

(h) Requirements for admission: Prior to commencing a course of study in the approved school of chiropractic, the student shall have successfully completed at least two years of study in a school or college of arts and sciences accredited or recognized by the New Jersey State Department of Education, no less than one and one half years of which shall have been completed prior to commencing his or her courses of study in the approved school of chiropractic pursuant to the terms of N.J.S.A. 45:9-41.7.

(i) Publications: The school shall issue, at least annually, a bulletin setting forth the nature and content of the courses of study offered. Such announcements shall contain a list of the faculty with their respective qualifications, academic degree received and the name of the degree-granting institution. The courses available should be set forth by departments (anatomy, physiology, pathology, etc.) showing for each course its contents, character, number of hours, etc. Information should be given regarding entrance requirements, tuition and other fees.

(j) Curriculum: The entire course of four years shall consist of 3,600 to 4,400 class hours of not less than 45 minutes each, distributed as from 900 to 1,100 hours per year, and shall be grouped as set forth in the following schedule. Each group is to be allotted approximately the percentage of the whole number of hours in the course as follows:

SUBJECT	PERCENTAGE OF TOTAL
1. Anatomy, including dissection wherever possible, embryology and histology	25%
2. Principles of Chiropractic	37 1/2%
3. Physiology	6 1/4%
4. Diagnosis and Symptomatology	7 1/2%
5. Pathology, Bacteriology and Laboratory Technique	8 3/4%

6. Chemistry	2 1/2%
7. Neurology	5%
8. Hygiene	1 1/4%
9. Jurisprudence	1 1/4%
10. Gynecology, Obstetrics, Spinography Endocrinology, Dermatology, Pediatrics, Special Senses	5%
	100%

(k) The requirement of N.J.S.A. 45:9-41.5 that an applicant for chiropractic licensure shall have graduated from an approved school(s), institution(s) or college(s) of chiropractic shall mean that the school was approved during the entire course of the applicant's training by the Council on Chiropractic Education, and the school or schools have also been approved by the Board, which may inspect such school prior to determining approval.

(l) This rule shall become effective November 6, 1983.

13:35-2.5 Standards concerning testing and diagnostic centers

Foreword

The performance of physical examinations accompanying diagnostic testing procedures on human beings is included within the practice of medicine. Such services are presently being offered to the public in both stationary and mobile facilities which are not in all circumstances regulated by the Department of Health. It is essential for a meaningful interpretation of test data that the underlying tests be administered competently and appropriately as determined and supervised by a licensed physician. The purpose of this regulation is to define and establish minimum medical standards of operation for those centers, clinics or facilities which provide or purport to provide activities such as physical examinations and/or laboratory testing procedures, which are presently regulated by N.J.S.A. 45:9-1 et seq. and 45:9-42.1 et seq.

(a) The provisions of this regulation shall be applicable to centers, clinics or facilities which provide or offer to provide physical examinations and/or testing procedures.

(b) Definitions include the following:

1. "Automated Health Testing Center" (AHTC) means a facility under the control, supervision, direction and physical presence of a licensed physician or a group of licensed physicians offering services to the medical profession or to the public, which screens patients by multi-phasic methods, such screening resulting in a determination less complete than a physical examination performed by a licensed physician and which does not purport to substitute for such complete physical examination. This definition is not intended to include a one-modality service, such as community chest x-ray examination, and community blood pressure examination.

2. "Diagnostic Center" or "Diagnostic Clinic" (hereafter "Center") means a facility under the control, supervision, direction and physical presence of a licensed physician, which is staffed by one or more licensed physicians and which contains the facilities necessary to render a medical service by establishing a diagnosis and which may recommend a course of treatment for the patient.

3. "Licensed physician" means a duly licensed physician of the State of New Jersey who possesses a current unrestricted license to practice medicine and surgery.

(c) The licensed physician in charge of and responsible for the supervision and direction of the AHTC or the Center shall, prior to operation of the facility, submit for approval of the Board of Medical Examiners a copy of the licensing application previously approved by the Department of Health, proof of current licensure of physician in charge and, if applicable, facility license pursuant to N.J.S.A. 45:9-42.26.

(d) The licensed physician in charge and the AHTC or Center shall have the following responsibilities:

1. Procure from the patient a designated physician or, in the

absence of a designated physician, the addressee to whom all reports shall be directed. In the event that a report is sent gratuitously to a designated physician with whom no physician-patient relationship has previously been established, said physician shall incur no obligation with respect to such report. The AHTC or Center shall formally advise all patients of this at the time of testing.

2. Submit the full test report to the referring or designated physician and to the patient or designated addressee as instructed by the patient, not later than three business days from the date of receipt of such test report by the AHTC or Center.

3. Clearly identify all abnormalities for the attention of the physician.

4. Where abnormality is apparent, the notification to the patient shall be accompanied by an express recommendation that the patient contact the appropriate physician for clarification.

13:35-2.6 Midwife and Certified Nurse Midwife Practice

(a) A midwife licensed by the Board of Medical Examiners, pursuant to the provisions of N.J.S.A. 45:10-1 et seq. alone, shall be considered a lay midwife and shall perform only the functions expressly set forth in the statute; that is, attend a woman in childbirth without the use of any medications or surgical procedures.

(b) Definition: A Certified Nurse Midwife shall mean a registered professional nurse licensed in the State of New Jersey who, by virtue of added knowledge and skill gained through an organized program of study and clinical experience, manages the care of essentially normal newborns at the time of delivery and essentially normal women during the antepartum, intrapartum and post-partum periods, including family planning as expressly limited and set forth below.

(c) A Certified Nurse Midwife shall register as such with the Board to discharge those responsibilities set forth in this section.

(d) The Certified Nurse Midwife shall not work alone in an individual or independent practice but shall function within a health care system which provides for consultation, collaborative management and referral with a physician licensed to practice medicine and surgery in the State of New Jersey (hereinafter referred to as "the physician"). A Certified Nurse Midwife holding that title shall, during the effective period of such registration only, use the title "Certified Nurse Midwife" and the abbreviation "C.N.M." in any professional context in this State.

13:35-2.7 Qualifications

(a) A Certified Nurse Midwife shall demonstrate the following qualifications in order to be registered by the Board:

1. Proof of at least 18 years of age;
2. Diploma of a legally chartered school of Nurse Midwifery approved by the American College of Nurse Midwives;
3. Certification by the American College of Nurse Midwives;
4. Current registration as professional nurse in the State of New Jersey;
5. A minimum of two years of obstetrical clinical experience in a licensed health care facility or comparable experience satisfactory to the Board.

13:35-2.8 Minimum conditions of practice

(a) The C.N.M. shall establish written agreements(s) with one or more licensed physicians in the State of New Jersey who practice obstetrics and who have hospital privileges. The agreement shall include a written protocol setting forth:

1. Criteria for ineligibility for patient care solely by the C.N.M., which shall exclude patients defined as high-risk in N.J.A.C. 13:35-2.9(c) and (h), 2.11(h) and (i), and 2.12(a);
2. Standing orders for approved laboratory tests;
3. Standing orders for approved medications which may be dispensed by the C.N.M. which shall include identification, quantity, dosage and indications for use. Other than parenteral local anesthesia, no Controlled Dangerous Substances may be used

outside of a licensed hospital, except upon prescription of the physician;

4. Periodic conference for review of patient records as needed;

5. Availability of the physician (or designated qualified substitute physician who practices obstetrics and is responsible for back-up care) for consultation and emergency assistance or medical management when needed.

(b) The C.N.M. shall file with the Board a notice listing the name and address of the affiliated physician and the effective date of the agreement at the time of application for registration with the Board. In the event of a change of physician(s), the C.N.M. shall promptly notify the Board.

(c) The lay midwife, functioning within the more limited scope of such practice as set forth in N.J.S.A. 45:10-1 et seq., shall file with the Board a notice listing the name and address of a physician(s) who has agreed to serve as back-up for the purposes set forth in N.J.S.A. 45:10-8.

13:35-2.9 Minimum standards of C.N.M. and lay midwife practice during prenatal stages

(a) The C.N.M. shall take the patient's history; perform a physical examination; order laboratory tests; recommend non-prescription medication as necessary; dispense medications in accordance with the standing orders of the physician and maintain written patient records of findings and evaluation. Pre-signed prescriptions should not be utilized.

(b) A C.N.M. may participate in the management of high-risk patients only under the circumstances set forth in N.J.A.C. 13:35-2.10 and may also perform all services within the scope of practice of a registered professional nurse acting at the direction and under the supervision of a licensed physician.

(c) The criteria establishing high-risk include, but are not limited to, the following:

1. Documented problems in maternal medical history:
 - i. Cardiovascular: Acute and/or chronic hypertension defined as diastolic over 90 on any two separate occasions during the pregnancy; congenital and/or acquired heart disease; history of thrombophlebitis within one year of pregnancy or two episodes; history of pulmonary emboli;
 - ii. Urinary system: Impaired renal function, chronic or acute renal disease or severe urinary tract infection refractory to treatment;
 - iii. Psycho-neurological epilepsy or any other seizure disorder, alcoholism, drug addiction and/or methadone maintenance; previous psychotic episode; use of any psychotropic drug for medical disorders;
 - iv. Endocrine: Diabetes mellitus and/or gestational diabetes; other endocrine abnormalities;
 - v. Respiratory: Asthmatics under therapy; moderately severe chronic bronchitis; chronic emphysema; past history of chronic T.B.; other significant pulmonary diseases;
 - vi. Other systems: Bleeding disorders and/or hemolytic disease including leukemia or Hodgkins Disease; orthopedic problems precluding a normal spontaneous delivery including kyphoscoliosis; previous malignancy other than skin.
2. Documented problems in maternal obstetrical history:
 - i. Estimated date of confinement less than 12 months from date of previous delivery;
 - ii. Previous retained placenta;
 - iii. Previous RH sensitization;
 - iv. Parity of six or more;
 - v. The use of fertility drugs such as Pergonal and/or Clomid;
 - vi. Previous C-section or other surgery involving the uterine wall;
 - vii. Previous placenta abruptio and/or significant bleeding in this pregnancy;
 - viii. Previous significant postpartum hemorrhage;
 - ix. Two or more poor outcomes of pregnancy.
3. Documented problems in previous infants:
 - i. Two or more infants larger than approximately 10 pounds (4500 gms);
 - ii. One infant with lethal or life-threatening congenital anomalies.

4. Findings on physical examination of pregnant patient:
 - i. Significant obesity defined as 20 percent above standard for height and weight according to standard chart;
 - ii. Poor nutritional status;
 - iii. Clinical evidence of significant uterine myomata, malformation of the genital-urinary tract, abdominal or adnexal mass;
 - iv. Cardiac diastolic murmur, systolic murmur grade III, and/or combined with cardiac enlargement;
 - v. Hydramnios or oligohydramnios;
 - vi. Any other significant deviations from the normal.
5. Findings as a result of laboratory or radiologic studies:
 - i. Hematocrit less than 31;
 - ii. Pap smear--Class III (or cytology equivalent) or greater, dependent on medical evaluation;
 - iii. Evidence of active tuberculosis;
 - iv. SS hemoglobin or any hemoglobinopathies.
6. Demographic indices:
 - i. Chronological age under 16 in primigravida at the time of last menstrual period;
 - ii. Chronological age of 35 or over in primigravida at the time of last menstrual period;
 - iii. Chronological age of 40 and over in multipgravida at the time of last menstrual period.

(d) Notwithstanding the provisions of (c)6 above, the C.N.M. may participate in the management of patients in those categories with an affiliated physician who has full hospital obstetrical privileges in the following circumstances:

1. The patient shall be examined by the physician during the first trimester or second visit and again during the third trimester to confirm satisfactory status under C.N.M. management;
2. The physician is on the premises and available for consultation when these patients are examined during prenatal management;
3. Delivery shall taken place in a licensed hospital;
4. The C.N.M.'s affiliated physician(s), who shall have full privileges in obstetrics in that hospital, shall be available on the premises for supervision and/or management throughout the time of labor and delivery.

(e) A lay midwife shall not manage the care of high-risk patients under any circumstances.

(f) Except as permitted in N.J.A.C. 13:35-2.11, the C.N.M. and the lay midwife shall promptly refer the patient to the physician at such time as any abnormal condition appears.

(g) The physician(s) shall decide when a patient no longer fills the criteria requiring exclusive physician management. At that time, prenatal care may be resumed by the C.N.M. or lay midwife, as appropriate.

(h) Conditions requiring antepartal referral to the physician shall include but are not limited to the following:

1. Multiple gestation confirmed by sonogram;
2. Evidence of fetal chromosome or other congenital disorder confirmed by amniocentesis;
3. Evidence of intrauterine growth retardation;
4. Development of thrombophlebitis;
5. Symptoms of gestational diabetes affirmed by abnormal glucose tolerance curve;
6. Abnormal weight gain (at term) less than 12 pounds or greater than 50 pounds;
7. Non-vertex presentation at onset of labor;
8. Laboratory evidence of sensitization in RH negative women;
9. Post-datism defined as 42 weeks or 294 days' gestation;
10. Any recent history or visible evidence of genital herpes;
11. No prenatal care before 24th week of pregnancy;
12. Development of symptoms of pre-eclampsia.

13:35-2.10 Management by a physician-C.N.M. team for high-risk patients

(a) Notwithstanding any of the limitations set forth in N.J.A.C. 13:35-2.9, a C.N.M. may render nurse-midwife services to high-

risk patients as part of a physician-C.N.M. team under the following circumstances:

1. The high-risk patient shall receive all scheduled prenatal care in:
 - i. A professional office having a full-time physician on the premises; or
 - ii. A licensed hospital clinic. Labor and delivery shall take place in a licensed hospital; or
 - iii. A licensed ambulatory care clinic. Labor and delivery shall take place in a licensed hospital; and
2. A licensed physician(s) having full hospital obstetrical privileges has assumed responsibility for the patient; and
3. The physician shall personally examine all known high-risk patients initially; and
4. All patients determined to be high-risk on a subsequent visit shall be examined and their charts reviewed by the physician at the time when such assessment is made; and
5. The physician shall review the chart of a known high-risk patient on the occasion of each subsequent visit and shall delegate to the C.N.M. such care as deemed appropriate; and
6. Prior to the high-risk patient's discharge from each scheduled visit, the physician shall review and sign the chart.

13:35-2.11 Intrapartum management

(a) Both the lay midwife and the C.N.M. may manage the labor and delivery of the normal patient at any location including the patient's home, provided that the licensee has ascertained the availability of a physician on call.

(b) At any location the lay midwife may not use any prescription drug medications and may not perform surgical procedures but shall contact the physician for assumption of patient care for anything other than a normal spontaneous delivery.

(c) The C.N.M. may administer medications according to the protocol, may perform an episiotomy and repair it and may use local or pudendal block anesthesia provided that labor and delivery take place in a licensed health care facility which may include a birthing center located within the vicinity of a hospital or within a reasonable distance thereof, which:

1. Has a licensed physician with full hospital obstetrical privileges in the State of New Jersey who is designated as responsible for back-up care and, pursuant to an established protocol, is available on call; and

2. Which facility is subject to filed rules of the Department of Health providing for appropriate plant, staffing, equipment requirements, regular inspection, transportation services, and back-up services agreement with a licensed hospital.

(d) For a home delivery, the C.N.M. may use a local anesthetic only and may perform and repair an episiotomy.

(e) The C.N.M. shall refer all second, third and/or fourth degree lacerations for repair by the licensed physician.

(f) The lay midwife and C.N.M. may evaluate and manage the third (placental) and fourth (post-partum) stages of labor. However, they shall immediately report any sign of hemorrhage or retention of placenta to a licensed physician; except in an emergency, neither the lay midwife nor the C.N.M. shall deliver a retained placenta manually.

(g) The C.N.M. and the lay midwife shall perform immediate screening of the newborn, initiate immediate procedures to resuscitate the newborn as necessary; report to a licensed physician all deviations from the normal which occur; record and report the birth.

(h) Labor and delivery shall not be managed by the C.N.M. or by the lay midwife in any abnormal circumstances including, but not limited to the following:

1. Evidence of fetal distress indicated by significant meconium staining or abnormal heart tones such as severe irregularity, a rate below 100 or above 200 beats per minute not corrected by position change;
2. Development of hypertension defined as a rise of 30 points of

systolic and/or 15 points of diastolic blood pressure and/or elevated blood pressure of 150/90 or the development of signs of pre-eclampsia;

3. Prolapse of cord;
4. Intrapartum and/or postpartum blood loss greater than 500 cc estimated;
5. Evidence of active infection;
6. Development of other severe medical/surgical problems;
7. Any condition requiring more than 12 hours postpartum observation.

(i) Labor and delivery of patients in the following abnormal circumstances may be managed by the C.N.M. if the physician is present in the hospital's labor and delivery suite and has determined that the delivery is likely to involve no greater risk than a normal spontaneous delivery.

1. Premature labor at less than 37th week of gestation;
2. Assessment of infant at less than approximately 5 lbs. 8 ozs. (2500 gms) or more than approximately 8 lbs. 12 ozs. (4000 gms);
3. Premature rupture of membranes more than 12 hours before onset of regular contractions;
4. Failure to progress in labor using the Friedman curve manifested as follows:
 - i. First stage: Lack of steady progress in dilation and/or descent after 12 hours in the primipara and six hours in the multipara;
 - ii. Second stage: More than two hours, after which consultation with physician must occur;
 - iii. Third stage: Greater than one hour.
5. Soft tissue problems such as severe vulvar varicosities or marked edema of cervix.

13:35-2.12 Postpartum and other care

(a) Conditions requiring infant transfer to a licensed hospital shall include, but not be limited to, the following:

1. Apgar score less than seven at five minutes;
2. Signs of pre- or post-maturity;
3. Low weight defined as less than approximately 4 lbs. 10 ozs. (2200 gms). Moreover, if the infant weighs less than approximately 5 lbs. 8 ozs. (2500 gms), a pediatrician shall immediately be consulted;
4. Respiratory problems such as severe grunting, retraction or rate above 60 at age of four hours;
5. Jaundice, defined as bilirubin or greater than 10 mg/100 ml in the first 36 hours of life;
6. Extreme color variation;
7. Persistent hypothermia, defined as less than 97 degrees Fahrenheit, taken rectally after two hours of life;
8. Exaggerated tremors;
9. Major congenital anomaly;
10. Any condition requiring more than 12 hours observation post-delivery.

(b) The C.N.M. may provide postpartum care and, notwithstanding the provisions of any other rule in this section, family planning, counseling and health screening.

(c) Within a physician's office or a licensed health care facility having a licensed physician on the premises during the procedure, the C.N.M. may insert and remove intrauterine devices (I.U.D.'s).

(d) Within a physician's office or a licensed health care facility employing a full-time licensed physician on the premises during all hours that the location is open to patients, the C.N.M. may dispense medication as required, only in conjunction with family planning programs, in accordance with written protocol.

(e) A C.N.M. may dispense family planning medication in a physician's office or a licensed health care facility having less than full-time physician presence, but only upon prior approval by the Board of the program. Board review shall include the following factors (with the goal of providing the greatest access to services consistent with the public health, safety and welfare, and law in effect at the time):

1. Numbers of physicians and C.N.M.'s employed;
2. Written protocol and degree of supervision;

3. Location and number of patient visits/day/C.N.M.

SUBCHAPTER 3. LICENSING EXAMINATIONS AND ENDORSEMENTS, FEE SCHEDULE, LIMITED EXEMPTIONS FROM LICENSURE REQUIREMENTS

13:35-3.1 Federation licensing examination (flex)

(a) The standard medical and surgical licensing examination in the State of New Jersey shall be the Federation Licensing Examination (FLEX).

(b) FLEX examination for medical licensure in New Jersey, when taken for the first time, must be taken as a complete unit, that is, a consecutive three-day total examination.

(c) All candidates who attain a FLEX weighted grade average of 75 or over shall be adjudged to have successfully completed the examination, and the secretary of the Board shall be authorized to issue a certificate of medical licensure in New Jersey to each successful candidate who has met all other requirements of N.J.S.A. 45:9-1 et seq. for medical licensure in this State.

(d) All candidates failing to attain a FLEX weighted grade average of 75 or over shall be adjudged to have failed the examination.

(e) Any candidate may be reexamined only in the part or parts of the examination failed, provided that the reexamination shall be taken at one session. If the candidate receives a passing grade in said part or parts that would provide an adjusted weighted grade average of 75 or over, the secretary of the board is authorized to issue a certificate of medical licensure in New Jersey to each successful candidate who has met all the requirements of N.J.S.A. 45:9-1 et seq. for medical licensure in this State.

13:35-3.2 Endorsement; federation licensing examination

(a) The Board shall grant without examination a license to practice medicine and surgery to any person who shall furnish proof that he or she can fulfill the requirements demanded in N.J.S.A. 45:9-1 et seq. relating to applicants for admission by examination provided that satisfactory proof is presented by such applicant of licensure by FLEX examination to practice medicine and surgery in another state, territory or possession of the United States, or another country, with a FLEX weighted grade of 75 or better.

13:35-3.3 Endorsement of sister-state M.D. or D.O. license after extended practice or specialty board or national board certifications or by any combination of national boards and FLEX examinations; also, podiatry board endorsement

(a) The Board shall grant without examination a license to practice medicine and surgery to any person who shall furnish proof of satisfaction of the requirements demanded in N.J.S.A. 45:9-1 et seq. relating to applicants for admission by examination who shall further furnish proof of any of the following:

1. Certification of either the National Board of Medical Examiners or Osteopathic Examiners in accordance with N.J.S.A. 45:9-13 certifying that the applicant has attained a passing score in said examination; or

2. Licensure by non-FLEX written plenary examination taken prior to December 31, 1972 in a sister state, followed by proof of active engagement in the reputable practice of medicine and surgery for three or more years in all such other state or states; or

3. Licensure by non-FLEX written plenary examination in a sister state, and proof of certification as a diplomate of any of the specialty boards approved by the A.M.A. or the A.O.A.; or

4. Certification of either the National Board of Medical Examiners or of Osteopathic Examiners that the applicant has attained a passing score in the first two parts of the National Boards as well as the third part of the FLEX examination taken in another state and passed with a score of 75 or better. Such license granted under this provision shall be deemed a FLEX examination license.

(b) The Board shall grant without examination a license to practice

podiatry to any person who shall furnish proof of satisfaction of the requirements demanded in N.J.S.A. 45:5-1 et seq. relating to applicants for admission by examination who shall further furnish proof of certification of the National Board of Podiatric Examiners in accordance with N.J.S.A. 45:5-7 certifying that the applicant has attained a passing score in said examination.

13:35-3.4 Examination in third part of FLEX after proof of passing first two parts of national boards of medical or osteopathic examiners

An applicant who provides certification of passing the first two parts of the National Board of Medical Examiners or of Osteopathic Examiners examination, as applicable, and who satisfies the requirements of N.J.S.A. 45:9-1 et seq. relating to admission by examination, shall be permitted to take the third part alone of FLEX. Such applicant, upon attaining a passing score of 75 or better in the FLEX examination, shall be granted a license to practice medicine and surgery. The license herein to be granted shall be a FLEX examination license.

13:35-3.5 Endorsement; certified nurse midwives

The Board shall grant a license to practice midwifery and registration to practice as a certified nurse midwife to such person who shall furnish proof of satisfaction of the requirements demanded in N.J.S.A. 45:10-1 et seq. and N.J.A.C. 13:35-2.6 relating to applicants for admission by examination, and furthermore provide with the application certification by the American College of Nurse-Midwives, or other evidence to the board's satisfaction, that the person has been licensed to practice midwifery and has been certified as a nurse-midwife in a sister state where such license was granted by examination with a grade average of 75 percent or over.

13:35-3.6 Bioanalytical laboratory directory license, plenary or specialty, granted to physician

(a) The Board shall grant to any person licensed in this State to practice medicine and surgery a plenary license to direct and supervise a registered bioanalytical laboratory, without examination, provided that:

1. Such person is certified in clinical pathology by a specialty board approved by the A.M.A. or the A.O.A.; or

2. Such person demonstrates to the satisfaction of the Board and following a personal appearance, not less than three full years of post-graduate general bioanalytical laboratory experience in a laboratory or laboratories acceptable to the Board.

(b) The Board shall grant to any person licensed in this State to practice medicine and surgery, a specialty license in one or more of the fields of toxicological chemistry, microbiology, cytogenetics and clinical chemistry, without examination, provided that such person is certified in that specialty by a specialty board approved by the A.M.A. or the A.O.A. The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specific specialty license issued by the board.

(c) Nothing herein shall be construed to waive registration and fees required by the Bioanalytical Laboratory Director Licensing Act, as amended.

13:35-3.7 Limited exemption from licensure

(a) "Exempt physician" means a person holding the academic degree of M.D. or D.O., currently employed or pending employment on a salary basis at a State or county institution on its medical staff or as a member of the teaching or scientific staff of a State agency, who has patient care responsibility and who does not conduct any type of private medical practice.

(b) "Exemption" means the exercise of discretion granted to the State Board of Medical Examiners of New Jersey pursuant to N.J.S.A. 45:9-21(n) to permit a physician unlicensed in the State of New Jersey to engage in the limited practice of medicine and

surgery under the conditions set forth in said statute without being in violation of the Medical Practice Act, N.J.S.A. 45:9-1 et seq.

(c) As of the effective date of this rule, any physician employed or to be employed under an exemption from licensure must:

1. Satisfy all statutory and regulatory requirements preceding licensure as set forth in N.J.S.A. 45:9-6, 45:9-7 and 45:9-8, and N.J.A.C. 13:35-6.3;

2. Take and pass the earliest FLEX examination given subsequent to the physician's start of employment;

3. Make application for licensure within 10 days after notification of successfully passing FLEX or cease employment.

(d) Following the physician's start of employment, the exemption will automatically terminate either on the date of the earliest FLEX examination not taken or on the date the physician is notified of failure on the earliest FLEX examination taken, whichever is later.

13:35-3.8 Administrative processing of license application

(a) In the case of candidates who are graduates of professional schools or colleges approved by the Board and whose required documents (for example, complete application form, diploma, transcript and license in foreign countries, with attested translations thereof (if not in English) by an official translator approved by the Board) are in the possession of the Board and apparently authentic, the secretary of the Board shall be authorized to admit such candidate to the licensing examination.

(b) Any applicant who fails to satisfy the documentary requirements set forth in (a) above may be reviewed individually by the Board.

13:35-3.9 Absence of a candidate from examination

(a) Upon absence of a candidate from a scheduled examination, the Board shall determine whether or not the candidate remains eligible for another examination.

(b) A candidate who, after applying for examination and having been notified of eligibility therefor, fails to appear for two successive examinations thereafter, shall be removed from the eligibility list unless and until such candidate has submitted reasons satisfactory to the Board for the nonappearance at such scheduled examinations.

(c) Such disqualified candidate shall present to the secretary of the Board, no later than 90 days before the commencement of the next examination following the determination of ineligibility, notice of intention to be examined at the next examination and submitting therewith reasons for the nonappearance at the two prior examinations.

(d) The Board, after receiving such notice and petition, shall determine if said candidate shall be considered eligible for the said next examination or, in the alternative, may summon said candidate for an appearance before the Board.

13:35-3.10 Subversion or attempt to subvert the licensing examination process

(a) The purpose of this rule is to enhance the security of licensing examination materials and to discourage certain types of conduct in the licensing examination process, whether by applicants or by current license holders subject to regulation by the Board.

(b) Any individual found by the Board to have engaged in conduct which subverts or attempts to subvert the licensing examination process may, at the discretion of the Board, have his or her scores on the licensing examination withheld and/or declared invalid, be found ineligible for licensure, be disqualified from the practice of the pertinent profession, and/or be subject to the imposition of other appropriate sanctions pursuant to N.J.S.A. 45:1-22.

(c) Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to:

1. Conduct which violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the licensing examination; aiding by any means in the reproduction

or reconstruction of any portion of the licensing examination; selling, distributing, buying, receiving or having unauthorized possession of any portion of a future, current or previously administered licensing examination.

2. Conduct which violates the standard of test administration, such as communicating with any other examinee during the administration of the licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the licensing examination; having in one's possession during the administration of the licensing examination any books, notes, written or printed materials or data of any kind, other than the examination materials distributed.

3. Conduct which violates the credentialing process, such as falsifying or misrepresenting educational credentials or other information required for admission to the licensing examination; impersonating an examinee or having an impersonator take the licensing examination on one's behalf.

SUBCHAPTER 4. SURGERY

13:35-4.1 Major surgery; qualified first assistant

(a) A major surgical procedure is one with a substantial hazard to the life, health or welfare of a patient. By way of example, but not limitation, a major surgical procedure includes:

1. A procedure in which an opening is made into any of the three major body cavities (abdomen, chest or head), exclusive of endoscopic approaches;

2. A procedure performing a major amputation;

3. A procedure performed where the locality, the condition, the difficulty or the length of time required to operate would constitute a direct hazard to the life of the patient.

(b) A major surgical procedure shall be performed by a duly qualified surgeon with a duly qualified assisting physician, or a duly qualified surgical resident in a training program approved by the Educational Council of the American Medical Association or the American Osteopathic Association, except in matters of dire emergency.

(c) A duly qualified surgeon, duly qualified assistant physician, and duly qualified resident shall be determined by the hospital credentials committee in conjunction with the chairman or chief of the appropriate department or division consistent with the requirements of the Medical Practice Act, N.J.S.A. 45:9-1 et seq., and the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq..

(d) It shall be the responsibility of each medical staff to promulgate appropriate rules to fully and carefully implement the requirements of (b) and (c) above by determining which procedures shall be considered major surgery in accordance with (a) above, and determining the credentials of each physician qualified to act as first assisting physician for any given major surgical procedure. The medical staff and hospital board of trustees shall assure compliance by the individual physicians with this rule of the Board and the rules of the hospital.

13:35-4.2 Termination of pregnancy

(a) The termination of pregnancy is a procedure which may be performed only by a physician licensed to practice medicine and surgery in the State of New Jersey.

(b) Beyond the first trimester and within a period of gestation not exceeding 16 menstrual weeks and/or 14 gestational weeks' size as determined by a physician, termination of pregnancy using the dilatation and evacuation procedure shall be performed either in a licensed hospital or a licensed health care facility, and if any other procedure is used the termination of pregnancy shall be performed in a licensed hospital.

(c) Termination of pregnancy by any procedure on patients with a gestation exceeding 16 menstrual weeks and/or 14 gestational weeks' size as determined by a physician, shall be performed only in a licensed hospital.

SUBCHAPTER 5. EYE EXAMINATIONS; EYEGLASSES

13:35-5.1 Minimum eye examination; contact lenses

(a) Physicians licensed to practice medicine and surgery, when performing an eye examination for the purpose of prescribing corrective lenses, shall fully and adequately disclose to the patient the limited purpose of the eye examination. The physician shall perform, and keep a complete record of, a physical examination of the patient which shall include:

1. A complete history of visual aberrations;

2. A determination of visual acuity in each eye separately;

3. A cover test, distance and near, and a determination of muscle balance or imbalance;

4. An ophthalmoscopic examination and a determination of any abnormalities of lids, cornea, pupil, lens, vitreous and fundus. A record entry of "negative" or "clear" should be made if no pathology is found.

(b) Upon observing positive findings of ocular disease or abnormality, the physician shall disclose his findings to the patient and suggest an appropriate course of action.

(c) The complete record of contact lens specifications shall be released by an ophthalmologist to another ophthalmologist, optometrist or ophthalmic dispenser licensed in New Jersey upon either the oral or written request of the patient or the professional acting on the patient's behalf.

13:35-5.2 Minimum standards and tolerances of optical lenses

(a) Every pair of lenses, spectacles, eyeglasses or appurtenances thereto, prepared for or dispensed to the intended wearers from written prescriptions of physicians duly licensed to practice their profession, or duplication, replacements, reproductions or repetitions, must conform to the following minimum standards and tolerances:

PHYSICAL QUALITY AND APPEARANCE

1. Surface imperfections

TOLERANCE: No pits, scratches (other than hairline), grayness or watermarks shall be acceptable.

2. Glass defects

TOLERANCE: No bubbles, striae and inclusions shall be acceptable.

3. Localized power errors

TOLERANCE: Waves found by visual inspection shall be passable if no deterioration in image quality is found when the localized area is examined with a standard lens measuring instrument.

4. Refractive powers

TOLERANCE: 0.0 to 6.00, \pm or -0.12.

6.25 to 12.00, 2 per cent of power.

Above 12.00, \pm or -0.25.

Maximum cylinder power variation or -0.12.

5. Refractive power addition

TOLERANCE: \pm or -0.12.0.

6. Cylinder Axis

TOLERANCE: 0.12 to 0.37, \pm or -3 degrees.

0.50 to 1.00, \pm or -2 degrees.

1. 12 on up, \pm or -1 degree.

7. Prism power and location of specified optical center

TOLERANCE: Vertical \pm or -0.25 prism for each lens or a total of 0.50 prism imbalance. Horizontal \pm or -0.25 prism for each lens or a total of 0.50 prism imbalance.

8. Segment size

TOLERANCE: \pm or -0.5 mm. Pair must be symmetrical upon visual inspection.

9. Segment location

TOLERANCE: As specified within \pm or -0.5 mm.

10. Lens size:

i. Rimless

TOLERANCE: \pm or -0.5 mm;

ii. Bevel, for plastic frames

TOLERANCE: \pm or -0.5 mm;

iii. Bevel, for metal frames

TOLERANCE: To fit standard specified frame. Lens shape must match. Edges must be smooth and straight and sharp edge must be removed.

11. Heat-treated and chemically-treated industrial safety eyewear

TOLERANCE: Tolerance for power, size and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80.1-1972 and subsequent revisions.

12. Heat-treated and chemically-treated dress eyewear

TOLERANCE: Tolerance for power, size and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80.1-1972 and subsequent revisions.

(b) Provided, however, that nothing herein shall be construed to prohibit deviations beyond those established by this rule, provided that good medical cause exists therefor.

SUBCHAPTER 6. GENERAL RULES OF PRACTICE

13:35-6.1 Degree designation

(a) A physician with a plenary license to practice medicine and surgery in the State of New Jersey shall identify himself or herself for professional purposes (office identification, stationery, professional cards, etc.) in a manner clearly indicating the academic professional degree earned (M.D. or D.O.) and which is imprinted on the license issued to said person by the Board.

(b) A licensee with a limited license issued by the Board shall identify himself or herself for professional purposes in a manner clearly indicating the licensed profession by name or by using the recognized and accepted abbreviation; for example, John Doe, Chiropractor or John Doe, D.C.; Jane Smith, Podiatrist or Jane Smith, D.P.M.; John Doe, Physical Therapist or John Doe, R.P.T.; Jane Smith, Certified Nurse Midwife or Jane Smith, C.N.M.; John Doe, Bioanalytical Laboratory Director or John Doe, B.L.D.; Jane Smith, Specialty Bioanalytical Laboratory Director in Chemistry, etc.

13:35-6.2 Pronouncement of death

(a) The official pronouncement of a death is a medical

determination and the primary responsibility of the decedent's attending physician or designated covering physician.

(b) A Certificate of Death shall be prepared and completed by a physician. The factual data set forth in the Certificate shall be based, to the greatest extent possible, upon the personal knowledge of the physician preparing the Certificate. The physician may, however, exercise reasonable professional judgment and incorporate in the Certificate factual assertions ascertained by another health care professional, as set forth below.

(c) Upon notification of an apparent death, the attending physician or designated covering physician shall proceed without inordinate delay to the location of the presumed decedent and shall make the proper determination and pronouncement of the death.

(d) Where the apparent death has occurred outside a licensed hospital and the attending or covering physician has been notified but is unable to go to the location to make the determination and pronouncement, said physician may specify another physician or may arrange with a professional nurse (R.N.) or a paramedic certified by the Board of Medical Examiners to attend the presumed decedent and make the determination and pronouncement. In every such instance a written record, which may be contained within a police record, shall be prepared describing the circumstances and identifying the physician and any other person designated as above to perform the death pronouncement responsibility. Such report shall be promptly communicated orally to the attending physician for use in preparation of the death certificate. A copy of the report shall be provided to the physician as soon as practicable.

(e) Where the probable death has occurred outside a licensed hospital and the attending or covering physician is known but cannot be reached after exercise of reasonable diligence, or no attending physician is known, then any physician, professional nurse or paramedic may proceed to the scene and make the determination and pronouncement of death. A written record shall be prepared as set forth in (d) above. Following pronouncement of death, the information shall be promptly communicated to the physician for preparation of the death certificate and a copy of the report provided as soon as practicable. If no attending physician is known, the death shall be immediately reported to the County Medical Examiner.

(f) In cases of death within the jurisdiction of the County Medical Examiner, the examiner shall without inordinate delay require the proper and established means for the determination and pronouncement of death, and shall arrange for the removal of the body and completion of the death certificate.

(g) Nothing contained in this section shall be deemed to impose an obligation upon any person not licensed by the Board of Medical Examiners to pronounce death.

13:35-6.3 Countersigning of orders and prescriptions of unlicensed physicians

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

"Intern" or "PGY 1" (a person studying in postgraduate year one) shall mean an unlicensed graduate of a medical school, who is engaged in a program which has been approved by the Board and which consists of supervised practice in the science and art of medicine among patients in a hospital with continued instruction by the staff of the facility. The internship period shall be limited to one year.

"Resident" or "PGY 2 or 3" shall mean a licensed or unlicensed graduate of an approved internship or PGY 1 who is engaged in an approved program for advanced training in a clinical division of medicine, surgery or other special field in preparation for the practice of a specialty, which training shall be continuously supervised by the staff of the facility. Such approved program must be properly accredited for residency training in the specialty program or programs offered.

"Unlicensed physician" shall mean any unlicensed graduate of a

medical school such as, but not limited to, an intern or resident who is engaged in an approved program or a person possessing an exemption pursuant to N.J.S.A. 45:9-21(n).

(b) A doctor's order written for a patient's care by an unlicensed person engaged in an intern or residency training program in a hospital or institution approved by the Board, or a doctor's order written by a person exempted from the prohibitory provisions of the Medical Practice Act pursuant to N.J.S.A. 45:9-21(n) shall be countersigned within 24 hours by a physician possessing a current unrestricted license to practice medicine and surgery in this State.

(c) Prescriptions written by unlicensed physicians which are to be filled by a pharmacy located outside of the hospital or institution where such unlicensed physician is engaged must be countersigned by a physician possessing a current, unrestricted license to practice medicine and surgery in this State.

13:35-6.4 Prohibition of kickbacks, rebates or receiving payment for services not rendered

(a) It shall be unprofessional or unethical conduct for any licensee or registrant of the State Board of Medical Examiners to:

1. Receive directly or indirectly from any person, firm or corporation any fee, commission, rebate, gift or other form of compensation for prescribing, ordering or promoting the sale of a device, appliance or other prescribed item or service when such device, appliance or prescribed item or service is provided by another;

2. Directly or indirectly charge or bill the recipient of a device, appliance or prescribed item, or directly or indirectly charge or bill any third party when such device, appliance or prescribed item is delivered by the licensee or registrant without disclosing to the recipient and third party, if any, the actual cost to the licensee or registrant for such device, appliance or prescribed item which the licensee or registrant paid or shall pay to the provider of such device, appliance or prescribed item;

3. Receive directly or indirectly from any person, firm or corporation any fee, gift, commission, rebate, free saleable products, anything of value or any form of compensation for prescribing or promoting the sale of any drug, commodity or product;

4. Sell "free samples" or "samples" or other similar items obtained from any person, firm or corporation by such licensee or registrant;

5. Render any bill or invoice or receive any monies from any person, firm, corporation or governmental entity for the performance of services which were not, in fact, performed; provided, however, that this shall not be construed to prohibit an agreed charge for appointment made or services ordered notwithstanding subsequent patient or consumer cancellation.

13:35-6.5 Preparation of patient records and release thereof

(a) A patient record shall be prepared by all licensees and registrants of this Board and shall be maintained for seven years from date of last entry.

(b) Copies of all pertinent objective data and papers pertaining to a given patient, as well as a copy of the licensee's record or a summary report of such record shall be furnished to the patient or a designated licensee or duly authorized representative within 30 days of a written request by the patient or duly authorized representative. A reasonable charge may be made for such service.

(c) With respect to the non-objective records of a licensee or registrant, a partial record may be supplied where, in the reasonable exercise of professional judgment, the licensee or registrant believes that furnishing to or review by the patient of such records would be deleterious to the patient's best interests.

13:35-6.6 Requirements for issuing prescriptions for all medications; special requirements for prescribing or dispensing controlled drugs

(a) Physicians who possess a plenary license to practice medicine and surgery and podiatrists who issue prescriptions for medication

shall advise all patients by adequate notice, such as but not limited to a sign or pamphlet in the waiting room of the practitioner's office, that a request of the practitioner may be made by the patient to substitute a generic drug for any prescribed medication.

(b) Physicians and podiatrists shall provide the following on all prescriptions:

1. Prescriber's full name, address, telephone number and proper degree designation as appears on prescriber's license;

2. Full name, age and address of patient;

3. Date of issuance of the prescription;

4. Name, strength and quantity of drug or drugs to be dispensed;

5. Adequate instruction for the patient; a direction of "p.r.n." or "as directed" alone shall be deemed an insufficient direction;

6. Number of refills permitted or time limit for refills, or both;

7. Prescriber's D.E.A. number when required for the prescribing of Controlled Dangerous Substances as scheduled under the Controlled Dangerous Substances Act of 1970. Each prescription for a Controlled Dangerous Substance shall be written on a separate prescription blank;

8. Signature of prescriber, hand-written;

9. When pre-printed prescription blanks are not available, the full name of the prescriber must be printed or stamped in block letters under the signature of the prescriber;

10. Every prescription blank shall be imprinted with the words "substitution permissible" and "do not substitute" and shall contain space for the physician's or podiatrist's initials next to the chosen option, in addition to the space required for the signature in (b)8 above;

11. In no instance shall a physician or podiatrist utilize a prescription form which includes pre-printed information such as, but not limited to, language, initials or other indications to discourage or prohibit substitution, which a prescriber may prohibit only by initialing or writing "do not substitute" on the individual prescription.

(c) With respect to any prescription issued for a Schedule II Controlled Dangerous Substance, and in addition to the requirements of N.J.A.C. 13:35-6.7 respecting prescribing of amphetamines, the following shall be observed:

1. The quantity of each drug shall be stated by word in addition to number; for example, ten (10) Percodan; or five (5) Ritalin 5 mg., etc.

2. A practitioner shall not, at one time, prescribe or dispense to an individual patient in excess of 120 dosage forms or a 30-day supply, whichever is less;

(d) With respect to narcotic drugs listed in any schedule, a prescription shall not be issued for "detoxification" or "maintenance treatment". Narcotic drugs may, however, be dispensed directly, but not prescribed, for these purposes, but only by a practitioner who is separately registered with the Attorney General of the State of New Jersey and the New Jersey Department of Health and authorized so to do.

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

(f) Nothing in this rule is intended to limit a physician or authorized hospital staff from administering or dispensing narcotic drugs in a hospital to maintain or detoxify a person as an incidental adjunct to medical or surgical treatment of conditions other than addiction.

(g) Nothing in this rule is intended to limit a physician from prescribing or dispensing narcotic drugs to persons with intractable pain from which no relief or cure is possible or none has been found after reasonable efforts. When protracted prescribing is utilized for

the alleviation of intractable pain, practitioners shall remain alert to the availability of new or alternative types of treatment which may be less addictive than the present treatment. The practitioner should attempt periodically to either cease the medication or taper down the dosage, or try other medication or treatment modalities in a regular and vigilant effort to reduce the addiction propensity for the patient.

(h) In no instance shall a physician or podiatrist dispense drugs or sign a blank prescription form without complying with the above standards.

13:35-6.7 Prescribing of amphetamines and sympathomimetic amine drugs

(a) No physician shall prescribe, order, dispense, administer, sell or transfer any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II Controlled Dangerous Substance pursuant to the laws of New Jersey, to or for any person except:

1. For the treatment of:
 - i. Narcolepsy;
 - ii. Hyperkinesia;
 - iii. Drug induced brain dysfunction;
 - iv. Epilepsy;
 - v. Depression shown to be refractory to other therapeutic modalities;
 - vi. Senile apathetic behavior; or
2. Immediate use in a hospital for acute conditions such as depression associated with illness, medical or surgical; or
3. For the differential diagnostic psychiatric evaluation of depression; or
4. For the clinical investigation of the effects of such drugs or compounds in which case, in addition to other requirements of applicable law, prior application therefor shall have been made to the Board of Medical Examiners and approval granted before any such investigation is begun.

(b) In addition to the prohibitions set forth in (a) above, no physician shall prescribe, order, dispense, administer, sell or transfer any amphetamine or sympathomimetic amine drug or compound designated as a Schedule II Controlled Dangerous Substance pursuant to the laws of New Jersey, for use in weight management, dieting or any other anorectic purpose, or for the treatment of fatigue.

(c) Violation of any of the foregoing shall be deemed to constitute one or more of the following:

1. Distribution or dispensing of a controlled dangerous substance in an indiscriminate manner, not in good faith, or without good cause, pursuant to N.J.S.A. 45:1-13; or
2. Gross malpractice, gross neglect, or gross incompetence in the practice of medicine, pursuant to N.J.S.A. 45:1-21(d); or
3. Professional misconduct in the practice of medicine, pursuant to N.J.S.A. 45:1-21(e).

(d) The following list, although not exhaustive or exclusive, does include many of the generic and brand-name Schedule II drugs which fall within the above regulation:

Amphetamine	Fetamin
Benzedrine	Methamphetamine
Biphetamine	Methylphenidate
Desoxyn	Obetrol
Dexamyl	Obotan
Dexedrine	Phenmetrazine
Dextroamphetamine	Preludin
Eskatrol	Ritalin

13:35-6.8 Prescribing, administering or dispensing amygdalin (laetrile)

(a) The prescription or administration of amygdalin (laetrile) is a medical procedure which may only be performed by a physician licensed to practice medicine and surgery in the State of New Jersey, or a physician duly licensed to practice medicine and

surgery in another state provided the practitioner does not open an office or place for the practice of his profession in this State (N.J.S.A. 45:9-21c).

(b) A licensed physician may prescribe, administer or dispense amygdalin (laetrile) to such physician's patient, consistent with the following standards and providing that the patient has signed the "written informed request . . . for medical treatment" as set forth herein:

1. Generally:
 - i. As an adjunct to recognized, customary, or accepted modes of therapy; or
 - ii. Utilized exclusively in the treatment of any malignancy, disease, illness or physical condition; and
 - iii. If and when the physician has received a confirmed diagnosis of said malignancy, disease, illness or physical condition;
2. In the course of medically justifiable dietary supplement therapy;
3. As a prophylactic medication.

(c) The informed request for prescription of laetrile for medical treatment must utilize the wording appearing on a form which is available on request from the Board.

(d) Complete and accurate records shall be maintained and made available to include:

1. Copy of signed informed request.
2. History of previous therapy to be included where indicated.
 - i. Surgery;
 - ii. Radiation;
 - iii. Chemotherapy.
3. Complete record of dates of office visits, examination and evaluation of patient with detailed progress notes.
 - i. Complications and/or untoward reactions from amygdalin (laetrile) shall be reported immediately to the State Department of Health.
 - ii. Fee for service: The patient record shall include fee charged per visit which fee shall not be greater than the physician's usual and customary fee for an office visit. When fee includes administering or dispensing amygdalin (laetrile), the charge is to be itemized and recorded. When a physician administers or dispenses amygdalin (laetrile), the fee to the patient shall not exceed the cost to the physician of such substance and shall be so itemized in the charge or billing.
 - iii. Copies of all laboratory and follow-up examinations; and
 - iv. Periodic clinical measurements of tumor activity.
4. Date of procurement of amygdalin (laetrile), quantity, cost, name and address of manufacturer and supplier, batch number and expiration date when administered or dispensed by a physician.
5. Records are to be readily available without prior notice for inspection by the appropriate official agency, including but not limited to the New Jersey State Board of Medical Examiners and the New Jersey State Department of Health.

6. Copies of records shall be forwarded to State Department of Health at quarterly intervals.

(e) Solicitation is prohibited. Such prohibited activity shall include, but is not limited to, the dissemination of information concerning amygdalin (laetrile) which may be found by the Board of Medical Examiners as:

1. False, fraudulent, deceptive, misleading or flamboyant;
2. Using testimonials;
3. Guaranteeing that satisfaction or cure will result from the use of amygdalin (laetrile);
4. Making claims of professional superiority;
5. Stating fees for professional services which are false, deceptive and/or misleading.

(f) A licensed physician may, in the regular course of medical practice and pursuant to a justifiable medical basis, prescribe, administer, or dispense amygdalin (laetrile) in accordance with the Act concerning Laetrile (Chapter 318, P.L. 1977) and these rules and regulations.

13:35-6.9 Referral for radiological services

(a) "Physician" shall mean a physician possessing a plenary license to practice medicine and surgery and practitioners legally licensed to practice chiropractic.

(b) A physician possessing a plenary license to practice medicine and surgery who provides diagnostic radiological services for other physicians possessing a plenary license to practice medicine and surgery shall, upon the request of a chiropractic physician, provide diagnostic radiological services to such chiropractic physician without discrimination on the basis of classification of license, provided the diagnostic radiological services requested pertain to skeletal areas of the body.

(c) Denial of professional diagnostic radiological services, as set forth herein, shall constitute purposeful and intentional discrimination and shall subject the licensee to appropriate disciplinary action by the Board of Medical Examiners.

13:35-6.10 Advertising and solicitation

(a) All licensees and registrants of the Board of Medical Examiners may provide information to the public by publication in a dignified manner in newspapers or comparable written publications concerning: education, certification or appointments, location and availability of services, fees for routine professional services and other pertinent information about the licensee's practice. On any such publication, license degree must be designated. To the extent that information provided to the public by the licensee may be misleading, the licensee shall provide clarification such as, but not limited to, whether additional charges may be incurred for related services when fees are stated.

(b) Information provided to the public in accordance with (a) above shall not by form, manner or content be such as to solicit patients. Prohibited solicitation shall include, but is not necessarily limited to information provided to the public which may be found by the New Jersey State Board of Medical Examiners as:

1. False, fraudulent, deceptive, misleading or flamboyant;
2. Representing intimidation or undue pressure;
3. Using testimonials;
4. Guaranteeing any service or guaranteeing that satisfaction or cure will result from the professional services offered;
5. Offering gratuitous services or discounts in connection with published services to be offered in any professional office, but this clause shall not be construed to relate to the negotiation of fees between licensees and patients or clients, or to prohibit the rendering of professional services for which no fee is charged;
6. Making claims of professional superiority;
7. Stating or including prices for professional services which are false, deceptive or misleading.

(c) The information which may be provided to the public is limited to the printed media and any such information provided by a licensee in any other form is expressly prohibited.

13:35-6.11 Excessive fees

(a) The Board of Medical Examiners shall review information and complaints concerning allegations of excessive fees charged by licensees of the Board and may establish Excessive Fee Review Committees to perform various aspects of the review function. This regulation is not intended to impinge upon the strong public policy in favor of a competitive, free enterprise economy embodied in the antitrust laws of the United States and of this State. Excessive Fee Review Committees shall consider comparable fees charged by licensees not under inquiry only to the minimum extent necessary to render a determination as to whether a fee is excessive.

(b) A licensee of the Board of Medical Examiners shall not charge an excessive fee for services. A fee is excessive when, after a review of the facts, a licensee of ordinary prudence would be left with a definite and firm conviction that the fee is so high as to be manifestly unconscionable or overreaching under the circumstances.

(c) Factors which may be considered in determining whether a fee is excessive include, but are not limited to, the following:

1. The time and effort required;
2. The novelty and difficulty of the procedure or treatment;
3. The skill required to perform the procedure or treatment properly;
4. The likelihood, if apparent to the patient, that the proper treatment of the patient will preclude the licensee from remuneration from other sources;
5. Any requirements or conditions imposed by the patient or by the circumstances;
6. The nature and length of the professional relationship with the patient;
7. The experience, reputation and ability of the licensee performing the services;
8. The nature and circumstances under which services are provided. Unless services are provided during an emergency or other circumstances where opportunity, custom and practice will preclude discussion prior to the rendition of such services, the licensee shall, in advance of providing services, specify or discuss and agree with the patient, the fee or basis for determination of the fee to be charged.

(e) Charging an excessive fee in violation of (b) above shall constitute professional misconduct subjecting the licensee to disciplinary action by the Board of Medical Examiners.

13:35-6.12 Excessive fee review committees

(a) The Board of Medical Examiners may establish one or more Excessive Fee Review Committee for each county or region of this State.

(b) Physicians and plenary licensees: With respect to the review of excessive fees for services charged by the holder of a plenary license, the Excessive Fee Review Committee shall consist of at least seven persons, to include two members of the general public and five physicians each possessing a plenary license to practice medicine and surgery, one of whom shall also be a member of the Board of Medical Examiners or the designee of the board who shall also be the chairperson of such committee.

(c) Limited licensees: Matters involving committee review concerning excessive fees for services charged by a holder of a limited license shall be considered by a committee consisting of seven persons, to include five licensed members of such discipline, one of whom shall also be a member of the Board of Medical Examiners or the designee of the Board and who shall be the chairperson of such committee, and two members of the general public.

(d) Committee appointment and terms of service: Committee members shall be appointed by the Board for three year terms and shall serve at the pleasure of the Board and until a successor is appointed. The chairperson shall appoint a secretary and such officers as may be necessary, subject to the approval of the Board. The members of each committee shall serve without compensation but shall be reimbursed for all reasonable expenses incurred in the performance of their duties. The Board may provide each committee with necessary ancillary services consistent with the duties of the committee.

(e) Conduct of inquiry: Each Excessive Fee Review Committee shall make a determination within 60 days from the conclusion of review of a complaint, which may be documented and attested to, from a patient or other responsible party by referral from the Board, by conducting such inquiry or investigation as may be necessary which may include:

1. Conducting an inquiry into and keeping an appropriate record of matters concerning excessive fees for professional services, provided that the Board is regularly apprised of all reviews which are conducted:
 - i. The committee shall meet within 90 days after the receipt of a complaint;
 - ii. The committee shall provide notice of the time, date and place of all inquiries to:
 - (1) The Board;
 - (2) The licensee;

(3) The complainant and any other person or party who has a direct personal or economic interest in or information relating to such matter.

- 2. The committee may:
 - i. Conduct such investigations as may be appropriate;
 - ii. Take testimony as necessary;
 - iii. Request the issuance of subpoenas from the Board as may be necessary to accomplish a full and complete consideration of a particular matter.

3. Within 10 days of the adoption of a recommendation the committee shall report to the Board, in writing, its recommendations with respect to the matter under consideration. Thereafter, at its next regular meeting the Board shall review the recommendations of the committee and determine as soon thereafter as practicable whether any formal action is appropriate.

(f) The Board may, as warranted, conduct such further inquiry or investigation as may be necessary or, after a prima facie finding, institute formal action after notice and hearing thereon and further order restitution and/or impose disciplinary sanctions upon such licensee in accordance with the provisions of the Medical Practice Act, N.J.S.A. 45:9-1 et seq. and the Uniform Enforcement Act, N.J.S.A. 45:1-14 et seq.

13:35-6.13 Fee schedule

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

1. Medicine and surgery (M.D. and D.O. licenses)	
i. Examination - all three parts, three days	\$200.00
ii. Re-examination	
Day 1	75.00
Day 2	75.00
Day 3	125.00
iii. N.J.S.A. 45:9-21(n)-exception	150.00
iv. N.J.S.A. 45:9-21(b)-temporary license	50.00
v. Endorsement	150.00
vi. Biennial registration	30.00
2. Chiropractic (license)	
i. Examination	150.00
ii. Re-examination	50.00
iii. Endorsement	150.00
iv. Biennial registration	20.00
3. Podiatry (license)	
i. Examination	150.00
ii. Re-examination	100.00
iii. Endorsement	150.00
iv. Biennial registration	30.00
4. Bio-analytical laboratory directorship, plenary license	
i. Examination (plenary license)	150.00
ii. Re-examination	150.00
iii. Exemption (plenary license)	150.00
Bio-analytical laboratory directorship, specialty license	
iv. Examination (specialty license)	150.00
v. Re-examination (specialty license)	150.00
vi. Exemption (specialty license)	150.00
vii. Biennial registration, plenary and specialty	30.00
5. Midwifery (license)	
i. Examination (lay midwife license)	50.00
ii. Re-examination	50.00
iii. Endorsement (lay midwife license)	50.00
iv. Biennial registration (lay midwife license)	10.00
Certified Nurse Midwifery (registration)	
v. Examination, C.N.M.	50.00
vi. Re-examination, C.N.M.	50.00
vii. Endorsement, C.N.M.	50.00
viii. Biennial registration, C.N.M.	10.00
6. Physical therapy (registration)	
i. Examination, plenary practice	50.00
ii. Re-examination, plenary practice	50.00
iii. Endorsement	100.00

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 8. HEARING AID DISPENSERS
(No change in text.)

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules

Proposed Amendment: N.J.A.C. 13:70-9.18

Authorized By: New Jersey Racing Commission, John J. Reilly, Executive Director.

Authority: N.J.S.A. 5:5-30.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

John J. Reilly, Executive Director
New Jersey Racing Commission
Richard J. Hughes Justice Complex
CN 088
Trenton, NJ 08625

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

This proposal is known as PRN 1983-152.

The agency proposal follows:

Summary

The proposed amendment deletes the current fee scale for jockeys and proposes a new one in its place. This new fee scale would provide an across the board increase for jockeys competing in New Jersey.

Social Impact

The proposal is ostensibly geared to provide greater income opportunities for licensed jockeys by providing fee increases in categories other than race-winner. It is anticipated the proposal would substantially aid the average journeyman jockey.

Economic Impact

The amendments would increase the overhead expenses incurred by thoroughbred horse owners in a marginal fashion while increasing the winnings of jockeys. No anticipated impact on State revenue is foreseen.

Full text of the proposal follows **Delete** in its entirety the current text of N.J.A.C. 13:70-9.18 as found in the New Jersey Administrative Code and **replace** it with the following new text.

13:70-9.18 Jockey fees

Jockey's fees in the absence of a contract shall be as follows:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$ 2,000- \$3,400	10% of Win Purse	\$45.00	\$35.00	\$33.00
3,500- 4,900	10% of Win Purse	55.00	45.00	35.00

5,000– 9,900	10% of Win Purse	65.00	50.00	40.00
10,000– 14,900	10% of Win Purse	5% of Place Purse	5% of Show Purse	45.00
15,000– 24,900	10% of Win Purse	5% of Place Purse	5% of Show Purse	50.00
25,000– 49,900	10% of Win Purse	5% of Place Purse	5% of Show Purse	60.00
50,000 & Up	10% of Win Purse	5% of Place Purse	5% of Show Purse	75.00

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Speed Limits for State Highways Route 18

Proposed Amendment: N.J.A.C. 16:28-1.23

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

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

This proposal is known as PRN 1983-163.

The agency proposal follows:

Summary

The proposal will establish and amend speed limits previously promulgated along Route 18 in Tinton Falls Borough and Colts Neck, Freehold and Marlboro Townships, Monmouth County; Old Bridge, East Brunswick Townships and City of New Brunswick, Middlesex County. Appropriate signs will be erected to advise the motoring public.

Social Impact

The amendment will reduce speed limits along the route and area designated for enhancement of the safety and well-being of the populace.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28-1.23 Route 18

(a) The rate of speed designated for the certain parts of State highway Route 18 described in [(a) of] this section shall be [and hereby is] established and adopted as the maximum legal rate of speed thereat:

1. (No change.)

2. For both directions of traffic in Monmouth County:

i. Zone 1:

(1) Tinton Falls Borough: Fifty-five miles per hour between the Garden State Parkway and the Colts Neck township line (Milepost 14.40 to 15.85);

(2) Colts Neck Township: Fifty-five miles per hour within corporate limits (milepost 15.85 to 22.40);

(3) Freehold Township: Fifty-five miles per hour within corporate limits (Milepost 22.40 to 22.90);

(4) Marlboro Township: Fifty-five miles per hour within corporate limits (Milepost 22.90 to 29.92).

3. For both directions of traffic in Middlesex County:

i. Old Bridge Township: Fifty-five miles per hour between the northernmost Marlboro Township-southernmost Old Bridge Township line and 200 feet south of Southwood Drive (Milepost 29.92 to 33.45).

4. Zone 2:

(1) Fifty miles per hour between 200 feet south of Southwood Drive and the northernmost Old Bridge Township-southernmost East Brunswick township line, except with a 35 mile per hour school speed zone, for the southbound direction only, within the Saint Thomas The Aspotle School zone, during recess or while children are going to or leaving school, during opening or closing hours (Milepost 33.45 to 34.78);

(2) East Brunswick Township: Fifty miles per hour between the northernmost Old Bridge Township-southernmost East Brunswick Township line and 800 feet north of Schoolhouse Lane (Milepost 34.78 to 40.08).

5. Zone 3:

(1) Forty miles per hour between 800 feet north of Schoolhouse Lane and the northernmost East Brunswick Township-southernmost City of New Brunswick line (Milepost 40.08 to 40.26);

(2) City of New Brunswick: Forty miles per hour between the northernmost East Brunswick Township - southernmost City of New Brunswick line and 400 feet south of Paulus Boulevard (Milepost 40.26 to 40.78).

6. Zone 4:

(1) Forty-five miles per hour between 400 feet south of Paulus Boulevard and Hamilton Street (Milepost 40.78 to 42.50);

(2) City of New Brunswick and Piscataway Township: Thirty-five miles per hour on the College Avenue Bridge between George Street (City of New Brunswick) and River Road Piscataway Township).

[(b) The rate of speed designated for the certain part of State highway Route 18 described in (b) of this section shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. Zone one: 55 mph from Route 34 in Colts Neck Township extending through Freehold Township, Marlboro Township, Madison Township and into East Brunswick Township to 1,000 feet south of Arthur Street; thence

ii. Zone two: 50 mph in East Brunswick Township to 800 feet north of School House Lane; thence

iii. Zone three: 40 mph in East Brunswick Township extending into the City of New Brunswick to 400 feet south of Paulus Boulevard; thence

iv. Zone four: 45 mph in the City of New Brunswick to 200 feet south of Richmond Street; thence

v. Zone five: 40 mph in the City of New Brunswick to Route 27.

(c) The rate of speed designated for the certain part of State highway Route 18 described in (c) of this section shall be established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:
 - i. Thirty-five miles per hour on the College Avenue bridge between George Street (City of New Brunswick) and River Road (Piscataway Township).
 2. For eastbound traffic (Summer Hill Road and Route 18 Connection) in the East Brunswick Township, Middlesex County:
 - i. Thirty miles per hour between Hope Road and 500 feet east thereof.
 3. For the southbound traffic in Old Bridge Township, Middlesex County:
 - i. School speed zone:
 - (1) Forty miles per hour school speed zone, for the southbound direction only, within the Saint Thomas The Apostle School zone, during recess or while children are going to or leaving school, during opening or closing hours.]

(a)

TRANSPORTATION OPERATIONS

**Speed Limits for State Highways
Route 166**

Proposed Amendment: N.J.A.C. 16:28-1.90

Authorized By: David W. Gywnn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

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

This proposal is known as PRN 1983-164.

The agency proposal follows:

Summary

The proposal will establish a "school speed zone" along Route 166 in Dover Township, Ocean County. Appropriate signs will be erected advising the motoring public.

Social Impact

The amendment will reduce the speed limit in the area designated for the enhancement of the safety and well-being of children during the recess and arrival and departure from the Ambassadors Christian Academy School.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28-1.90 Route 166

(a) The rate of speed designated for State highway Route 166 described [herein below] **in this section** shall be [and hereby is] established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

1. (No change.)
2. Dover Township:
 - i. (No change.)
 - ii. Zone three: 35 mph from Walton Street to 250 feet north of Old Freehold Road [(milespost 1.46 to 2.27)]; **except with a 25 miles per hour School Zone for the Ambassadors Christian Academy School, during recess or while children are going to or leaving school, during opening or closing hours (milesposts 1.46 to 2.27);**
 - iii. (No change.)

(b)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route 17**

Proposed Amendment: N.J.A.C. 16:28A-1.9

Authorized By: David W. Gywnn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

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

This proposal is known as PRN 1983-162.

The agency proposal follows:

Summary

The proposal will establish "no parking" zones at bus stops along Route 17 in Paramus Borough, Bergen County. Appropriate signs will be erected to advise the motoring public.

Social Impact

The amendment will restrict parking in the areas designated as bus stops for the safe on/off loading of passengers, the efficient flow of traffic and the enhancement of the safety and well-being of the populace.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28A-1.9 Route 17

(a) (No change.)

(b) The certain parts of State highway Route 17 described in [(b) of] this section shall be [, and hereby are] designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following bus stops:

1.-3. (No change.)

4. Along the easterly (northbound) side in Paramus Borough, Bergen County:

i. A & S Drive - far side:

(1) Beginning at the southerly ramp of A & S Drive and extending 130 feet northerly therefrom.

5. Along the westerly (southbound) side in Paramus Borough, Bergen County:

i. Glen Avenue - mid block:

(1) Beginning 721 feet south of the southerly curb line of Glen Avenue and extending 135 feet southerly therefrom.

(a)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route US 9W**

Proposed Amendment: N.J.A.C. 16:28A-1.61

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

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

This proposal is known as PRN 1983-159.

The agency proposal follows:

Summary

The proposal will establish "no parking" zones along Route US 9W (Fletcher Avenue) in Fort Lee Borough, Bergen County at established bus stops. Appropriate signs will be erected advising the motoring public.

Social Impact

The amendment will restrict parking along the area designated and at bus stops to provide for the safe and efficient on/off loading of passengers, and enhancing the safety and well-being of the populace.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28A-1.61 Route US 9W

(a) The certain parts of State highway Route US 9W described in [(a) of] this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is hereby granted to erect appropriate signs at the following established bus stops.

1.-5. (No change.)

6. Within Fort Lee Borough, Bergen County:

i. Along Route US 9W (Fletcher Avenue) eastbound on the southerly side thereof at:

(1) Linwood Avenue: Beginning at the westerly curb line of Linwood Avenue and extending 105 feet westerly therefrom.

(b)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Route 439**

Proposed Amendment: N.J.A.C. 16:28A-1.70

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-139.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

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

This proposal is known as PRN 1983-165.

The agency proposal follows:

Summary

The proposal will establish "no parking" zones along Route 439 in the City of Elizabeth, Union County. Appropriate signs will be erected advising the motoring public.

Social Impact

The amendment will restrict parking along the area designated for the efficient flow of traffic and enhancement of the safety and well-being of the populace.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28A-1.70 Route 439

(a) The certain parts of State highway Route 439 described in [(a) of] this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

- 1. No stopping or standing in Elizabeth City, Union County:
 - i.-ii. (No change.)
 - iii. **Along the southerly (eastbound) side:**
 - (1) **Between Salem Avenue and Newark Avenue (Route 27) between the hours of 7:00 A.M. and 9:00 A.M.**
 - 2.-3. (No change.)

(a)

TRANSPORTATION OPERATIONS

**Miscellaneous Traffic Rules
Route US 22**

Proposed New Rule: N.J.A.C. 16:30-3.7

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-1, 27:1A-5, 27:1A-6, 27:1A-44,
27:7-21 and 39:4-6

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

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

This proposal is known as PRN 1983-167.

The agency proposal follows:

Summary

The proposal will establish a reserved lane exclusively for the use of buses along Route US 22 in the Town of Westfield and Mountainside Borough, Union County. Appropriate signs will be erected advising the motoring public.

Social Impact

The amendment will restrict traffic movement along the areas designated other than buses during the time period specified for the efficient flow of passenger movement.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

Full text of the proposed new rule follows.

16:30-3.7 Route US 22

(a) The certain parts of State highway Route US 22 described in this section shall be established and designated as "bus lanes" exclusively for the use of buses during the time specified:

i. Along the eastbound shoulder (right hand lane or curblane) in the Town of Westfield and Mountainside Borough, Union County:

(1) Beginning at a point 602 feet (station 621 plus 12) from the westerly curblane of Mountain Avenue (Co. Rd. 634) in the Town of Westfield to a point 385 feet (station 562 plus 66) east of the easterly curblane of New Providence Road (Co. Rd. 645) Mountainside Borough (total distance of 5,846 feet).

(b) The buses will use this portion of the shoulder from 7:00 A.M. to 8:30 A.M. at which time it will revert back to shoulder area.

(b)

TRANSPORTATION OPERATIONS

**Turns
Route US 206**

Proposed Amendment: N.J.A.C. 16:31-1.1

Authorized By: David W. Gwynn, Chief Engineer,
Transportation Operations and Local Aid.
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-183.6.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

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

This proposal is known as PRN 1983-166.

The agency proposal follows:

Summary

The proposal will establish no left turn movements along Route US 206 in Hillsborough Township, Somerset County. Appropriate signs will be erected advising the motoring public.

Social Impact

The amendment will prohibit the left turn movements in the area indicated for the safe and efficient flow of traffic and the enhancement of the safety and well-being of the populace.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:31-1.1 Route US 206

(a) Turning movements of traffic on certain parts of State highway Route US 206 described [herein below] in this section are regulated as follows:

- 1. (No change.)
- 2. (See proposal at 15 N.J.R. 426(b).)
- 3. **No left turn north bound to West onto Valley Road, Hillsborough Township, Somerset County.**

TREASURY—GENERAL

(a)

DIVISION OF PENSIONS

General Administration Expiration of Chapter

Proposed Readoption: N.J.A.C. 17:1

Authorized By: William J. Joseph, Director, Division of Pensions.

Authority: N.J.S.A. 52:18A-96 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Director
Division of Pensions
20 West Front Street
CN 295
Trenton, NJ 08625

The Division of Pensions thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law.

This proposal is known as PRN 1983-66.

The agency proposal follows:

Summary

Chapter 1 of Title 17 of the New Jersey Administrative Code deals with those rules which are warranted on the basis of the statutes requiring the Division of Pensions to make any necessary rules in contrast to rule making which is lodged with specific retirement or other employee benefit programs. In the lack of statutory authority the nature of the rule making is one that is implicit in the burdens which are imposed upon the Division of Pensions as a result of legislation. There are no less than 12 subchapters in the rules of Chapter 1 and they deal with the specific application of proper procedures as they involve all of the employee benefit programs administered by the Division, or as they pertain to specific ones for which no comparable authority has been lodged with a board or commission.

The rules' general applicability involve Subchapter 1, Accounting; Subchapter 4, Claims and Credit, and Subchapter 5, Hearings. These rules were long-time accepted practices of the several retirement systems and other employee benefit programs administered by the Division and which apply generally to all such entities.

The Accounting area deals with facets of any large financial operation and the retirement systems and other employee benefit programs administered by the Division indeed constitute huge financial undertakings of the State and local governments participating in such programs. In the latest Annual Report of June 30, 1981, a composite balance sheet involving all systems indicated assets of \$7.6 million. During the course of that fiscal year the several systems received \$4.2 billion in contributions from employers, employees, and income from investments. It accordingly disburses such monies to all of the specific accounts for which they were intended and this involves crediting member and employer contributions to the respective reserve funds in the different retirement systems, payment of charges for health, life, and long-term disability coverages, dental and prescription drug

insurance, Social Security taxes, and the monies available for claims.

The scope of these programs can be portrayed in terms of the retirement systems which in 1981 involved more than 365,000 State and local government employees, a Social Security Program covering 480,500 persons in government, and a Health Benefits Plan which extended coverage to more than 800,000 active and retired employees and their dependents.

These programs cannot be terminated as of the end of any period. The liabilities will continue to grow with each successive year and with the increase in the public employee population. This is particularly true in the financing of pension funds, which encompass employees' working careers and post retirement years. Thus the assets and the liabilities reflected above are only a small portion of the total commitment made by the public to its employees.

All of this exchange of monies from employees and public employers to eligible claimants and their dependents and survivors requires the implementation of the several laws to do equity whenever the statutes are silent, or when the statute only generally supplies the specifics and often is subject to interpretation by the Courts and the opinions of the Attorney General's office. Thus rules are required and will always be required to provide equity, uniformity of treatment, and administrative efficiency.

Such rules are just as pertinent to subchapter 4, dealing with Claims and Credit and the elaboration of the Hearing Procedure as they are for accounting purposes.

With every opinion of the Attorney General's office, an interpretation by the Courts, or a change in the statute, the rules are reviewed for the purpose of determining their continued applicability. All the regulations are reviewed at least annually to determine the same, to improve upon the language, to clarify any issues which may have arisen in the course of the previous 12 months and ensure the implementation of such rules in the day-to-day activities of the several bureaus of the Division of Pensions. Certainly any examination of any publication of the New Jersey Register demonstrates that regulations are being revised constantly; there is actually a full page of such changes in the index of adopted rules; the index totals 19 pages and of the 19, the Division of Pensions, among all other State agencies, is listed for one whole page.

In addition, Chapter 1 contains sections dealing with the Alternate Benefit Program, the Central Pension Fund, the Pension Adjustment Program (Pension Increase), the Social Security, Unemployment Compensation, Prescription Drug Program and Dental Expense Program (Subchapter 6 has been reserved). Most of these programs have specific statutory authority for the Division to adopt such rules as may be necessary for the implementation of the law. Others, such as the Central Pension Fund and Unemployment Insurance involve the administration of statutes where the Division of Pensions has been given the administrative responsibility as such is delimited to public employees covered by these programs. As such the participation of the Division requires a statement of the manner of its operation and to extent that such operational activity is circumscribed by necessary rules to provide equity, insure uniform treatment, and for administrative efficiency, such rules have been adopted and are part of Chapter 1. In the case of the other systems where there is explicit statutory authority, the rules have been adopted for the same purpose. Some of these rules were first promulgated many years ago. For example, the rules pertaining to the State Agency for Social Security were developed in 1952. Other rules are of more recent origin, depending on when the program was established and given over to the Division of Pensions for administration. Such more recent developments involve Unemployment Insurance, Prescription Drug and Dental Expense for State employees. The Pension Adjustment or Pension Increase Program is a good example of an explicit statutory authority to deal equitably among all employers whose pensioners are eligible to receive an adjustment and who are therefore required

to pay for such adjustments in accordance with the terms of the statutes.

The Division of Pensions appreciates the significance of Executive Order 66 and our review of the regulations has always been with a view of curtailing any which are no longer necessary because of changes in the statute which may have implemented what had been previously only regulation, or where the Courts have disposed of the issue, or where it was disposed of by opinions of the Attorney General, so that the regulation was deemed to be unnecessary. The most recent review of these rules indicates that they are still necessary, adequate, reasonable, efficient, understandable and responsive to the purposes for which they were promulgated.

As the rules are adopted or amended for re-adoption, public comment and review are received. The Division is satisfied that such comments have been properly considered in the language of the final regulations to be promulgated.

Social Impact

With respect to the social impact, the rules in Chapter 1, as are the rules in all systems, are pertinent to past, present, and future members or participants in the different systems administered by the Division of Pensions. Obviously Subchapter 1 dealing with accounting recognizes the necessary administrative practices related to receipts and disbursements and interest charges where necessary to do equity between timely receipts and those which are delinquent. The other regulations related to this subchapter involve a host of miscellaneous transactions which affect specific groups of individuals and specific programs often unspecified in the statutes. For example, the statutes governing the major retirement systems provide that the pensioners participating in a group health insurance plan can continue coverage after retirement by providing for the payment of the premium out of the pension payment he or she is to receive. This innocuous language required the Division of Pensions to establish a Pensioners Group Health Remittance Plan wherein the premiums collected from the authorized deductions from pension are accumulated and reported to the carriers. However, this required regulations in order to properly implement the program and to deal with such matters as the discontinuance of the allowance, when disability earnings affect the continued receipt of the pension and the status of beneficiaries or survivors under the plan.

Subchapter 2 deals with the equities of nearly 10,000 full time faculty members of public institutions of Higher Education involving contributions by participants and the State of \$19.6 million in fiscal 1981. These monies involve payment for the pension, group life insurance, and long-term disability benefits. The Division has explicit authority to develop those regulations necessary to implement that program.

Subchapter 3 involves the collection of different State statutes pertaining to the payment of pensions to certain public employees and the payment of pensions to disabled veterans all under the general nomenclature of the Central Pension Fund. Commonality involves the fact that all of these monies are paid by the State under terms of the different statutes and the regulations are limited to those areas where proofs are required or where specific forms are required to realize the proper administration of the plan.

Subchapter 4 deals with Claims and Credit and each year thousands of public employees purchase service in accordance with the provisions of the several retirement systems. All of this work is performed by a single purchase section within the Division of Pensions and the regulations are designed to provide for uniformity of treatment where the different statutes permit. In some cases the statutes are explicit and require adoption of rules by the Division as distinguished by any particular board or commission.

Subchapter 5 dealing with hearings from administrative decisions makes it clear that all such hearings are conducted by each board or commission. The regulation is still pertinent today because there are programs administered by the Division of Pensions which

contain no language concerning the conduct of such hearings and the purpose of the rule is to make clear that (1) a hearing from an administrative decision is possible and (2) where it will be conducted.

Subchapter 6 is reserved. It formerly dealt with the administration of statutes providing pensions to judges or their survivors and this has been replaced with the establishment of the Judicial Retirement System by Chapter 10.

Subchapter 7, dealing with the Pension Adjustment or Increase Program, is based on the explicit authority in the law and clarifies those sections which are not specified but which could affect the equities of pensioners or their eligible survivors. In fiscal 1981 nearly \$96 million was paid by the State and other public employers in the form of adjusted pensions.

Subchapter 8 relates to the work of the State Agency for Social Security, the specifics as to the receipt and the manner of reports reflecting the monies due to the State and in turn due to the Federal Government. In fiscal 1981 the State remitted more than \$802 million in employer and employee contributions for Social Security.

Subchapter 9 involves the State's limited participation in the Unemployment Insurance Program as it pertains to the payment of the employer obligation for the State on behalf of claims filed by State employees. It specifies the manner in which such claims are reviewed on a pre and post audit basis.

Subchapters 10 and 11 involve the administration of the Prescription Drug and Dental Expense Programs for State employees. In fiscal 1981 the State paid \$5.4 million in premiums for the Drug Plan and the State and participating employees paid \$8.1 million for the dental coverage.

Subchapter 12 contains administrative practice or procedures not falling within the areas of the previous subchapters.

All of these programs involving the receipt of cash, the proper awarding of claims, and the audited review of disbursements, are all within the prescriptions of the regulations which have been adopted, explaining or interpreting the provisions of law or providing for the proper administration of programs where the law is silent. Certainly in terms of the huge amounts of money the very large numbers of people involved, every effort must be made to assure that there is a lack of discrimination in the performance of the different benefit programs, that they serve the beneficiaries equitably and uniformly. The proof is largely in the payments made to members and pensioners or their survivors. In fiscal 1981 over \$139 million was paid to those withdrawing from the systems or those taking loans in those systems where loans are permitted. In addition to the \$96 million paid as adjusted pensions, about 80,000 pensioners received basic regular allowances of more than \$322 million. Over \$70 million was paid in group life insurance claims; more than \$197 million in Health Benefits, Prescription Drug, and Dental Expenses.

Economic Impact

With respect to the economic impact, most of the retirement programs are established on a fully-funded, reserve basis which means that the public employers and their employees pay in advance for the benefits to be paid to eligible recipients. Such pre-funded amounts are invested by the State Investment Division along with all other State monies and are held as Trust Accounts, separate and apart from all other State and local government monies. The earnings go towards reducing the ultimate cost of the benefits to be provided. Specific payment schedules are contained in the statutes governing each program and often are modified by the specifics or regulations to do equity between members and employers and to provide for uniform consideration. The amounts due from the public are considered by the actuary after he considers the corpus and income derived by each trust arrangement and using the best of the actuarial science the actuaries determine the public's charge under each plan. These pre-funding arrangements are a model for many other States throughout the country and such reserve funding

has been the basic financial consideration of the State-administered programs since their inception six decades ago.

About 60 percent of the pensioners remain in New Jersey from whence they receive their pensions and as such have a substantial influence in the economic viability of the communities in which they reside. When you add the Social Security benefits payable to many of these individuals plus the adjusted pensions and the health insurance premiums paid for by the public or by the pensioners, there is a substantial economic impact. Absent these programs many of these individuals would have to remain on the payroll even beyond superannuation or in spite of disability and at best would become public charges.

If the rules contained in Chapter 1 were not re-adopted, then chaos would follow because the Division could not cite such rules in clarifying public policy among the host of issues which the rules are designed to cover. While the rules may not be adopted, the programs are continued by legislation and, in fact, there is an average of 25 amendments to these statutes each year. This is perhaps one of the reasons why there is so much activity in the rule making imposed upon the Division of Pensions. Without their reoption it would be difficult to maintain a fair, equitable, and cost effective administration of the programs. The Division finds itself in court on disputes dealing with inequitable treatment and we would be involved with substantially increased costs of administration.

Full text of the proposed reoption can be found in the New Jersey Administrative Code at N.J.A.C. 17:1, as supplemented by amendments in the New Jersey Register.

(a)

DIVISION OF PENSIONS

Administrative Practices
Transfers; Court Attendants/Sheriff's Officers

Proposed New Rule: N.J.A.C. 17:1-12.4

Authorized By: William J. Joseph, Director, Division of Pensions.

Authority: N.J.S.A. 52:18A-96.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Director
Division of Pensions
20 West Front Street
CN 295
Trenton, NJ 98625

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

This proposal is known as PRN 1983-145.

The agency proposal follows:

Summary

The proposed rule explains and clarifies the procedures that affect former court attendants, who are appointed as sheriff's officers under the previous of chapter 133, P.L. 1982, when they transfer from their previous retirement system to their new retirement system subsequent to their appointment as sheriff's officers.

Social Impact

This proposal affects former court attendants who are appointed as sheriff's officers under the provisions of chapter 133, P.L. 1982.

Economic Impact

Members transferring to the Police and Firemen's Retirement System may be eligible to receive increased retirement benefits upon their retirement from that system. However, such members and their public employers will be required to contribute larger amounts to fund such increased benefits. To the extent that the tax paying public indirectly pays a portion of retirement benefits through their taxes, the public will experience increased costs.

Full text of the proposed new rule follows.

17:1-12.4 Transfers; court attendants/sheriff's officers

(a) Pursuant to chapter 133, P.L. 1982, an eligible member electing to transfer from one retirement system to the Police and Firemen's Retirement System will be required to pay, in a lump sum, the difference between his or her contributions to the retirement system of which he or she is now a member and what he or she would have contributed to the Police and Firemen's Retirement System.

1. In addition, the member must pay to the Police and Firemen's Retirement System the amount that the employer would have contributed to such system had he or she been a member from the date of his or her entrance into the first retirement system. He or she may pay this cost either in a lump sum or by scheduled payments.

(b) The employer's cost will be the difference between the member's current contribution rate in either the Public Employees' Retirement System or the County System and the current contribution rate required in the Police and Firemen's Retirement System applied to the current salary for the period of time transferred to the Police and Firemen's Retirement System. This cost must be paid in a lump sum.

(c) The employer's cost will be the difference between the employer's current normal contribution rate in either the Public Employees' Retirement System or the County System and the current normal contribution rate required in the Police and Firemen's Retirement System applied to the current salary for the period of time transferred to the Police and Firemen's Retirement System. This may be paid in either a lump sum or by payroll deductions at least equal to his or regular Police and Firemen's Retirement System contributions but not exceeding 10 years.

(d) Members electing to make the transfer must advise the Police and Firemen's Retirement System within 15 days after the date of the notice quoting cost that they wish to transfer. Failing to advise the Police and Firemen's Retirement System of such election within the 15 days will require that the member's pension status shall remain unchanged and his or her membership shall not be transferred to the Police and Firemen's Retirement System.

(e) Members must make payment of both the employee's and employer's lump sum cost within 30 days of the date of the original notice of cost. If the member elects to schedule payroll deductions, the lump sum payment of the employee's cost, as well as his or her election of such payroll deductions, must be received within 30 days of the original notice. If the member fails to make payment within this time period, his or her pension status shall remain unchanged and his or her membership will not be transferred to the Police and Firemen's Retirement System.

(f) Contributions standing to the credit of the member in the first retirement system shall be transferred to the Police and Firemen's Retirement System.

(g) The information required shall be forwarded to the actuary so that he or she can compute whatever the reserve transfer should be from the Public Employees' Retirement System or County System and for developing any additional cost to the employer.

(h) All additional administrative fees incurred in the development of the employer transfers shall be borne by the Police and Firemen's Retirement System's location to which the member is transferring.

(i) All payments, whether for employee or employer costs, shall be credited to the member's accounts and become his or her investment in the system.

(a)

DIVISION OF PENSIONS

**Administrative Practices
Interfund Transfers; accumulated interest**

Proposed New Rule: N.J.A.C. 17:1-12.5

Authorized By: William J. Joseph, Director, Division of Pensions.

Authority: N.J.S.A. 52:18A-96.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph
Division of Pensions
20 West Front Street
CN 295
Trenton, NJ 08625

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

This proposal is known as PRN 1983-147.

The agency proposal follows:

Summary

The proposed rule sets forth the policy that, when a member of a State-administered retirement system transfers to another State-administered retirement system which does not credit interest to the accounts of its members, any accumulated interest credited in the former system will not be transferred to the new system. If the new system credits interest, then the accumulated interest credited in the former system will be transferred to the new system.

Social Impact

This proposal may affect current and future members of one State-administered retirement system who transfer to another State-administered retirement system.

Economic Impact

This proposal will not have an adverse effect upon members involved in interfund transfers since such members will receive credit for all of their previous, eligible years of service upon such transfer, whether or not the accumulated interest is transferred.

Full text of the proposed new rule follows.

17:1-12.5 Interfund transfers; accumulated interest

(a) Notwithstanding the provisions of N.J.A.C. 17:2-7.1, 17:3-7.1, 17:4-7.1 and 17:10-6.1 concerning interfund transfers of members between State-administered retirement systems, accumulated interest credited to the member's account in the former system will only be transferred as part of such member's contributions to the new system if the new system likewise credits interest to its member accounts.

(b)

DIVISION OF PENSIONS

**Teachers' Pension and Annuity Fund
Expiration of Chapter**

Proposed Readoption: N.J.A.C. 17:3

Authorized By: Board of Trustees, Teachers' Pension and Annuity Fund, Mary C. Conrey, Secretary.

Authority: N.J.S.A. 18A:66-56.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Mary C. Conrey, Secretary
Teachers' Pension and Annuity Fund
Division of Pensions
20 West Front Street
CN 295
Trenton, NJ 08625

The Board of Trustees of the Teachers' Pension and Annuity Fund thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law.

This proposal is known as PRN 1983-161.

The agency proposal follows:

Summary

Chapter 3 of Title 17 of the New Jersey Administrative Code deals with those rules which are approved by the board of trustees of the Teachers' Pension and Annuity Fund. In Chapter 3 there are seven subchapters dealing with Administration, Enrollment, Insurance and Death Benefits, Membership, Purchases, Retirement, and Transfers. All of these facets deal with the program of teacher retirement which applies to all professional members of the teaching faculties in the public schools of New Jersey, as well as with certain other professional employees of the State Department of Education. It is a substantial program and the first established on a sound financial basis in New Jersey as early as 1919. Total membership involves 112,000 active members and nearly 26,000 pensioners and beneficiaries, as reflected in the Annual Report of the system as of June 30, 1981.

Teacher groups were among the first to recognize the problem of disability and superannuation and attempted to establish pension plans to consider such contingencies on the basis of a cooperative effort among the teachers themselves. Such plans failed in many communities and this was also true of the Teacher Retirement Fund in New Jersey. After it went bankrupt the need for a Statewide plan was evident and the Teachers' Pension and Annuity Fund was established with the State assuming the employer's obligation as State Aid in support of education.

All teachers are required to enroll in this program and are provided with benefits which are properly financed by the public. As of June 30, 1981, total benefit payments, including Pension Adjustments, totaled more than \$185 million so that one can appreciate the necessity of prefunding for such liability. As of June 30, 1981, the system had accumulated more than \$3 billion in assets

in order to meet the present value of benefits established by the actuary at \$6.3 billion. Hence with continued contributions by the public and the teachers, the huge liabilities confronting the Teachers' Fund will be met.

During the course of the year, as indicated from the Annual Report of 1981, there were over 7,500 enrollments, more than 1,600 retirements, over 5,600 terminations and 176 deaths before retirement. In addition to retirement benefits which are paid, nearly \$15 million was paid in death benefits to the beneficiaries of active and retired members, \$13 million as a return of the members' contributions, and more than 20,000 members applied for and received loans totaling nearly \$39 million.

Obviously in any such substantial financial operation the statute cannot possibly consider all of the possible issues as they may arise in the administration of the program and in proper consideration of the monies appropriate to the coverages provided under the plan. In such cases regulations are required to do equity whenever the statute is silent, or when the statute only generally supplies the specifics and is often subject to interpretation by the Courts and the opinions of the Attorney General's office. Thus rules are required and will always be required to provide equity, uniformity of treatment, and administrative efficiency.

With every opinion of the Attorney General's office, an interpretation by the Courts, or a change in the statute, the rules are reviewed for the purpose of determining their continued applicability. All of the regulations are reviewed at least annually to determine the same, to improve upon the language, to clarify any issues which may have arisen in the course of the previous 12 months and to ensure the implementation of such rules in the day-to-day activities of the several bureaus of the Division of Pensions. Certainly an examination of any publication of the New Jersey Register demonstrates that regulations are being revised constantly; there is actually a full page of such changes in the index of adopted rules of the Division of Pensions; the index totals 19 pages and of the 19, the Division of Pensions, among all other State agencies, is listed for one whole page. A substantial portion of those changes involve the Teachers' Pension and Annuity Fund and the Division of Pensions is designated as the administrative agency for the operation of the Teachers' Fund.

The Division of Pensions appreciates the significance of Executive Order Number 66 and our review of the regulations has always been with the view of curtailing any which are no longer necessary because of changes in the statute which may have implemented what had previously been only regulation, or where the Courts have disposed of the issue, or where it was disposed by opinions of the Attorney General, so that the regulation was deemed to be unnecessary. The most recent review of these rules indicates that they are still necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which they were promulgated. As the rules are adopted, or amended for re-adoption, public comment and review are received. The Division is satisfied that such comments have been properly considered in the language of the final regulation to be promulgated.

Social Impact

With respect to the social impact, the rules in Chapter 3, as are the rules of all programs administered by the Division of Pensions, are pertinent to past, present, and future participants in the Teachers' Pension and Annuity Fund.

As a large financial undertaking involving the receipt of cash, the proper consideration of claims and the audited review of disbursements, are all within the prescriptions of the regulations which have been adopted, explaining or interpreting the provisions of law, or providing for the proper administration of the program where the law is silent. Certainly in terms of the large amounts of money and the very large numbers of people involved, every effort must be made to assure that there is a lack of discrimination in the performance of the program and that it serves the beneficiaries equitably and uniformly. Proof is largely in the payments made to

participants or their survivors. In the Annual Report for fiscal 1981, more than \$185 million was paid in monthly retirement and survivor benefits to nearly 26,000 pensioners and beneficiaries.

Economic Impact

With respect to the economic impact, the Teachers' Pension and Annuity Fund is established on an actuarially determined basis so that the proper employer contributions are made long before the money is needed to provide the benefits which have been promised. As a result, the money that is required to be established is much smaller than if there were no prefunding, because the monies are invested and with such earnings meet the contingencies required of the program. The regulations are designed to do equity between the public and the teachers and to provide for uniform consideration. The program is a model for many other States throughout the country and has produced the intended results for the thousands of teachers covered by the plan since its inception more than six decades ago.

About 60 percent of the pensioners remain in New Jersey from whence they receive their pensions and most of them continue the coverage as pensioners or beneficiaries. As such the program has an influence in the economic viability of the communities in which they reside. Absent this program these individuals would lack the means to support themselves and their families or would have to continue working beyond the mandatory retirement age.

If the rules contained in Chapter 3 were not re-adopted, then chaos would follow because the Division could not cite such rules in clarifying the policy of the board of trustees among the host of issues which the rules are designed to cover. While the rules may not be adopted, the program is continued by legislation and, in fact, there is an average of at least several amendments to this statute or one amendment to other statutes which bear on this program each year. This is perhaps one of the reasons why there is so much activity in the rule making imposed upon the Division of Pensions. As a result the opportunity for designing the best possible program requires changes and this leads to periodic alteration in the regulations which have been adopted. Without their re-adoption it would be difficult to maintain a fair, equitable, and cost effective administration of the program. The Division would find itself in Court on disputes dealing with inequitable treatment and we would be involved with substantially increased cost of administration.

Full text of the proposed re-adoption can be found in the New Jersey Administrative Code at N.J.A.C. 17:3, as supplemented by amendments in the New Jersey Register.

(a)

DIVISION OF PENSIONS

**Prison Officers' Pension Fund
Expiration of Chapter**

Proposed Re-adoption: N.J.A.C. 17:7

Authorized By: Prison Officers' Pension Fund Commission,
Robert C. Parsons, Secretary.
Authority: N.J.S.A. 43:7-19.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Robert C. Parsons, Secretary
Prison Officers' Pension Fund
Division of Pensions
20 West Front Street
CN 295
Trenton, NJ 08625

The Prison Officers' Pension Fund Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5).

The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law.

This proposal is known as PRN 1983-149.

The agency proposal follows:

Summary

Chapter 7 of Title 17 of the New Jersey Administrative Code deals with those rules which are approved by the Prison Officers' Pension Fund Commission. In Chapter 7 there are three subchapters, dealing with Administration, Membership, and Retirement. All of these facets deal with the program of benefits payable to members of the Prison Officers' Pension Fund. In contrast to most other State retirement systems, the Fund is fairly small consisting of 97 active members and 370 pensioners, as reflected in the Annual Report of the Fund as of June, 1981. Moreover, it is a system which has been closed to new employees for more than two decades. Initially, new officers were enrolled in the Public Employees' Retirement System and since 1973 in the Police and Firemen's Retirement System. The Prison Officers' Pension Fund was created in 1941 to provide special benefits for prison guards. It was never established on a sound financial basis and as such its obligations are being met by annual appropriations in contrast to any prefunded arrangement which the original legislation could have contained but did not. There is a small reserve that has been established to consider any possible contingency which might arise during the course of any year and for which the annual appropriation might be inadequate. As of June 30, 1981 total benefit payments made, including Pension Adjustments, amount to more than \$2.5 million a year so that one can appreciate the continuing substantial obligation assumed by the State on behalf of the membership of this closed system. As a closed system there are no enrollments, which is common to on-going programs, and hence the lack of such enrollment criteria in the rules governing the Fund. There was an increase during the course of the year, as indicated from the Annual Report of 1981, of 11 pensioners and there was a decrease in the active membership due to death or retirement of 18 members.

Obviously in any such substantial financial operation the statute cannot possibly consider all of the possible issues as they may arise in the administration of the program and in the proper consideration of the monies appropriate to the coverages provided under the plan. In such cases regulations are required to do equity whenever the statute is silent, or when the statute only generally supplies the specifics and is often subject to interpretation by the Courts and the opinions of the Attorney General's office. Thus rules are required and will always be required to provide equity, uniformity of treatment, and administrative efficiency.

With every opinion of the Attorney General's office, an interpretation by the Courts, or a change in the statute, the rules are reviewed for the purpose of determining their continued applicability. All of the regulations are reviewed at least annually to determine the same, to improve upon the language, to clarify any issues which may have arisen in the course of the previous 12 months and to ensure the implementation of such rules in the day-to-day activities of the several bureaus of the Division of Pensions. Certainly an examination of any publication of the New Jersey Register demonstrates that regulations are being revised constantly; there is actually a full page of such changes in the index of adopted rules of the Division of Pensions; the index totals 19 pages and of the 19, the Division of Pensions, among all other State agencies,

is listed for one whole page. A modest portion of those changes involve the Prison Officers' Pension Fund and the Division of Pensions is designated as the administrative agency for the operation of the Fund.

The Division of Pensions appreciates the significance of Executive Order Number 66 and our review of the regulations has always been with the view of curtailing any which are no longer necessary because of changes in the statute which may have implemented what had previously been only regulation, or where the courts have disposed of the issue, or where it was disposed by opinions of the Attorney General, so that the regulation was deemed to be unnecessary. The most recent review of these rules indicates that they are still necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which they were promulgated. As the rules are adopted, or amended for readoption, public comment and review are received. The Division is satisfied that such comments have been properly considered in the language of the final regulations to be promulgated.

Social Impact

With respect to the social impact, the rules in Chapter 7, as are the rules of all programs administered by the Division of Pensions, are pertinent to past, present, and future participants in the Prison Officers' Pension Fund.

As a large financial undertaking involving the receipt of cash, the proper consideration of claims and the audited review of disbursements, are all within the prescriptions of the regulations which have been adopted, explaining or interpreting the provisions of law, or providing for the proper administration of the program where the law is silent. Certainly in terms of the large amounts of money and the very large numbers of people involved, every effort must be made to assure that there is a lack of discrimination in the performance of the program and that it serves the beneficiaries equitably and uniformly. Proof is largely in the payments made to participants or their survivors. In the Annual Report for fiscal 1981, more than \$2.5 million was paid in retirement and survivor benefits to 370 pensioners and beneficiaries.

Economic Impact

With respect to the economic impact, the regulations are designed to do equity between the public and the officers and to provide for uniform consideration.

About 60 percent of the pensioners remain in New Jersey from whence they receive their pensions and most of them continue the coverage as pensioners or beneficiaries. As such the program has an influence in the economic viability of the communities in which they reside. Absent this program these individuals would lack the means to support themselves and their families or would have to continue working beyond the mandatory retirement age for which they would be ill suited due to the nature of their work.

If the rules contained in Chapter 7 were not readopted, then chaos would follow because the Division of Pensions could not cite such rules in clarifying the policy of the Commission among the host of issues which the rules are designed to cover. While the rules may not be adopted, the program is continued by legislation and, in fact, there is an average of at least one amendment to this statute or one amendment to other statutes which bear on this program each year. This is perhaps one of the reasons why there is so much activity in the rule making imposed upon the Division of Pensions. As a result the opportunity for designing the best possible program requires changes and this leads to periodic alteration in the regulations which have been adopted. Without their readoption it would be difficult to maintain a fair, equitable, and cost effective administration of the program. The Division would find itself in Court on disputes dealing with inequitable treatment and we would be involved with substantially increased costs of administration.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 17:7, as supplemented by amendments in the New Jersey Register.

(a)

DIVISION OF PENSIONS**State Health Benefits Program
Expiration of Chapter****Proposed Readoption: N.J.A.C. 17:9**

Authorized By: William J. Joseph, Secretary, State Health Benefits Commission.

Authority: N.J.S.A. 52:14-17.27.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Secretary
State Health Benefits Commission
Division of Pensions
20 West Front Street
CN 295
Trenton, NJ 08625

The State Health Benefits Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law.

This proposal is known as PRN 1983-146.

The agency proposal follows:

Summary

Chapter 9 of Title 17 of the New Jersey Administrative Code deals with those rules which are approved by the State Health Benefits Commission in the administration of the State Health Benefits Program. In Chapter 9 there are seven subchapters, dealing with administration, coverage, dependents, employees, premiums, retirement, and termination.

All of these facets deal with the large program of State Health Benefits which not only extends to State employees but also includes the employees, active and retired, dependents and survivors of over 900 participating local governments. It constitutes one of the 10 largest health insurance plans in the country touching about 800,000 employees and their dependents. In the latest Annual Report as of June 30, 1981, it indicates that there were nearly 90,000 State employees, 188,000 local government employees, and 958 local governments in the program. During the course of that fiscal year over 56,000 employees were enrolled, nearly 56,000 were terminated and there were nearly 15,000 changes in the types of coverage selected. Basic benefits are provided by Blue Cross and Blue Shield of New Jersey while the major medical supplemental plan is provided by the Prudential Insurance Company of America. In addition, the State Health Benefits Commission has contracted with all operating health maintenance organizations (HMOs) which are State qualified and in fiscal 1981 nearly 11,000 State employees were covered by HMOs with charges of nearly \$9 million. A similar number of local government employees were also covered. In 1981, covering an eight-month period, premiums of \$33.7 million were paid for State employees and \$69 million for local government employees; these payments were made on behalf of basic benefits provided by the Blues. In a 16-month period, \$20 million was paid for State employees and \$47 million for local government employees for major medical benefits. This program is outside of the other health care plans provided by the State and local governments for their employees. Such include Prescription Drug,

Dental Expense, and Vision Care Plans. Obviously, under such a huge operation, the statute cannot possibly consider all of the possible issues as they may arise in the administration of the program and in the proper consideration of the monies appropriate to the coverages provided under the plan. In such cases regulations are required to do equity whenever the statute is silent, or when the statute only generally supplies the specifics and is often subject to interpretation by the courts and the opinions of the Attorney General's office. Thus rules are required and will always be required to provide equity, uniformity of treatment, and administrative efficiency.

With every opinion of the Attorney General's office, an interpretation by the Courts, or a change in the statute, the rules are reviewed for the purpose of determining their continued applicability. All of the regulations are reviewed at least annually to determine the same, to improve upon the language, to clarify any issues which may have arisen in the course of the previous 12 months and to ensure the implementation of such rules in the day-to-day activities of the several bureaus of the Division of Pensions. Certainly an examination of any publication of the New Jersey Register demonstrates that regulations are being revised constantly; there is actually a full page of such changes in the index of adopted rules of the Division of Pensions; the index totals 19 pages and of the 19, the Division of Pensions, among all other State agencies, is listed for one whole page. A substantial portion of those changes involve the State Health Benefits Program and the Division of Pensions is designated as the administrative agency for the operation of the State Health Benefits Program by the statute.

Many of these rules were first promulgated many years ago when the program was transferred to the Division of Pensions in 1964.

The Division of Pensions appreciates the significance of Executive Order No. 66 and our review of the regulations has always been with the view of curtailing any which are no longer necessary because of changes in the statute which may have implemented what had previously been only regulation, or where the courts have disposed of the issue, or where it was disposed by opinions of the Attorney General, so that the regulation was deemed to be unnecessary. The most recent review of these rules indicates that they are still necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which they were promulgated. As the rules are adopted, or amended for re-adoption, public comment and review are received. The Division is satisfied that such comments have been properly considered in the language of the final regulation to be promulgated.

Social Impact

With respect to the social impact, the rules in Chapter 9, as are the rules of all programs administered by the Division of Pensions, are pertinent to past, present, and future participants in the State Health Benefits Program.

As a large financial undertaking involving the receipt of cash, the proper consideration of claims and the audited review of disbursements, are all within the prescriptions of the regulations which have been adopted, explaining or interpreting the provisions of law, or providing for the proper administration of the program where the law is silent. Certainly in terms of the large amounts of money and the very large numbers of people involved, every effort must be made to assure that there is a lack of discrimination in the performance of the program and that it serves the beneficiaries equitable and uniformly. Proof is largely in the payments made to participants or their survivors. In the Annual Report for fiscal 1981 and in an eight-month period, nearly \$109 million was paid in benefits for basic coverage by the Blues and nearly \$59 million was paid in a 16-month period by the Prudential for major medical coverage.

Economic Impact

With respect to the economic impact, the State Health Benefits Program is established on an actuarially determined basis so that

proper rates are established long before the fiscal year begins with proper advice to employers and their active or retired employees. As a result the charges are sufficient to provide the benefits that have been promised under terms of the statute. Such monies are withheld until they are needed for benefit disbursements by the administering carriers. Adequate reserves are established to provide for contingencies during the course of the year, because benefit payments vary considerably from month-to-month during any year. These reserves are invested and the earnings go towards reducing the cost of the benefits to be provided. The regulations are designed to do equity between employers and their employees and to provide for uniform consideration. The program is a model for many other States throughout the country and the traditional program as well as the HMOs have produced the intended results for the thousands of employees and dependents who are covered and who have been enrolled in this program for two decades.

About 60 percent of the pensioners remain in New Jersey from whence they receive their pensions and most of them continue the coverage they had as employees once they have retired. As such the program has a substantial influence in the economic viability of the communities in which they reside. Absent this program all of these individuals would have to seek out individual insurances to protect themselves and their families in the event of acute or chronic illness.

If the rules contained in Chapter 9 were not readopted, then chaos would follow, because the Division of Pensions could not cite such rules in clarifying the policy of the State Health Benefits Commission among the host of issues which the rules are designed to cover. While the rules may not be adopted, the program is continued by legislation and, in fact, there is on average at least one amendment to this statute each year. This is perhaps one of the reasons why there is so much activity in the rule making imposed upon the Division of Pensions. Moreover, the delivery of medical care is a field which is in constant change and has been for several decades. As a result the opportunity for designing the best possible program requires changes and this leads to periodic alterations in the regulations which have been adopted. Without their readoption it would be difficult to maintain a fair, equitable, and cost effective administration of the program. We would find ourselves in court on disputes dealing with inequitable treatment and we would be involved with substantially increased costs of administration.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 17:9, as supplemented by amendments in the New Jersey Register.

(a)

DIVISION OF PENSIONS

Judicial Retirement System Expiration of Chapter

Proposed Readoption: N.J.A.C. 17:10

Authorized By: William J. Joseph, Secretary, Division of Pensions.

Authority: N.J.S.A. 43:6A-29d.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Joseph, Secretary
Judicial Retirement System
Division of Pensions
20 East Front Street
Trenton, NJ 08625

The State House Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law.

This proposal is known as PRN 1983-148.

The agency proposal follows:

Summary

Chapter 10 of Title 17 of the New Jersey Administrative Code deals with those rules which are approved by the State House Commission, acting as the board of trustees of the Judicial Retirement System. In Chapter 10 there are six subchapters, dealing with administration, enrollment, insurance and death benefits, membership, retirement, and transfers.

All of these facets deal with the program of judicial retirement which not only covers members of the State Courts, but also includes judges serving in the County Court system. In contrast to most of the other on-going programs for retirement of State and local government employees, this program is a fairly small one consisting of 495 active members, pensioners, and beneficiaries, as reflected in the Annual Report of the system as of June 30, 1981. However, it is a unique one because it involves members of another arm of government – the Judiciary. In fact, in the Constitution of the State only the Judiciary is specifically mentioned for retirement purposes in order that there be an orderly termination of service for those who are disabled or reach the mandatory retirement age.

On the basis of the Constitutional provision, the legislation was enacted immediately thereafter to provide for the pensions contemplated by the Constitution under the circumstances specified therein. Additional legislation was enacted to consider the problem of other levels of the Judiciary beyond that of the Supreme and Superior Courts. Initially, other judges were enrolled in the Public Employees' Retirement System. Later, legislation was enacted permitting groups to transfer from that system to a noncontributory program with the view of equating the benefits payable to those judges with those of the State Judiciary. Essentially, the service rendered and even the salaries were almost identical, but the retirement and death benefits remained quite different.

It was also recognized that there were serious financial problems involving the State judicial pensions, because there had been no pre-funding for these liabilities and it was not until 1973, with the establishment of the Judicial Retirement System, that all judges were required to enroll in this one program and secondly, were to be provided with benefits properly financed by the public. As of June 30, 1981, total benefit payments made, including Pension Adjustments, amounted to nearly \$5 million a year so that one can appreciate the necessity for pre-funding. As of June 30, 1981, the system had accumulated \$25 million in assets to meet the then present value of benefits established by the actuary at \$91 million. Hence, with continued contributions by the public and by judges the huge liabilities confronting the public for the benefits provided by this system in 1973 have been materially reduced and will be so reduced over the financing of the debt established in 1973.

During the course of the year, as indicated from the Annual Report of 1981, there were 25 enrollments, 16 retirements, one death before retirement, and three deaths after retirement.

Obviously in any such substantial financial operation the statute cannot possibly consider all of the possible issues as they may arise in the administration of the program and in the proper consideration of the monies appropriate to the coverages provided under the plan. In such cases regulations are required to do equity whenever the statute is silent, or when the statute only generally supplies the specifics and is often subject to interpretation by the Courts and the

opinions of the Attorney General's office. Thus rules are required and will always be required to provide equity, uniformity of treatment, and administrative efficiency.

With every opinion of the Attorney General's office, an interpretation by the Courts, or a change in the statute, the rules are reviewed for the purpose of determining their continued applicability. All of the regulations are reviewed at least annually to determine the same, to improve upon the language, to clarify any issues which may have arisen in the course of the previous 12 months and to ensure the implementation of such rules in the day-to-day activities of the several bureaus of the Division of Pensions. Certainly an examination of any publication of the New Jersey Register demonstrates that regulations are being revised constantly; there is actually a full page of such changes in the index of adopted rules of the Division of Pensions; the index totals 19 pages and of the 19, the Division of Pensions, among all other State agencies, is listed for one whole page. A modest portion of those changes involve the Judicial Retirement System and the Division of Pensions is designated as the administrative agency for the operation of the Judicial Retirement System.

The Division of Pensions appreciates the significance of Executive Order Number 66 and our review of the regulations has always been with the view of curtailing any which are no longer necessary because of changes in the statute which may have implemented what had previously been only regulation, or where the courts have disposed of the issue, or where it was disposed of opinions of the Attorney General, so that the regulation was deemed to be unnecessary. The most recent review of these rules indicates that they are still necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which they were promulgated. As the rules are adopted, or amended for re-adoption, public comment and review are received. The Division is satisfied that such comments have been properly considered in the language of the final regulation to be promulgated.

Social Impact

With respect to the social impact, the rules in Chapter 10, as are the rules of all programs administered by the Division of Pensions, are pertinent to past, present, and future participants in the Judicial Retirement System.

As a large financial undertaking involving the receipt of cash, the proper consideration of claims and the audited review of disbursements, are all within the prescriptions of the regulations which have been adopted, explaining or interpreting the provisions of law, or providing for the proper administration of the program where the law is silent. Certainly in terms of the large amounts of money and the very large numbers of people involved, every effort must be made to assure that there is a lack of discrimination in the performance of the program and that it serves the beneficiaries equitably and uniformly. Proof is largely in the payments made to participants or their survivors. In the Annual Report for fiscal 1981, nearly \$5 million was paid in retirement and survivor benefits to 191 pensioners and beneficiaries.

Economic Impact

With respect to the economic impact, the Judicial Retirement System is established on an actuarially determined basis so that the proper employer contributions are made long before the money is needed to provide the benefits which have been promised. As a result, the money that is required to be established is much smaller than if there were no pre-funding, because the monies are invested and with such earnings meet the contingencies required of the program. The regulations are designed to do equity between the public and the judges and to provide for uniform consideration. The program is a model for many other States throughout the country and has produced the intended results for the hundreds of judges covered by the plan since its inception nearly a decade ago.

About 60 percent of the pensioners remain in New Jersey from whence they receive their pensions and most of them continue the

coverage as pensioners or beneficiaries. As such the program has an influence in the economic viability of the communities in which they reside. Absent this program these individuals would lack the means to support themselves and their families or would have to continue working beyond the mandatory retirement age for which they would be ill suited in the sense that they could not return to the law dealing with many of the cases which had been presented to them during their tenure as judge. Many judges give up very lucrative careers as attorneys in order to serve as judges, depending on the retirement programs to provide for their future and the future of their survivors.

If the rules contained in Chapter 10 were not re-adopted, then chaos would follow because the Division of Pensions could not cite such rules in clarifying the policy of the State House Commission among the host of issues which the rules are designed to cover. While the rules may not be adopted, the program is continued by legislation and, in fact, there is an average of at least one amendment to this statute or one amendment to other statutes which bear on this program each year. This is perhaps one of the reasons why there is so much activity in the rule making imposed upon the Division of Pensions. As a result the opportunity for designing the best possible program requires changes and this leads to periodic alteration in the regulations which have been adopted. Without their re-adoption it would be difficult to maintain a fair, equitable, and cost effective administration of the program. The Division would find itself in Court on disputes dealing with inequitable treatment and we would be involved with substantially increased costs of administration.

Full text of the proposed re-adoption can be found in the New Jersey Administrative Code at N.J.A.C. 17:10, as supplemented by amendments in the New Jersey Register.

(a)

STATE INVESTMENT COUNCIL

Classification of Funds

Proposed Re-adoption: N.J.A.C. 17:16-5.1 and 5.2

Authorized By: State Investment Council, Roland M. Machold, Director, Division of Investment.
 Authority: N.J.S.A. 52:18A-91.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roland M. Machold, Director
 Division of Investment
 349 West State Street
 Trenton, NJ 08625

The State Investment Council thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The re-adoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law.

This proposal is known as PRN 1983-144.

The agency proposal follows:

Summary

The purpose of this proposal is to reestablish existing rules of the State Investment Council. The rules define, list and classify the funds under its jurisdiction, which jurisdiction is defined in

N.J.S.A. 52:18A-91. The definition and classification of the funds provides a basis for internal management and accounting controls. The rules have been in existence since 1950, when the Division of Investment was created. The most recent amendments to the rules were proposed at 14 N.J.R. 329(b) and adopted at 14 N.J.R. 1220(d). Independent auditors of the State's investment funds rely upon the rules in defining the responsibilities of their audit.

Social Impact

Readoption of the rules will have limited social impact. The purpose of the rules is to accurately define and classify the responsibilities of the Division, and is intended to promote efficiency in State government. The rules have no direct effect upon the public, and the only persons affected by the rules are the employees of the Division of Investment. There has never been any public reaction to the rules.

Economic Impact

Readoption will have no anticipated economic impact upon the State or any member of the public. No cost is entailed by the implementation of the rules. The rules are intended to advance efficiency in the management of State investments, which, over the long term, is intended to provide economic benefits to the State, but these benefits are not measurable.

Full text of the proposed readoption can be found in the New Jersey Register at 14 N.J.R. 330 (April 5, 1982 issue).

OTHER AGENCIES

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

District Zoning Regulation Official Zoning Map

Proposed Amendment: N.J.A.C. 19:4-6.28

Authorized By: Hackensack Meadowlands Development Commission, Anthony Scardino, Jr., Executive Director.

Authority: N.J.S.A. 13:17-1 et seq.

A **public hearing** concerning this proposal will be held on April 25, 1983 at 9:30 A.M. at:

Hackensack Meadowlands Development Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Chester Mattson, Director of Environmental Programs and Planning
Hackensack Meadowlands Development Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

The Hackensack Meadowlands Development Commission thereafter may adopt this proposal without further notice (see:

N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-169.

The agency proposal follows:

Summary

The Hackensack Meadowlands Development Commission, pursuant to the authority of N.J.S.A. 13:17-6(i) and 12:17-16, proposes to amend N.J.A.C. 19:4-6.28 concerning the Hackensack Meadowlands District official zoning map for Secaucus, New Jersey.

The proposed amendment changes the zoning designation of approximately 24 acres of the 53 acres of the existing Highway Commercial Zone, N.J.A.C. 19:4-4.43 known as Block 194, Lot 6 in Secaucus, to the Service Highway Commercial Zone pursuant to N.J.A.C. 19:4-4.53.

Social Impact

The proposed zoning change would have a positive impact on the balance of uses provided for in the current master plan. The request for a rezoning comes from Hartz Mountain Industries, which proposes to establish a convenience shopping center. The center will have within it a supermarket, a discount hardware store, and a number of small convenience outlets (such as photomat, dry cleaners, stationery store, etc.). The convenience shopping center is intended to serve residents of Secaucus, including those in Island Residential-1 (Harmon Cove) and the future residents of IR-2 (the adjacent tract). It is important to note that Hartz Mountain Industries is not proposing a comparison goods shopping center. The convenience shopping center is expected to consist of 250,000 square feet of floor area.

Economic Impact

Residents of Secaucus will be afforded a community shopping center near their homes, and will thereby contribute to the economic stability of the town of Secaucus. The siting of this facility at this location will alleviate the need to travel long distances via automobile. It will also make available new employment for the region.

OFFICE OF ADMINISTRATIVE LAW NOTE: A map showing the proposed change in zoning designation was submitted as part of the Commission's notice of proposed rule.

(b)

CASINO CONTROL COMMISSION

Applications

Proposed Readoption: N.J.A.C. 19:41, with Repeal of Subchapter 5

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-63(c), -69, -70(a), (b), (c) and (e), -92, -93, -139, -141 and -142.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

David C. Missimer, Esq.
Casino Control Commission
3131 Princeton Pike Office Park
Building No. 5, CN 208
Trenton, NJ 08625

The Casino Control Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law. Current amendments to the readoption become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-177.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order 66(1978), the Casino Control Commission proposes to readopt N.J.A.C. 19:41 concerning applications.

The rules were originally filed with the (then) Division of Administrative Procedure and became effective on December 15, 1977. They were promulgated to implement the applicable provisions of the Casino Control Act (N.J.S.A. 5:12-1 et seq.) concerning the commission's responsibility to ascertain that certain qualification criteria be met with regard to the licensing of: the casino industry (sections 82(b) and (d), 85(b), 104(a), 105); the service industries which engage in transactions with the casino industry (sections 91, 92(a), (b) and (c)); and the individuals who may directly or indirectly be affiliated with the casino industry (sections 89, 90 and 91). Additionally, these rules implement the commission's obligation to prescribe: the methods and forms of application which applicants must follow and complete (section 70(a)); the methods, procedures and forms for delivery of information (section 70(b)); and the procedures for fingerprinting of an applicant or other methods of identification (section 70(c)). These rules also establish the amount of all fees associated with the licensing process (sections 139, 141 and 142) and the procedures to be employed in their collection (section 70(c)). Unless readopted, the current rules will expire on May 17, 1983.

N.J.A.C. 19:41 was designed to aid in the application and investigatory process in which all persons seeking licensure from the commission must participate. These rules have proven to be an effective tool in accelerating the consideration of applications submitted to the commission. Using the procedures established by these rules, the commission has processed and issued over 83,000 licenses in the past five years. The effectiveness of these rules may be attributed to the fact that they provide, fair, effective and efficient standards and procedures for evaluating the qualifications of license applicants.

The rules assure that the Casino Control Commission and the Division of Gaming Enforcement have all the information which is necessary to the consideration of applications. The public interest can only be protected by a system of control and regulation which assures exclusion of individuals with criminal records, habits or associations and individuals lacking business probity, ability or experience. The discontinuance of these rules would undoubtedly enhance the danger that persons with unacceptable backgrounds would infiltrate the casino/hotel industry.

Since the effective date of N.J.A.C. 19:41, the commission and division staff have continually reviewed and monitored the viability and vitality of their application systems. This review has always included comments received from the industry or other persons filed pursuant to section 69(c) of the act and the applicable provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.). As a result of this review process, changes have been made to these rules when the commission found them to be in the best interests of the public, casino operations and the proper administration of the act. In effecting change, the commission has always been sensitive to changing social and economic conditions,

and has exercised its regulatory and review powers in a cautious yet flexible manner (see e.g., amendments to rules concerning personal history disclosure form (PHD2-A), New Jersey Register June 21, 1982). Because these rules are continually reviewed, they are presently proposed for readoption with only one substantive amendment. Subchapter 5, entitled Equal Employment Opportunity; Affirmative Action Programs, is not being readopted, since these provisions have been superseded by the requirements of N.J.A.C. 19:53.

Social Impact

The continuation of these rules will have positive social benefits for the public, the industry and the regulatory agencies which implement them.

An integral and essential element of the regulation and control of casino gaming by the State rests in the public confidence and trust in the credibility and integrity of the regulatory process and of casino operations (see N.J.S.A. 5:12-1(b)(6), (7) and (8)). The readoption of these rules is essential to safeguard both the gaming industry and the public from the participation of unfit individuals in a sensitive and historically problematic industry. Through the controls provided by these rules, the public can be assured that the State is fulfilling its regulatory obligations under the act in such a manner so as to maintain the public's confidence in the integrity of the casino industry in this State.

Through their definition and precision, these rules set forth license and registration application requirements, identify persons required to be qualified and establish standards for qualification. The qualification standards contained in these rules reflect the overall purpose of the act to prevent, through the application of a strict regulatory process, the infiltration of criminals and unfit persons into the casino/hotel industry. These rules implement a comprehensive licensure scheme which has at its heart the full and thorough investigation of each applicant's integrity and character, including criminal records, habits and associations.

The application, registration, business enterprise disclosure and personal history disclosure forms required by these rules are designed to make the minimum necessary informational demands upon applicants while at the same time supply the Casino Control Commission and the Division of Gaming Enforcement with sufficient initial information to commence the mandatory investigation of all applicants. These rules recognize that the vitality of the licensing process depends upon the availability of information pertaining to each applicant.

Finally, the fee structure contained in these rules is designed to enable the commission and the division to recapture the administrative and investigatory costs attributable to the regulation of casino gaming in this State without placing an unreasonable fiscal burden on any particular person or entity wishing to participate in the casino industry.

Economic Impact

These rules require the staff of the commission to review and analyze all license applications for completeness. They also require the division to investigate the qualifications of each applicant for licensure. This includes a thorough investigation of each applicant's integrity and character, including criminal records, habits and associations. The costs incurred in such an investigation are considerable. The adoption of these rules has been a major factor in ensuring that the costs of investigating the qualifications of each applicant for licensure, in keeping with the mandate of the act, be funded entirely from fees levied upon such applicants and licensees (see N.J.S.A. 5:12-139 and 141). These rules demand that all required fees be timely paid as a precondition to the processing of any license application by the commission or the division. The exact fee rate for various license applications are set forth in these rules.

The failure to readopt these rules would prevent the commission from implementing the intent of the act to make the regulation of

the casino industry a self-supporting operation. No new economic impact on the public is associated with the readoption of these rules, since there is no change in the application requirements or the fee schedule established therein.

Full text of the rules proposed for readoption appear in the New Jersey Administrative Code, as supplemented by the New Jersey Register. The subchapter proposed for repeal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

**SUBCHAPTER 5. [EQUAL EMPLOYMENT OPPORTUNITY;
AFFIRMATIVE ACTION PROGRAMS]
(RESERVED)**

[19:41-5.1 Licensee

Every licensee shall agree to afford an equal employment opportunity in accordance with an affirmative action program approved by the Commission.

19:41-5.2 Applicants for licenses

Every applicant for a license shall formulate for Commission approval and abide by an affirmative action program.

19:41-5.3 Applicants for casino licenses

Every applicant for a casino license shall guarantee in writing that all contracts and subcontracts to be awarded or which have been awarded subsequent to December 15, 1977, the effective date of this section, in connection with the proposed construction, renovation or reconstruction of any structure or facility to be used as an approved hotel or casino shall provide that said contractors, subcontractors and their assignees agree to afford an equal employment opportunity in accordance with an affirmative action program approved by the Commission.]

(a)

CASINO CONTROL COMMISSION

Hearings

**Proposed Readoption as a New Rule: N.J.A.C.
19:42**

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-63(a), (b), (c) and (g), -64, -66, -69(a), -70(d), -71, -72, -80, -86, -89, -90, -91, -107 through -109, -129; 52:14B-4(a), -4(f) and -8.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Richard Dana Krebs, Esq.
Casino Control Commission
3131 Princeton Pike
Building No. 5, CN 108
Trenton, NJ 08625

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

This proposal is known as PRN 1983-178.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order 66(1978), the Casino Control Commission proposes to revise and readopt N.J.A.C. 19:42 concerning hearings.

N.J.A.C. 19:42 was originally filed with the (then) Division of Administrative Procedure and became effective on May 17, 1978. This chapter will expire on May 17, 1983. The promulgation of these rules was necessary to implement the applicable provisions of the Casino Control Act (N.J.S.A. 5:12-1 et seq.) concerning the commission's responsibility to

prescribe the manner and procedure of all hearings conducted by the commission or any hearing examiner including special rules of evidence applicable thereto and notices thereof (N.J.S.A. 5:12-70(d); see also, N.J.S.A. 5:12-63(a)-(c) and -69(a)).

These rules also fulfill the commission's more specialized hearing obligations concerning: exclusion of persons from casinos (N.J.S.A. 5:12-71); proceedings against licensees and registrants (N.J.S.A. 5:12-108); hearings on complaints against the Division of Gaming Enforcement (N.J.S.A. 5:12-63(g)); applications (N.J.S.A. 5:12-70(a)); investigations concerning gaming operations (N.J.S.A. 5:12-63, 64, 66, 72 and 133(b)); rulemaking (N.J.S.A. 5:12-69, -72, -75 and 52:14B-4(a)(3) and 4(f)); and declaratory rulings (N.J.S.A. 52:14B-8).

These rules have not previously been amended because they have proven themselves to be a viable implementation of the hearing provisions and procedures established by the Casino Control Act. Although an opportunity for public comment on the rules exists pursuant to section 69(c) of the act, the Administrative Procedure Act (N.J.S.A. 52:14B-4(f)) and various informal methods, no significant public comment on these rules has been received. However, the commission's review of the rules within the purview of Executive Order 66(1978) has resulted in some organizational and structural changes. The commission believes that these changes will more clearly define and delimit the hearing procedures and methods required by law and presently employed by the commission for hearings initiated pursuant to the Casino Control Act. The need for these structural changes is largely the product of the advent of the Office of Administrative Law (see N.J.S.A. 52:14F-1 et seq.) and the commission's desire to organize its substantive and procedural hearing provisions into one clear, concise and accessible body of regulations.

In order to facilitate a better understanding of the changes being made to the chapter, the commission is repealing the current rules and proposing new rules instead. Much of the current rules is being retained except for some technical changes which include:

1. A delineation of the role of the Office of Administrative Law (OAL) and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. See, e.g., N.J.A.C. 19:42-1.2 and Subchapter 2.

2. A description of the rules of special applicability to contested cases, including special rules of evidence, whether heard by the commission "directly" pursuant to N.J.S.A. 52:14F-8, or by the OAL. See, e.g., N.J.A.C. 19:42-2, 3, 4, 5 and 6.

3. A more detailed explanation of the nature of hearings for declaratory rulings. See, e.g., N.J.A.C. 19:42-9.

In addition to the technical and organizational changes which have been made to clarify existing procedures, this proposed readoption offers one noteworthy substantive change. A revised provision will permit regular mail service of notices, subsequent to the service of the petition on the candidate, in matters concerning candidates for exclusion from casinos under section 71 of the act. See, e.g., N.J.A.C. 19:42-4.4, 4.5 and 4.7.

Failure to readopt these rules with the proposed amendments would be a violation of the commission's duties (see, e.g., N.J.S.A. 5:12-70(d)) to conduct hearings initiated under the act through the promulgation of appropriate standards and procedures. The failure to adopt these rules would promote an unacceptable degree of uncertainty in matters concerning the substantive and

procedural issues associated with these hearings and would leave the parties without the necessary guidance to determine their rights and duties under law.

Social Impact

The re-adoption of the rules, as amended, would clarify and centralize the existing substantive and procedural provisions of law concerning hearings which have been initiated pursuant to the Casino Control Act. This would afford the parties the necessary guidance to clearly and accurately determine their rights and duties under law.

The amendments to N.J.A.C. 19:42-4.4, 4.5 and 4.7, allowing post-petition service of process by regular mail upon candidates for exclusion, should accelerate the hearing process by providing a mechanism for notice which will not be dependent upon the willingness of a candidate to accept certified mail. Thus, once initial notice of the changes against a candidate has been effected by personal service, certified mail or publication, pursuant to N.J.A.C. 19:42-4.2 and 4.3, the hearing process can continue and its results can be implemented in an unobstructed manner.

Economic Impact

It is anticipated that the proposed rule changes will have no significant economic impact other than a small reduction in cost for serving post-petition notices in exclusion list cases.

Delete in its entirety the current text in the New Jersey Administrative Code found at N.J.A.C. 19:42, as amended in the New Jersey Register, and **replace** it with the following **new text**.

CHAPTER 42
HEARINGS

SUBCHAPTER 1. GENERAL PROVISIONS

19:42-1.1 Definitions

As used in this chapter, the term:

“Contested case” means a proceeding, including any licensing proceedings, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations, or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing.

“Interested person” means any person whose specific legal rights, duties, obligations, privileges, benefits or other specific legal relations are affected by the adoption, amendment or repeal of a specific regulation or by any decision, order or ruling of the commission.

“OAL” means the Office of Administrative Law.

“Party” means any person or entity directly involved in a contested case, including petitioner, respondent, intervenor, or State agency proceeding in any such capacity.

“UAPR” means the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

19:42-1.2 Applicability of rules

(a) In addition to the UAPR, the provisions of the Casino Control Act and the rules in this chapter shall apply to the appropriate contested case hearing initiated pursuant to the Casino Control Act.

(b) To the extent that the act and the rules in this chapter are inconsistent with the UAPR, the former shall apply.

19:42-1.3 Conduct of contested case hearings

(a) At all hearings of the commission in contested cases, unless the commission hears the matter directly, pursuant to N.J.S.A. 52:14F-8 and 5:12-107(a)(1), the chairman shall either designate a member of the commission to serve as hearing commissioner or shall refer the matter to the OAL in accordance with the

Administrative Procedure Act (APA), N.J.S.A. 52:14B-1 et seq., as implemented by N.J.A.C. 1:1. When the commission hears the matter directly, the chairman shall serve as presiding officer.

(b) In the event that a designated hearing commissioner becomes unavailable prior to the filing of the recommended report and decision for consideration by the commission, the chairman may either designate another hearing commissioner or transfer the proceedings to the entire commission. In such event, and consistent with the requirements of due process, the commission or the hearing commissioner may either continue the hearing and render a decision upon the entire record or begin the hearing anew.

SUBCHAPTER 2. RULES CONCERNING ALL
CONTESTED CASES

19:42-2.1 Rules concerning all contested cases

(a) Whether a contested case hearing is conducted by the commission, by a hearing commissioner or the OAL, and in addition to any authority granted in the UAPR, the chairman, the hearing commissioner or the administrative law judge, as the case may be, shall have the authority to:

1. Administer oaths and to require testimony under oath, pursuant to N.J.S.A. 5:12-65;

2. Serve process or notices in a manner provided for the service of process and notice in civil actions in accordance with the rules of court, pursuant to N.J.S.A. 5:12-65;

3. Issue subpoenas and compel the attendance of witnesses at any place within this State, pursuant to N.J.S.A. 5:12-65 and 5:12-108(f);

4. Propound written interrogatories, pursuant to N.J.S.A. 5:12-65;

5. Take official notice of any generally accepted information or technical or scientific matter in the field of gaming and of any other fact which may be judicially noticed by the courts of this State, pursuant to N.J.S.A. 5:12-107(b); and

6. Permit the filing of amended or supplemental pleadings, pursuant to N.J.S.A. 5:12-107(b).

(b) Whether a contested case hearing is conducted by the commission, a hearing commissioner or the OAL, and in addition to any rights granted in the UAPR, the parties shall have the right to:

1. Call and examine witnesses, pursuant to N.J.S.A. 5:12-107(a)4;

2. Introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing conducted by or on behalf of the commission, pursuant to N.J.S.A. 5:12-107(a)4;

3. Cross examine opposing witnesses in any matters relevant to the issue of the case, pursuant to N.J.S.A. 5:12-107(a)4;

4. Impeach any witness, regardless of which party called him to testify, pursuant to N.J.S.A. 5:12-107(a)4;

5. Offer rebuttal evidence, pursuant to N.J.S.A. 5:12-107(a)4; and

6. Stipulate and agree that certain specified evidence may be admitted, although such evidence may be otherwise subject to objection, pursuant to N.J.S.A. 5:12-107(a)(7).

(c) In any contested case, the commission shall have the authority to:

1. Grant testimonial immunity, pursuant to N.J.S.A. 5:12-67;

2. Order a rehearing, pursuant to N.J.S.A. 5:12-107(d); and

3. Certify contempt for punishment by the Superior Court, pursuant to N.J.S.A. 5:12-107(c).

(d) In any contested case held before the commission, a hearing commissioner or the OAL, the following special rules of evidence shall apply:

1. Any relevant evidence, not subject to a claim of privilege, may be admitted regardless of any rule of evidence which would bar such evidence in judicial matters, pursuant to N.J.S.A. 5:12-107(a)(6) and -70(d); and

2. Evidence admitted pursuant to (d) above shall be sufficient in itself to support a finding, pursuant to N.J.S.A. 5:12-107(a)6 and - 70(d), if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

SUBCHAPTER 3. RULES CONCERNING APPLICATIONS HEARINGS

19:42-3.1 Investigation

Pursuant to the commission's responsibility to hear and decide promptly and in reasonable order all license registration, certificate, and permit applications and causes affecting the granting, suspension, revocation or renewal thereof, the commission may request the division to promptly and in reasonable order investigate any application and provide the commission with all information necessary for action upon such application.

19:42-3.2 Right to hearing; request; written notice

(a) When the commission has been provided with all information necessary for action upon an application, the commission shall serve upon the division and upon the applicant either personally or by certified mail to the address on file with the commission a written notice of the right to a hearing and the responsibility to request a hearing; provided, however, that the commission may on its own motion direct that hearing to be held.

(b) Within 15 days after service of such written notice of right to a hearing and responsibility to request a hearing, the division or the applicant may file with the commission a request for a hearing.

19:42-3.3 Procedure where no hearing is held

In any case in which no timely request for a hearing has been filed and in which the commission has not directed a hearing, the commission shall take final action on the application within 90 days after the completion of all investigation and receipt of all information required by the commission.

19:42-3.4 Burden of proof

(a) The applicant, licensee or registrant shall have the affirmative responsibility of establishing his individual qualifications by clear and convincing evidence.

(b) An applicant for a casino license or a casino licensee shall have the affirmative responsibility of establishing by clear and convincing evidence:

1. His individual qualifications;
2. The qualification of each person who is required to be qualified under the act; and
3. The qualifications of the facility in which the casino is to be located.

19:42-3.5 Approval and denial of applications

(a) The commission shall have the authority to deny any application pursuant to the provisions of the act.

(b) When the commission is satisfied that an application shall be granted, it shall:

1. Before granting a casino license:
 - i. Require the applicant to tender all license fees and taxes as required by law and the regulations adopted pursuant to the act;
 - ii. Require the applicant to post such bonds as the commission may require for the faithful performance of all requirements imposed by law or regulation; the commission shall fix the amount of the bond or bonds to be required under this subsection in such amounts as it may deem appropriate, according to this title.
2. Before granting any application other than for a casino license:
 - i. Limit or place such restrictions thereupon as the commission may deem necessary in the public interest;
 - ii. Require the applicant to tender all license fees as required by law and the regulations adopted pursuant to the act.

19:42-3.6 Renewal of casino license

(a) Subject to the power of the commission to deny, refuse to renew, revoke or suspend licenses, the commission shall renew for the next succeeding license period any casino license in force upon:

1. A proper application for renewal filed with the commission no later than 90 days prior to the expiration of the current license; and
2. Payment on or before the date of expiration of the current casino license of all license fees and taxes as required by law and the regulations of the commission.

(b) The commission shall act upon any application for renewal of a casino license no later than 30 days prior to the date of expiration of the current casino license.

(c) Upon renewal of any casino license the commission shall issue an appropriate renewal certificate or validating device or sticker which shall be attached to each casino license.

19:42-3.7 Renewal of other licenses and registrations

(a) Subject to the power of the commission to deny, refuse to renew, revoke or suspend any license or registration, the commission may renew any license other than a casino license or any registration upon:

1. Proper application for renewal filed with the commission no later than 120 days prior to the expiration of the current license or registration; and

2. Payment on or before the date of expiration of the current license or registration of all fees as required by law and the regulations of the commission.

(b) The commission shall act upon any such application for renewal of a license or registration no later than 30 days prior to the date of expiration of the current license or registration.

19:42-3.8 Refusal to renew; hearing

(a) The commission shall not refuse to renew any license or registration unless it has first afforded the licensee or registrant an opportunity for a hearing in accordance with law and the regulations of the commission pertaining to applications hearings. If the licensee or registrant has, in accordance with law and the regulations of the commission, made timely and sufficient application for renewal, his license or registration shall not expire until such application has been finally determined by the commission.

(b) When the commission has authority under the act and under the regulations of the commission to suspend a license, registration or certificate without first holding a hearing, it shall promptly upon exercising such authority, afford the licensee or registrant an opportunity for a hearing in conformity with law and the regulations of the commission.

(c) This section shall not apply where:

1. The act provides that the commission is not required to grant a hearing in regard to the refusal to renew a license, registration or certificate; or
2. The commission is required by law to refuse to renew a license, registration or certificate, without exercising any discretion in the matter on the basis of a judgment of a court of competent jurisdiction; or
3. Refusal to renew is based solely upon the failure of the licensee or registrant to maintain insurance coverage as required by any law or regulation.

SUBCHAPTER 4. RULES CONCERNING EXCLUSION OF PERSONS HEARINGS

19:42-4.1 Definitions

The words and terms defined in N.J.A.C. 19:48-1.1 shall have the meanings set forth therein when used in this subchapter, unless the context clearly indicates otherwise.

19:42-4.2 Commencement; petition

Any proceedings initiated under N.J.S.A. 5:12-71 and this

subchapter shall commence by written petition, which shall include a statement setting forth in ordinary and concise language the grounds for exclusion or omissions supporting such grounds.

19:42-4.3 Service of petition

(a) Whenever the division, pursuant to section 71 of the act and the regulations of the commission, petitions to place a candidate on the exclusion list, the commission or division shall serve such petition on the candidate by:

1. Personal service; or
2. Certified mail at the last known address of the candidate; or
3. Publication daily for one week in a newspaper of general circulation in Atlantic City, New Jersey.

19:42-4.4 Preliminary hearing; notice; service; postponement

(a) No person shall be placed on the exclusion list prior to a preliminary hearing held in accordance with the provisions of this subchapter. Timely notice of such hearing shall be served upon the candidate for exclusion by regular mail at his last known address. The notice shall include:

1. A statement advising the candidate of his right to appear before the commission at the preliminary hearing; and
 2. The time, place and nature of the preliminary hearing.
- (b) The preliminary hearing shall be scheduled no earlier than 15 days from the mailing of notice of the hearing.

(c) Unless otherwise agreed by the parties and the commission, a preliminary hearing scheduled in accordance with these regulations shall not be postponed at the request of any party.

19:42-4.5 Preliminary hearing; nature of hearing; burden of proof; service of order

(a) A preliminary hearing shall be a limited preexclusion proceeding. The purpose of the preliminary hearing is to determine if there is a reasonable possibility that a candidate satisfies the criteria for exclusion established by section 71(a)1-3 of the act and N.J.A.C. 19:48-1.3(a)1-4.

(b) A preliminary hearing shall be decided on the basis of the facts alleged by the petition and supporting documents of the division and the oral arguments of the parties. Candidates may be represented by counsel.

(c) The division shall have the affirmative obligation to establish that there is a reasonable possibility that the candidate satisfies the criteria for exclusion established by section 71 of the act and the commission's rules.

(d) A preliminary order of the commission designating a candidate as an excluded person shall, within five days of its entry, be served upon the candidate, the division and all casino licensees.

(e) A commission order dismissing a division petition naming a candidate shall be served upon the candidate and the division.

(f) Any order served upon a candidate and issued pursuant to (d) and (e) above, shall be served by regular mail at the candidate's last known address.

19:42-4.6 Right to a final hearing; time; waiver

(a) An excluded person placed on the list by preliminary order of the commission shall be advised at the time of service of the preliminary order of his right to demand a final hearing.

(b) A demand for a final hearing shall be in writing and must be received by the commission within 30 days after service of the preliminary order placing the excluded person on the list.

(c) The commission shall, upon receipt of a timely and sufficient demand for a final hearing, set a time and place for such hearing. Unless otherwise agreed by the commission and the excluded person, a final hearing shall be initiated no later than 30 days after the receipt by the commission of the written demand for a final hearing.

(d) Any excluded person placed on the list by preliminary order of the commission who fails to demand a final hearing within the allotted time period shall be precluded from having a final hearing

before the commission, and shall be subject to the issuance of a final order directing that the excluded person shall remain on the list until further order of the commission; provided, however, that such preclusion shall in no way affect the right of any excluded person to judicial review as provided in the act and rules of the commission.

19:42-4.7 Final hearing: nature of proceeding; burden of proof; service of order

(a) A final hearing shall be a full evidentiary proceeding conducted in accordance with the provisions of section 107 of the act, N.J.A.C. 19:42-2, and, to the extent that they are not inconsistent with these provisions, the Administrative Procedure Act and the UAPR. The purpose of a final hearing is to determine if an excluded person placed on the list by preliminary order satisfies the criteria for exclusion established by section 71(a)1-3 of the act and N.J.A.C. 19:48-1.3(a)1-4.

(b) The division shall have the affirmative obligation to demonstrate by a fair preponderance of the evidence that excluded person satisfies the criteria for exclusion established by section 71(a)1-3 of the act and N.J.A.C. 19:48-1.3(a)1-4.

(c) The commission shall render a decision and issue a final order as soon as is practicable after the completion of the final hearing. A final order directing that an excluded person shall either remain on the list or be removed from the list shall, within five days of its entry, be served upon the candidate, by regular mail at his last known address, and upon the division and all casino licensees.

(d) A final order of the commission shall be subject to review by the Superior Court in accordance with the rules of court.

SUBCHAPTER 5. RULES CONCERNING PROCEEDINGS AGAINST APPLICANTS, LICENSEES AND REGISTRANTS

19:42-5.1 Commencement; complaint

Any proceeding against an applicant, licensee or registrant shall be brought on by written complaint, which shall include a statement setting forth in ordinary and concise language the charges and the acts or omissions supporting such charges.

19:42-5.2 Service of complaint

Upon filing of the complaint, the commission shall serve a copy upon the applicant, licensee or registrant either personally or by certified mail to the address on file with the commission.

19:42-5.3 Notice of defense

(a) Within 15 days after service upon him of the complaint, the applicant, licensee or registrant may file with the commission and serve upon the division a notice of defense, in which he may:

1. Request a hearing;
2. Admit the accusation in whole or in part;
3. Present new matters or explanations by way of defense; or
4. State any legal objections to the complaint.

(b) Within the time specified, the applicant, licensee or registrant may file one or more notices of defense upon any or all of the above grounds.

19:42-5.4 Right to hearing; waiver

The applicant, licensee or registrant shall be entitled to an evidentiary hearing on the complaint if he files and serves the required notice of defense within the time allowed herein, and any such notice shall be deemed a specific denial of all parts of the complaint not expressly admitted. Failure to file and serve a notice of defense within such time shall constitute a waiver of the right to a hearing, but the commission, in its discretion, may nevertheless order a hearing. All affirmative defenses must be specifically stated, and unless objection is taken as provided herein, all objections to the form of complaint shall be deemed waived.

19:42-5.5 Notice of hearing

Either the commission or the OAL, whichever is hearing the matter, shall determine the time and place of the hearing as soon as is reasonably practical after receiving the notice of defense. The commission shall deliver or send by certified mail a notice to all parties at least 10 days prior to the hearing. Unless the applicant, licensee or registrant consents, the hearing shall not be held prior to the expiration time within which the applicant, licensee or registrant is entitled to file the notice of defense.

19:42-5.6 Revocation of license or registration; hearing

The commission shall not revoke any license or registration unless it has first afforded the licensee or registrant an opportunity for a hearing. Such hearing shall be held in accordance with the provisions of N.J.A.C. 19:42-2.

19:42-5.7 Revocation or suspension; hearing

(a) The commission shall not revoke any license or registration unless it has first afforded the licensee or registrant an opportunity for a hearing in accordance with law and the regulations of the commission. When the commission has authority under the act and under regulations of the commission to suspend a license, registration or certificate without first holding a hearing, it shall promptly upon exercising such authority, afford the licensee or registrant an opportunity for a hearing in conformity with law and the regulations of the commission; provided, however, that this subsection shall not apply where:

1. The act provides that the commission is not required to grant a hearing in regard to suspension of a license, registration or certificate; or

2. The commission is required by law to revoke or suspend a license, registration or certificate without exercising any discretion in the matter on the basis of a judgment of a court of competent jurisdiction; or

3. The suspension or revocation is based solely upon the failure of the licensee or registrant to maintain insurance coverage as required by law.

19:42-5.8 Emergency orders; hearings; complaint

(a) Within five days after issuance of an emergency order pursuant to section 109 of the act, the commission shall cause a complaint to be filed and served upon the person involved in accordance with the provisions of the act and the regulations of the commission. Thereafter, the person against whom the emergency order has been issued and served shall be entitled to a hearing before the commission.

1. A person shall request a hearing in accordance with the provisions of N.J.A.C. 19:42-5.3 and 5.4.

2. The commission shall initiate a hearing in accordance with the provisions of N.J.A.C. 19:42-5.5, except that in no case shall such hearing be initiated more than 30 days from receipt of the request.

SUBCHAPTER 6. HEARINGS ON COMPLAINTS AGAINST THE DIVISION

19:42-6.1 Hearings on complaints against the division

(a) In its sole discretion, the commission may conduct hearings on complaints against the division which have been initiated pursuant to N.J.S.A. 5:12-63(g).

1. Such hearings shall be held in accordance with the provisions of the UAPR as modified and supplemented by the Casino Control Act and N.J.A.C. 19:42-2.

19:42-6.2 Presumption of need to inspect and investigate

The need of the division to inspect and investigate, and conduct continuing reviews of casino operations through on-site observation and other reasonable means to assure compliance with the act and the regulations promulgated hereunder shall be presumed at all times.

19:42-6.3 Burden of proof

(a) The casino licensee shall have the affirmative responsibility of establishing by clear and convincing evidence that:

1. The procedures of the division had no reasonable law enforcement purpose; and

2. The procedures of the division were so disruptive as to inhibit reasonable casino operations; and

3. The procedures of the division in fact disrupted the licensee's casino operations.

SUBCHAPTER 7. INVESTIGATIVE HEARINGS

19:42-7.1 Investigative hearings

Pursuant to N.J.S.A. 5:12-63, 64, 66, 72 and 133(b), the commission may conduct investigative hearings concerning the conduct of gaming and gaming operations, the development and well-being of the industries controlled by the act, the operation and administration of casino control laws in this and in other jurisdictions, and any other matters within the scope of powers, duties and responsibilities of the commission.

SUBCHAPTER 8. HEARINGS ON REGULATIONS

19:42-8.1 Hearings on regulations

(a) Pursuant to section 69 of the act, the commission shall adopt, amend and repeal regulations in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.).

(b) Consistent with the requirements of the Casino Control Act and the Administrative Procedure Act, the commission may conduct hearings concerning the adoption, amendment or repeal of its regulations; provided, however, that pursuant to section 69(c) of the act any interested person may file a petition with the commission requesting the adoption, amendment or repeal of a regulation. Such petition shall state clearly and concisely:

1. The substance and nature of the regulation, amendment or repeal requested; and

2. The reason for the request; and

3. Reference to the authority of the commission to take the action requested; and

4. The specific legal rights, duties, obligations, privileges, benefits or other specific legal relations of the interested person which are affected by the regulation, amendment or repeal requested.

(c) Upon receipt of a proper petition, the commission shall schedule the matter for hearing within 90 days and shall render a decision within 30 days after the completion of said hearing.

SUBCHAPTER 9. DECLARATORY RULINGS

19:42-9.1 Declaratory rulings

(a) Pursuant to N.J.S.A. 52:14B-8, any interested person may request that the commission render a declaratory ruling with respect to the applicability to any person, property or state of facts of any provision of the act or of any regulation of the commission.

(b) A request for a declaratory ruling shall be initiated by a petition. The petition shall include the following items with specificity:

1. The nature of the request and the reasons therefor;

2. The facts and circumstances underlying the request;

3. Legal authority and argument in support of the request; and

4. The remedy or result desired.

(c) If the commission, in its discretion, decides to render a declaratory ruling, a hearing shall be afforded prior to the rendering of such a ruling.

1. Where there exists disputed issues of fact which must be resolved in order to determine the rights, duties, obligations, privileges, benefits or other legal relations of specific parties, such hearings shall be conducted in accordance with N.J.A.C. 19:42-2.

2. Where there exists no such disputed issues of fact as identified

in (c)1 above, the matter shall proceed on the petition, any other papers requested of the parties, and oral argument, if permitted by the commission.

(d) In appropriate cases, the commission may notify persons who may be interested in or affected by the subject of the declaratory ruling. In such cases, the commission may afford these persons an opportunity to intervene as parties or to otherwise present their views in an appropriate manner which is consistent with the rights of the parties.

(a)

CASINO CONTROL COMMISSION

Casino Hotel Alcoholic Beverage Control

Proposed Readoption: N.J.A.C. 19:50, with Amendments to 1.3, and 1.6 through 1.13

Authorized By: Casino Control Commission, Theron G. Schmidt, Executive Secretary.

Authority: N.J.S.A. 5:12-70(q) and -103.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Scott N. Silver
 Assistance Counsel
 Casino Control Commission
 Arcade Building
 Boardwalk at Tennessee
 Atlantic City, NJ 08401

The Casino Control Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing of the notice of adoption by the Office of Administrative Law. Concurrent amendments to the readoption become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1983-160.

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66 (1978), the Casino Control Commission proposes to readopt N.J.A.C. 19:50 concerning alcoholic beverage control. These rules were originally filed with the (then) Division of Administrative Procedure and became effective on January 23, 1978. The rules implement the applicable provisions of the Casino Control Act (N.J.S.A. 5:12-1 et seq.) concerning the commission's obligation to license, regulate and monitor the sale, distribution, storage and service of alcoholic beverages in, on or about any premises licensed as part of a casino hotel (see N.J.S.A. 5:12-70(q) and -103).

In extending regulation to casino hotel alcoholic beverage operations, the commission relied heavily on the policies, practices and procedures established by the Division of Alcoholic Beverage Control. Since the effective date (January 23, 1978) of the initial rules, professional members of both the commission staff and the Division of Gaming Enforcement have continually monitored, reviewed and assessed the merits and viability of the system of licensing and regulating casino hotel alcoholic beverage operations. An important part of this continuing review are the comments received from interested persons through formal (N.J.S.A. 5:12-69(c) and N.J.S.A. 52:14B-4(f)) and informal means. These rules

have proven to be highly responsive to the purposes of their initial promulgation, including the implementation of section 103 of the act. The amendments that are proposed are largely the result of the changes in the underlying legislation or are perceived by the commission to be necessary to clarify existing statutory and regulatory requirements.

Amendments to the provisions of the act concerning casino hotel alcoholic beverage licensing (P.L. 1982 c.148; N.J.S.A. 5:12-103), effective on January 6, 1983, permit the commission to issue a single casino hotel alcoholic beverage license to an approved hotel. The amendments also authorize under one license the service and storage of alcoholic beverages in specifically designated and defined areas within a hotel. Under the previous licensing scheme, a separate casino hotel alcoholic beverage license was issued to each area within an approved hotel where alcoholic beverages were stored or served. Licenses issued under the previous scheme which were valid as of the effective date of the statutory amendment remain in full force and effect until their expiration. The last of such licenses will not expire until December 29, 1983.

Therefore, until that time, licenses issued under both the old and the new licensing scheme will exist. The current rules, which apply to the casino hotel alcoholic beverage licenses issued under the previous licensing scheme, have been amended to additionally address licenses to be issued under the current licensing scheme. The commission is presently reviewing the statutory amendments to N.J.S.A. 5:12-103, and it is expected that this review will result in the proposal of additional amendments to the rules within the current year.

The major purposes of these rules are to ensure that the long established State policy of strictly controlling the sale and purchase of alcoholic beverages is maintained in the casino hotel context, and to assure that the existing nature and tone of the hospitality industry in New Jersey and Atlantic City is preserved (see e.g., N.J.S.A. 5:12-1(b)(5)). These rules establish criteria for the issuance of casino hotel alcoholic beverage licenses and authorizations pursuant to N.J.S.A. 5:12-103(g)(1) through (7), as amended. They also set forth general criteria concerning the conditions of operation in licensed and authorized casino hotel alcoholic beverage areas and locations. Pursuant to N.J.S.A. 5:12-103, the applicable provisions of Title 33 of the Revised Statutes and the rules of the Division of Alcoholic Beverage Control (N.J.A.C. 13:2) also apply to these licensing provisions to the extent that they are not inconsistent with the Casino Control Act and the rules of the commission.

This chapter was previously amended in 1978 and 1981. N.J.A.C. 19:50-1.6(w) was amended to provide that retail casino hotel alcoholic beverage licensees could employ persons interested in the manufacturing or wholesaling of alcoholic beverages under certain circumstances. The 1981 amendment, prompted by a declaratory ruling of the commission, precludes the storage of alcoholic beverages in, on, or about the premises of a casino hotel except in an area covered by a class I through VI license or pursuant to an arrangement with a class VII licensee.

In addition to implementing the recent amendments to section 103 of the act, the proposed amendments to the current rules respond to other statutory changes and clarify existing requirements of the act and the rules. Thus, the proposed amendments also reflect changes in the "legal" drinking age (N.J.A.C. 19:50-1.6(a)1) and in the casino hotel employee licensing requirements of section 91 of the act (N.J.A.C. 19:50-1.3(c)2). Other proposed amendments include the repeal of: The exemption from filing an additional application form if an applicant is already licensed by the commission (N.J.A.C. 19:50-1.3(d)), which was originally promulgated on the now-mistaken premises that the initial licensure application would contain information sufficient to avoid another filing; the special casino hotel alcoholic beverage employee license procedures (N.J.A.C. 19:50-1.3(f)), which procedures have never been used or deemed necessary since their promulgation; and the rule requiring the prior submission to the commission of all

convention and banquet contracts with non-licensed persons or business entities (N.J.A.C. 19:50-1.9(g)).

Failure to readopt these rules, as amended, would be a violation of the commission's duties under the act, and would inject an unacceptable degree of chaos into matters concerning alcoholic beverage control within the casino hotel industry. The failure to readopt these rules would require the State to reexamine the viability and continued existence of alcoholic beverage operations in the casino hotel industry within the regulatory vacuum which would thereby be created.

Social Impact

The continuation of these rules will have positive social benefits for the public, the industry and the regulatory agencies which implement them.

By continuing the strict regulation of alcoholic beverage operations in casino hotels, the existing nature and tone of the hospitality industry in New Jersey and in Atlantic City will be preserved (see N.J.S.A. 5:12-1(b)(5)). Moreover, restricting the types of activities permitted within a licensed premises further encourages the development of a resort-type atmosphere within the casino hotels. To the extent that these rules prohibit various forms of consumer fraud related to the promotion and sale of alcoholic beverages, public confidence of the resort patron in the integrity of Atlantic City's hospitality industry is enhanced. To the extent that these rules limit and control the places and manner in which alcoholic beverages may be sold, served, purchased consumed and stored, they promote the State policies of fostering an appropriate environment within the casino hotel facility, maintaining a competitive atmosphere within the alcoholic beverage industry, and discouraging practices unduly designed to increase the consumption of alcoholic beverages.

This strict regulatory framework additionally ensures that the control of alcoholic beverages in the casino industry, to the extent appropriate, substantially conforms to the overall policies governing the distribution and sale of alcoholic beverages in the remainder of the State, as established by the Division of Alcoholic Beverage Control.

To the extent that these rules require licensees to develop and implement internal accounting and administrative controls concerning their alcoholic beverage operations (see N.J.A.C. 19:50-1.2), such rules benefit the industry by providing appropriate procedures for the safeguarding of a casino hotel alcoholic beverage licensee's assets. Without such procedures, attempts at fraud, embezzlement, theft or other such negative business practices would invariably increase, though perhaps remain undetected by the licensee or the State regulatory agencies. These rules also provide the necessary guidelines to enable the casino industry to comply with the statutory requirements concerning the sale and maintenance of alcoholic beverages, and to enable the commission and the division to fulfill their regulatory duties under the act.

Finally, through the controls provided by these rules, the public can be assured that State government is fulfilling its regulatory obligations under the Casino Control Act in such a manner as to promote public confidence and trust in the credibility and integrity of the regulatory process (see N.J.S.A. 5:12-1(b)(6)).

Economic Impact

The rules impose a certain financial burden on casino hotel alcoholic beverage licensees which are obligated to institute systems and procedures to comply with them. To the extent that they prohibit actions by a licensee which unduly promote the consumption of alcoholic beverages, they may impact on potential casino hotel revenue from retail sales. The proposed amendments do not alter this effect.

Because they are responsive to the requirements of the act and the best interests of the public and the casino hotel industry these rules provide an efficient procedure for implementing the provisions of the act requiring the commission and the division to

control and monitor alcoholic beverage operations within the industry. Without these rules and the standardized, efficient procedures that they provide, the State would incur a significantly higher cost for the enforcement of the relevant provisions of the act than is presently the case. Although these rules require the expenditure of time by commission and division personnel to assure proper implementation and compliance, this cost is far less to the State and the industry than that which would be incurred were a less efficient or no system to be employed.

The proposed amendments should impose no additional costs upon the commission, the division, the industry or the public because the system of alcoholic beverage licensing and control remains essentially unchanged, except for the number of licenses which can be issued. Indeed, the commission, the division and the industry may experience cost savings resulting from the reduction in the resources and time which have previously been devoted to the completion, filing and processing of the several types of license applications.

Full text of the rules proposed for re-adoption appear in the New Jersey Administrative Code, as supplemented by the New Jersey Register, at N.J.A.C. 19:50. Those sections of this chapter which are also proposed for amendment follow (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

19:50-1.3 License as condition precedent to operation

(a) No casino licensee, nor any of its lessees, agents or employees, nor any other person or entity, shall expose for sale, solicit or promote the sale of, possess with intent to sell, sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel, unless said person possesses an appropriate [Casino Control Commission] **casino hotel alcoholic beverage** license.

(b) Rules concerning class I licenses are:

1. No class I casino hotel alcoholic beverage license, **or authorization permitting the service of alcoholic beverages in a casino room pursuant to N.J.S.A. 5:12-103(g)(1)**, shall issue to any applicant who does not hold a casino license issued pursuant to the act.

2. Every employee and agent of a [class I] **casino hotel alcoholic beverage** licensee, whose employment or agency includes duties [at a casino hotel complex] **on the premises licensed as a class I area or location authorized pursuant to N.J.S.A. 5:12-103(g)(1)**, shall be licensed as a casino employee in accordance with section 90 of the act and these regulations [, provided that the duration of the casino employee license shall be for only so long and no longer than the employer's or principal's class I casino hotel alcoholic beverage license, and further provided that the employee's or agent's license is valid only for the purpose of selling alcoholic beverages].

(c) Rules concerning class II, III, IV, V, VI, or VII licenses are:

1. No class II, III, IV, V, VI, or VII casino hotel alcoholic beverage license, **or authorization permitting alcoholic beverages in a location pursuant to N.J.S.A. 5:12-103(g)(2), (3), (4), (5), (6) or (7)**, shall issue to any applicant who would not qualify under the standards for licensure of a casino employee except that such applicant need not be an employee of the casino licensee.

2. Every employee and agent of a [class II, III, IV, V, VI or VII] casino hotel alcoholic beverage licensee whose employment or agency includes duties at a casino hotel complex, **but not on the class I premises or a location authorized pursuant to N.J.S.A. 5:12-103(g)(1)**, shall be [licensed] **registered** as a casino hotel employee in accordance with section 91 of the act and these regulations [, provided that the duration of such casino hotel employee license shall be only for so long and no longer than the casino hotel alcoholic beverage license and provided further that such employee's or agent's license shall be valid only for the purpose of selling alcoholic beverages].

[(d) The commission may exempt any applicant for a casino hotel alcoholic beverage license from filing an additional application form if such person is already licensed by the commission.]

[(e)] (d) No class VII casino hotel alcoholic beverage license, or authorization pursuant to N.J.S.A. 5:12-103(g)(7), shall issue to any applicant who does not hold a [class I, II, III, IV, V or VI] casino hotel alcoholic beverage license or authorization which permits the sale of alcoholic beverages.

[(f) The commission or the chairman, as the case may require may:

1. Issue a separate license for licensure as a casino employee or casino hotel employee and as the employee of a casino hotel alcoholic beverage licensee; or,

2. Endorse any license issued pursuant to section 90 or 91 of the act as follows: Valid Only for Employment/Agency by a CLASS..... CASINO HOTEL ALCOHOLIC BEVERAGE LICENSE.]

[(g)] (e) No person shall, on a wholesale basis, expose for sale, solicit or promote the sale of, possess with intent to sell, sell, give, dispense or otherwise transfer or dispose of alcoholic beverages to any casino hotel alcoholic beverage licensee unless that person has:

1. (No change.)
2. Obtained a valid casino service industry license from the Casino Control Commission, unless such licensure is waived by the commission in accordance with section 92[(e)](c) of the act [and N.J.A.C. 19:50-1.3(d)].

19:50-1.6 General regulations concerning operating conditions of licensees

(a) No licensee shall:
1. Sell, serve, or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person under the age [of 18 years] **at which a person is authorized to purchase or consume alcoholic beverages in New Jersey,** or to any person actually or apparently intoxicated; or

2. Permit the consumption of any alcoholic beverage by such person on licensed premises [in the case of class I, II, III, IV and V licenses].

(b)-(e) (No change.)
(f) No casino hotel alcoholic beverage licensee shall store any alcoholic beverage in, on, or about any portion of a casino hotel except at his licensed premises or subject to an arrangement with a [class VII] **casino hotel alcoholic beverage licensee which is licensed or authorized to store alcoholic beverages pursuant to a class VII license or N.J.S.A. 5:12-103(g)(7).**

(g)-(n) (No change.)
(o) No [holder of a class V license] **licensee shall in a class V licensed area or location authorized pursuant to N.J.S.A. 5:12-103(g)(5),** allow, permit or suffer any alcoholic beverage to be consumed in or upon [the licensed] **such** premises, nor shall any such licensee possess or allow, permit or suffer any open containers of alcoholic beverage in or upon the licensed premises; provided, however, that opened bottles of alcoholic beverages returned by a customer as allegedly defective may be so possessed pending return to the manufacturer or wholesaler; and further provided that the container is immediately resealed and labeled with the name and address of the customer and the date of return by the customer.

(p)-(x) (No change.)

19:50-1.7 [Class I, Casino license; conditions] **Conditions of operation in class I areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(1)**

(a) (No change.)
(b) No alcoholic beverage in an original container shall be brought into a casino except by [a class I licensee,] **the licensee authorized to sell alcoholic beverages in that casino room,** whether obtained from a class V casino hotel alcoholic beverage licensee, **a licensee authorized to sell alcoholic beverages pursuant to N.J.S.A. 5:12-103(g)(5),** or from any other source.

(c)-(d) (No change.)

(e) Every [class I] licensee, **which is licensed or authorize to sell alcoholic beverages in a casino room,** shall have on duty at all times of alcoholic beverage service[,] at least one person whose duties shall include supervision of all [class I license services] **alcoholic beverage services provided pursuant to that license or authorization.**

19:50-1.8 [Class II, Cabaret-entertainment room license; conditions] **Conditions of operation in class II areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(2)**

(a) A [Class II] licensee[s] may sell alcoholic beverages and meals for consumption only as an adjunct to entertainment **in a class II area or location authorized pursuant to N.J.S.A. 5:12-103(g)(2).**

(b) **No** [Class II] licensee[s] shall [not] include any alcoholic beverage charges within the price charged for admission nor shall any admission charge entitle the patron to any alcoholic beverage **in a class II area or location authorized pursuant to N.J.S.A. 5:12-103(g)(2).**

(c) No class II licensed area **or location authorized pursuant to N.J.S.A. 5:12-103(g)(2)** shall have patron access directly to a casino.

(d) No [class II] licensee shall serve any alcoholic beverage **in a class II area or location authorized pursuant to N.J.S.A. 5:12-103(g)(2),** except by the glass or opened container for on-premises consumption within the [class II] licensed area **or authorized location.**

(e) Every [class II] licensee shall, **in a class II area or location authorized pursuant to N.J.S.A. 5:12-103(g)(2),** have an adequate physical plant for the purpose of providing entertainment, which shall include: a raised or enclosed stage[,]; or physical barrier to block access to such stage[,]; a sound amplification system for use by the performer if necessary to the performance; **and** an adequate lighting system. **[and] The physical plant and the entertainment provided therein** shall meet all requirements [promulgated] established by the commission's regulations concerning entertainment (see N.J.A.C. 19:52).

19:50-1.9 [Class III, Restaurant-banquet room license; conditions] **Conditions of operation in class III areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(3)**

(a) A [Class III] licensee[s] may sell alcoholic beverages **in class III areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(3)** only as an adjunct to meals for consumption [on] **within** the licensed [premises] **area or authorized location.**

(b) A [Class III] licensee[s] may sell alcoholic beverages **in class III areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(3)** only on the following basis:

1.-2. (No change.)
(c) No class III licensed [premises] **area or location authorized pursuant to N.J.S.A. 5:12-103(g)(3)** shall have patron access directly to the casino.

(d) No [class III] licensee shall serve any alcoholic beverage **in a class III area or location authorized pursuant to N.J.S.A. 5:12-103(g)(3)** except by the glass or opened container for on-premises consumption within the [class III] licensed [premises] **area or authorized location.**

(e) Every class III licensed [premises] **area and location authorized pursuant to N.J.S.A. 5:12-103(g)(3)** shall have an adequate kitchen and dining area equipped [for the preparing, cooking and serving of] **to prepare, cook and serve** meals for consumption by the public.

(f) Every [class III] licensee shall prepare a menu which shall be posted adjacent to the entrance of [the dining area,] **each of its class III areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(3),** except when the [class III] licensed [premises] **area or authorized location** is being used for a pre-paid banquet or convention.

[g] A class III licensee shall submit to the commission at least two weeks prior to the date of the convention or banquet every contract into which it enters with a non-licensed person, business enterprise or any other entity for the purpose of providing convention or banquet services to said non-licensed person, business enterprise or other entity, provided, however, that the class III licensee shall be deemed to have obtained commission approval unless the commission otherwise indicates within seven days of receipt of the submission.]

19:50-1.10 [Class IV, Pub area license; conditions] **Conditions of operation in class IV areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(4)**

(a) No [class IV] licensee shall provide meals for consumption to the public in a class IV area or location authorized pursuant to N.J.S.A. 5:12-103(g)(4).

(b) No class IV licensed area, or location authorized pursuant to N.J.S.A. 5:12-103(g)(4), shall have direct patron access to the casino unless the [class IV] licensed area or authorized location also has a patron access which does not lead directly into the casino, except as otherwise provided by the [Casino Control Commission] commission upon a showing of good cause.

(c) No [class IV] licensee shall, in a class IV area or location authorized pursuant to N.J.S.A. 5:12-103(g)(4), sell any alcoholic beverage [except in a glass or opened container] for on-premises consumption **except in a glass or opened container.**

19:50-1.11 [Class V, Package license; conditions] **Conditions of operation in class V areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(5)**

(a) No [class V] licensee shall, in a class V area or location authorized pursuant to N.J.S.A. 5:12-103(g)(5), sell any alcoholic beverage for delivery from the licensed [premises] area or authorized location to any other area or location within a casino hotel complex.

(b) No [class V] licensee shall, in a class V area or location authorized pursuant to N.J.S.A. 5:12-103(g)(5), provide any direct access from [the class V] said licensed area or authorized location to or from a casino.

(c) No [class V] licensee shall, in a class V area or location authorized pursuant to N.J.S.A. 5:12-103(g)(5), sell any alcoholic beverage in other than original containers [and only] or for consumption [outside] **within the said [class V] licensed area or authorized location.**

(d) (No change.)

(e) No class V licensed area or location authorized pursuant to N.J.S.A. 5:12-103(g)(5) shall be used for any purpose other than that for which it is licensed.

19:50-1.12 [Class VI, Room service license; conditions] **Conditions of operation in class VI areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(6)**

(a) [Class] A class VI licensed [premises] area or location authorized pursuant to N.J.S.A. 5:12-103(g)(6) shall not have direct access to or from casinos.

(b) (No change.)

19:50-1.13 [Class VII, Storage license; conditions] **Conditions of operation in class VII areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(7)**

(a) [Class VII] A licensee[s] may, in a class VII area or location authorized pursuant to N.J.S.A. 5:12-103(g)(7), store alcoholic beverages intended for sale at a fixed enclosed area or location on a casino hotel premises, not in a casino, and not otherwise licensed [under class I, II, III, IV, V or VI] or authorized.

(b) [Class VII] A licensee[s] shall transfer or deliver such alcoholic beverages from a class VII area or location authorized pursuant to N.J.S.A. 5:12-103(g)(7) only to a licensed area or authorized location within a casino hotel complex.

(c) [Class VII] A licensee[s] shall, in a class VII area or location authorized pursuant to N.J.S.A. 5:12-103(g)(7), provide no access to or from [class VII] the licensed [premises] area or authorized location [except during the normal course of business] for [by] employees or agents of the [class VII] licensee or for [by] licensed employees or agents of wholesalers or [distribution] distributors licensed pursuant to Title 33 of the Revised Statutes, Title 13 of [N.J.A.C.] **the New Jersey Administrative Code**, [this act] **the Casino Control Act** and the regulations of the commission, **except as such access is necessary in the normal course of business.**

(d) [Class VII] A licensee[s] shall maintain [the] its class VII licensed [premises] areas and locations authorized pursuant to N.J.S.A. 5:12-103(g)(7) at an [adequate controlled] appropriate temperature and [security environment] in a secure manner.

19:50-1.14 Investigation, hearing, disciplinary, forfeiture and appellate proceedings

Any violation of Title 33 of the Revised Statutes or Title 13 of [N.J.A.C.] **the New Jersey Administrative Code** by an applicant or licensee, or its agents or employees shall be grounds for penalty, dispensation, revocation or other disciplinary action by the commission unless the conduct involved is specifically permitted by the act or by these regulations.

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Rules for Agency Rulemaking

Notice of Correction: 1:30-2.7

An error appears in the January 3, 1983 issue of the New Jersey Register at 15 N.J.R. 30 concerning administrative correction of rules. N.J.A.C. 1:30-2.7(a) should have appeared as follows:

1:30-2.7 Administrative corrections

(a) Upon agreement of the adopting agency and the Office of Administrative Law, the Office of Administrative Law may administratively correct a promulgated rule. An administrative correction may contain:

1. (No change from proposal.)
2. A correction of codification; or
3. An addition ***or subtraction*** of a ***[missing]*** word or phrase which does not change the substance of a rule and which could be implied from the text and context of the notice of proposed rule or notice of adopted rule.

(b)-(d) (No change.)

CIVIL SERVICE

(b)

CIVIL SERVICE COMMISSION

Hearings

Findings and Decisions

Adopted Amendment: N.J.A.C. 4:1-5.11

Proposed: February 7, 1983, at 15 N.J.R. 111(b).
 Adopted: March 15, 1983 by the Civil Service Commission,
 Eugene J. McCaffrey, Sr., President.
 Filed: March 16, 1983 as R.1983 d.100, **without change.**

Authority: N.J.S.A. 11:5-1(a), (d), (e), 11:15-6

Effective Date: April 4, 1983.

Expiration Date pursuant to Executive Order No.66 (1978):
 September 25, 1983.

Summary of Public Comments and Agency Responses.
No comments received.

ENVIRONMENTAL PROTECTION

(c)

OFFICE OF CANCER AND TOXIC SUBSTANCES RESEARCH

Fisheries Closures and Advisories for Striped Bass, American Eel, Bluefish, White Perch and White Catfish, Taken from the Northeast Region of the State

Readopted New Rule: N.J.A.C. 7:25-18A

Proposed: January 3, 1983 at 15 N.J.R. 39(a).
 Adopted: March 17, 1983 by Robert E. Hughey,
 Commissioner, Department of Environmental
 Protection.

Filed: March 17, 1983 as R.1983 d.102, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: Marine Fisheries Management and Commercial
 Fisheries Act, N.J.S.A. 23:2B-1 et seq.

Effective Date: March 17, 1983.

Expiration Date pursuant to Executive Order No. 66 (1978):
 March 16, 1988.

DEP Docket No. 060-82-12.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

7:25-18A.1-18A.5 (No change from proposal.)

7:25-18A.6 Public notice of fisheries closures and advisories

(a) The Department shall utilize all reasonable and effective methods to publicize and educate the citizens of the State concerning all fishery closures and advisories pursuant to this subchapter, including but not limited to the following:

1. Schedule appropriate press conference*s*;
2. Prepare and distribute appropriate press releases ***on May 15 and August 15 of each year, and as otherwise deemed necessary***;
3. (No change from proposal.)
4. Advertise public notices in State newspapers ***[for a reasonable period of time]* *on May 15 and August 15 of each year, and as otherwise deemed necessary***;
- 5.-6. (No change from proposal.)

7:25-18A.7 (No change from proposal.)

HEALTH

(a)

PUBLIC HEALTH COUNCIL

Sanitary Code: Chapter VI Boarding Homes for Children

Adopted Repeal: N.J.A.C. 8:18-1

Proposed: December 20, 1982 at 14 N.J.R. 1436(b).
Adopted: February 15, 1983 by Public Health Council,
Evelyn Geddes, Chairperson.
Filed: March 17, 1983 as R.1983 d.101, **without
change.**

Authority: N.J.S.A. 26:1A-7.

Effective Date: April 4, 1983.

Summary of Public Comments and Agency Responses:

The Public Health Council considered several comments offered by the Department of Human Services, Division of Youth and Family Services. DYF's concern centered on those children's residential facilities/homes and child day care centers which are not covered by the Sanitary Code or fall within the jurisdiction of the Department of Human Services.

The issues raised by DYFS have been known for some time by the Department of Health. The Public Health Council concluded that the local boards of health through local ordinances, and the Department of Human Services through State statute and regulation, provides adequate coverage to prevent any child abuse and insures adequate coverage of services for the groups of children affected.

(b)

PUBLIC HEALTH COUNCIL

Consumer Health Services State Sanitary Code: Chapter XII Retail Food Establishments and Food and Beverage Vending Machines

Adopted Amendment: N.J.A.C. 8:24

Proposed: June 7, 1982 at 14 N.J.R. 509(a).
Adopted: March 14, 1983 by Public Health Council,
Evelyn Geddes, Chairperson.
Filed: March 16, 1983 as R.1983 d.98, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 26:1A-7.

Effective Date: April 4, 1983.

Operative Date: June 1, 1983.

Expiration Date pursuant to Executive Order No. 66(1978):
April 14, 1988.

Summary of Public Comments and Agency Responses:

1. COMMENT: The Department received several comments indicating the proposed lighting requirements (30 foot candles) for food preparation surfaces, equipment and/or utensil-washing work areas were inadequate.

RESPONSE: The United States Food and Drug Administration in its national code requires only 20 foot candles in these areas. According to representatives of this agency these lighting requirements are sufficient to maintain a high degree of sanitary control. Furthermore, energy savings are realized with this reduced lighting requirement.

2. COMMENT: A comment objecting to the need to conduct a full inspection when a follow-up reinspection is initiated.

RESPONSE: A sanitary rating when issued should reflect the overall sanitary conditions of a food establishment. In view of the fact that the conditions and operations can change on a day-to-day basis, it is the Department's opinion that a full, unannounced inspection is necessary.

3. COMMENT: A recommendation was received that thermometers should be installed on the outside of vending machines that dispense potentially hazardous food items, so that internal temperatures can be easily read.

RESPONSE: The above is a good recommendation which the Department in principle supports. However, making this a mandatory requirement will create a significant economic impact to the vending machine industry. Also, if a thermometer is inaccurate, it may give a false sense of security to the vendor as well as the health official. We encourage internal ambient temperatures be checked directly.

4. COMMENT: It was suggested that the regulations prohibit the use of mercury indicating thermometers in retail food establishments.

RESPONSE: Due to the adverse economic impact this would create to the industry coupled with the lack of evidence that mercury thermometers present a hazard, we chose not to incorporate this suggestion.

5. COMMENT: Separate toilet facilities for the food service employees in new establishments should be required.

RESPONSE: Although the Department encourages this practice when feasible, we feel it should not be incorporated into the standards for economic reasons. Also, if adequate, clean and convenient toilet facilities are available and used properly by food handlers as required by the regulations, there is no need to require the installation of separate bathroom facilities for customers.

6. COMMENT: Under the mechanical washing and sanitizing sections, it was recommended that a warning device be permanently installed on chemical sanitizing dishwashers to control when chemicals have been depleted.

RESPONSE: In addition to the economical and mechanical constraints of implementing this recommendation, such a device may, when inoperable, create a false sense of security to food service personnel. We recommend that periodic checks be made to assure the adequacy of not only the presence of the sanitizing chemical but the strength of the chemical.

7. COMMENT: To impose a mandatory requirement for all food managers to be certified in a State approved food safety and sanitation course.

RESPONSE: As the proposals are currently written, the State recommends that all food managers obtain training in the food safety area. It would be impossible at this time to require this training because the State and the local health departments do not have the fiscal and personnel capabilities to provide statewide training courses to all retail food managers. It is the ultimate objective to achieve statewide certification on a voluntary basis with the assistance of our academic institutions.

8. COMMENT: To include the applicable standards of the local health authority in the control of microwave ovens.

RESPONSE: The Department recognized the possibility that local health departments may have existing ordinances relevant to microwave ovens. For this reason we amended the proposals to include this provision.

9. COMMENT: To require minimum inspectional frequencies of vending machines which dispense potentially hazardous food items.

RESPONSE: The Department feels that a minimum inspectional frequency, if established, should be set forth in the "Minimum Standards of Performance", (N.J.A.C. 8:51.). It would not be appropriate to dictate minimum inspectional frequencies in the proposals, which deal with sanitary practices and controls.

10. COMMENT: Objection was levied against the proposed regulation which would require foods in bulk storage to be elevated four to six inches above the floor and at least 12 inches from each wall, since many small restaurants have limited space for storage.

RESPONSE: The Department recognized this problem and amended the proposals to permit temporary storage against the walls for five days or less, or stored on dollies, skids, racks, or open ended pallets provided such equipment is easily removable by hand or with the use of pallet moving equipment that is on the premises and used.

11. COMMENT: To limit the mandatory requirement for a three compartment sink, which is used for manual cleaning and sanitizing of food equipment, to only new or newly renovated facilities.

RESPONSE: To facilitate manual cleaning and sanitizing of equipment, it is important that adequate facilities such as a three compartment sink be provided. The proposals grant a two year extension for existing facilities to install a three compartment sink, which in the Department's opinion provides sufficient time to complete the installation.

12. COMMENT: Objection was registered to the language which implied the prohibition of tobacco smoke in dining areas.

RESPONSE: The proposals were amended to clarify that all rooms shall have sufficient ventilation to keep them free of smoke, grease and obnoxious odors which are a result of the preparation of food items.

13. COMMENT: It was suggested to eliminate the proposals which required a review of plans for new and renovated facilities by the local health authority.

RESPONSE: It is the opinion of this Department that the review of plans and specifications for new and newly renovated facilities is of paramount importance to assure conformity with State standards. It is also important that potential structural problems are short circuited before they become a permanent fixture in the retail establishment. The agency in the best position to conduct this review is the local health authority. To assure timely review of the plans, the proposals have been amended to limit this review process to 30 days.

14. COMMENT: Prohibit the custom processing of wild game animals in an approved retail establishment.

RESPONSE: Custom processing of wild game animals is a common practice in many retail establishments throughout the State. Heretofore, no specific State standards existed to regulate this activity. Recognizing the fact that this practice will continue and realizing the Department does not wish to encourage consumers to process their wild game in their kitchens, basements or garages, we felt the most prudent way to protect the public's health was to establish reasonable regulations that would assure these products are properly handled.

In the event a retail establishment does not have the necessary facilities to carry out this type of operation the local health authority and State have the authority to prohibit it.

15. COMMENT: It was suggested that before a food service employee is relieved of duties relating to food handling or food contact surfaces because he is suspected of having a communicable disease, a physician's diagnosis should be required.

RESPONSE: The proposals indicate that an employee suspected of having a communicable disease should seek medical advice and treatment. However, during the interim, it would be extremely unwise to permit this individual to handle food, since food can act as a vehicle to transmit disease.

16. COMMENT: Condense the sections that relate to approved boiler additives and sanitizing compounds.

RESPONSE: This section, as suggested, was condensed by making reference to the regulations set forth in the Federal CFR's.

Full text of the changes between proposal and adoption follows (additions to the proposal shown in boldface with asterisks *thus*; deletions from proposal shown in brackets with asterisks *[thus]*).

8:24-2.5 Eggs

Only clean whole eggs, with shell intact and without cracks or **excessive*** checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used except that hard-boiled, peeled eggs, commercially prepared and packaged, may be used.

8:24-3.1 General protection of foods

(a) (No change from proposal.)

(b) Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, transportation, display, and service. Each refrigerated facility used for the storage of potentially hazardous food shall be provided with an indicating thermometer accurate ± 3 degrees Fahrenheit, located in *[the warmest part of the facility in which food is stored]* ***an area that reflects the air temperature within the unit***, and of such type and so situated that the thermometer can be easily and readily observed for reading.

(c)-(d) (No change from proposal.)

8:24-3.2 Food temperatures

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

(c) All potentially hazardous food, when placed on display shall be kept hot or cold as required hereafter:

1. (No change from proposal.)

2. If displayed cold, such food shall be:

i. (No change from proposal.)

ii. Prechilled rapidly to a temperature of 45 degrees Fahrenheit or below, when placed on display for service, and the food temperature shall at no time during the display period exceed 55 degrees Fahrenheit. Foods shall not be held above 45 degrees Fahrenheit for a total time period exceeding four hours. ***Displayed food held longer than this period of time at the above mentioned temperatures shall not be used or sold.***

(d) (No change to proposal.)

(e) Foods intended for sale in a frozen state shall be displayed at an air temperature 0 degrees Fahrenheit or below; provided, that during defrost cycles and brief periods of loading or unloading, the air temperature may rise to levels which do not cause thawing *[or product container sweating.]* Frozen foods on display shall be stored below or behind case fill lines according to the cabinet manufacturers specifications.

(f) (No change from proposal.)

8:24-3.4 Food storage

(a) Containers of food shall be stored above the floor, on clean racks, dollies or other clean surface in such a manner as to be protected from splash and other contamination. Additionally, foods in bulk storage must be elevated four to six inches above the floor on racks or dollies and aisles must be provided between articles in storage and walls, and masses of foods must be broken down into manageable cells with aisles to allow for cleaning and inspection and to prevent insect and rodent harborage. Foods in bulk storage shall be stored at least 12 inches from each wall and there shall be

a white inspection strip on the floor along each wall where food is stored: provided, foods, packaged in cans, glass or other vermin-proof containers sealed in shipping cartons and stored on clean surfaces in rooms, the floors of which are not frequently washed or otherwise subjected to water, need not be elevated and aisles need not be provided if containers are in temporary storage for five days or less, ***or stored on dollies, skids, racks, or open-ended pallets, provided such equipment is easily removable either by hand or with the use of pallet moving equipment that is on the premises and used, and*** the areas are clean, and rodent, insect or other vermin harborage are not provided.

(b)-(d) (No change from proposal)

8:24-3.6 Food transportation

(a) (No change from proposal.)

(b) During the transportation of food to or from a retail food establishment, all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination ***[and maintain safe temperatures]*** except for hanging meats and raw agricultural products, which will be prepared for consumption in such a manner to remove the danger of possible contaminants.

(c) (No change from proposal.)

8:24-5.2 Equipment installation and location

(a) Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, water lines ***[,]*** that are leaking ***or*** on which condensate water may accumulate, open stairwells, or other sources of contamination.

(b)-(g) (No change from proposal.)

8:24-5.5 Methods and facilities for washing and sanitizing

(a) (No change from proposal.)

(b) Manual washing and sanitizing:

1. Within two years of the enactment of this chapter, all establishments engaging in manual washing, rinsing and sanitizing of utensils and equipment, shall provide and use a sink with not fewer than three compartments provided that all newly constructed retail food establishments engaged in manual washing, rinsing and sanitizing shall have a three compartment sink. Sink compartments shall be large enough to permit the complete immersion of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods; provided, that establishments where the only utensils to be washed are limited to spatulas, tongs, and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a ***[one]* *two*** compartment sink may be approved by the health authority for this purpose. At least a two compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization. Single compartment sinks, such as cooks' and bakers' sinks, may be used for the prerinsing of utensils. Hot and cold running water shall be supplied for each compartment. Dish baskets, where used, shall be of such design to permit complete immersion of equipment and utensils.

2. (No change from proposal.)

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

8:24-5.7 Single service articles

(a) Single-service articles shall be made from clean, sanitary, nontoxic, safe materials. Equipment ***,* [and]*** utensils, ***and*** articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

(b) Single-service articles shall be stored at least six inches above the floor ***on pallets, dollies or racks,*** in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines that are leaking or on which condensate water may accumulate.

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

8:24-6.1 Adequacy, safety and quality of water

(a) The water supply shall be adequate as to quantity, of a safe, sanitary quality, and from a public or private water supply system which is constructed, protected, operated, and maintained in conformance with the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) and regulations (N.J.A.C. 7:10) et al. and local laws, ordinances, and regulations; provided, that if approved by the Department of Environmental Protection, a nonpotable water supply system may be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully with N.J.A.C. 8:24-***[6.5]* *6.6*** (Size, installation and maintenance of plumbing), and the nonpotable water supply is not used in such a manner as to bring it into contact, either directly or indirectly, with food, food equipment or utensils.

(b) (No change from proposal.)

8:24-6.6 Size, installation and maintenance of plumbing

(a) All plumbing shall be sized, installed and maintained in accordance with ***[applicable State and local plumbing laws, ordinances and regulations as to:]* *N.J.A.C. 5:23-1 and the following:***

1.-4. (No change from proposal.)

5. Nonpotable water shall not be connected to food related equipment or have outlets in the food preparation areas.

***[(b) The potable water supply piping shall not be directly connected with any nonpotable water supply system whereby the nonpotable water can be drawn or discharged into the potable water supply system. The piping of any nonpotable water system shall be adequately and durably identified, such as by distinctive yellow colored paint and labels, so that it is readily distinguished from piping which carries potable water; and such piping shall not be connected to equipment or have outlets in the food preparation area.**

(c) The potable water supply shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

(d) If used, grease traps shall be located to be easily accessible for cleaning and shall be installed and maintained in accordance with the New Jersey Uniform Construction Code.

(e) If used, food waste grinders shall be installed and maintained in accordance with N.J.A.C. 5:23-1.]*

8:24-6.7 Drains

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

[(d) Indirect waste connections shall be provided for drain overflows, or relief vents from the water supply system.]

***[(e)]* *(d)* Drainlines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas, or into difficult to clean areas, or otherwise create a nuisance. All new drains shall be installed in accordance with applicable sections of N.J.A.C. 5:23-1.**

8:24-6.8 Toilet facilities

(a) (No change from proposal.)

(b) Toilet facilities shall be installed in accordance with N.J.A.C. 5:23 ***-1.*** ***[and local laws, ordinances and regulations.]*** When a common toilet is used for employees and patrons, access shall not be through food preparation, food storage and utensils and equipment washing areas.

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

(g) Handwashing signs stating "Wash Hands Before Resuming Work" ***or words of similar meaning*** shall be posted conspicuously in all toilet rooms and at each separate lavatory facility in a retail food establishment. It is also recommended that

a statement concerning disease transmission be included. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

8:24-6.9 Handwashing facilities

(a) (No change from proposal.)

(b) Handwashing facilities shall be located within or immediately adjacent to all toilet rooms or vestibules. In all new establishments, and establishments which are extensively altered or change ownership, employee **[lavatories]** ***handwashing facilities*** shall also be located within the area where food is prepared.

(c) **[Lavatories]** ***Handwashing facilities*** shall be in accordance with N.J.A.C. 5:23-1. **[and local laws, ordinances and regulations.]***

(d) Each handwashing facility shall be designed to provide hot and cold or tempered water **(*[100]* *90* degrees Fahrenheit to * [115]* *105* degrees Fahrenheit).** **[tempering may be accomplished by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.]***

(e)-(f) (No change from proposal.)

8:24-6.10 Garbage and rubbish disposal facilities

(a)-(i) (No change from proposal.)

(j) All garbage and rubbish shall be disposed of daily, or at such other frequencies and in such a manner as to prevent a public health nuisance. Including the development of ***excessive*** odors and the attraction of vermin.

(k) (No change from proposal.)

8:24-7.3 Ventilation

(a) All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, grease, condensation, vapors, obnoxious odors, smoke and fumes ***which are a result of the preparation of food items*.**

(b)-(h) (No change from proposal.)

8:24-8.1 General provisions

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

(d) When, in the opinion of the Department or health authority, no imminent hazard to the public health will result, such establishments which do not fully meet the requirements N.J.A.C. 8:24-**[5]**2*** through N.J.A.C. 8:24-7 may be permitted to operate when food preparation and service are restricted and deviations from full compliance are covered by the additional or modified requirements, as set forth in this subchapter.

8:24-8.14 Servicing area

(a) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged ***food is*** placed on the mobile food unit or pushcart or where all mobile food units contain waste retention tanks.

(b) (No change from proposal.)

8:24-9.2 Inspection of retail food establishments

(a) The Department or health authority shall inspect ***[as often as he deems necessary,]*** every retail food establishment^{*}**[.]*** ***as often as it deems necessary.***

(b) (No change from proposal.)

8:24-9.3 Examination of records

Upon request, the Department or health authority shall be permitted to examine the ***health and sanitary*** records of a retail food establishment to obtain information pertaining to food and supplies purchased, received or used and persons employed.

8:24-9.4 Examination and condemnation of unwholesome, contaminated or adulterated food and drink

(a) The Department or health authority, for examination purposes, may take and examine samples of food, drink and other substances as often as ***[he]* *it*** deems necessary for the detection of unwholesomeness, adulteration or contamination.

(b)-(d) (No change from proposal.)

8:24-9.9 Public availability of inspection records

Records of inspections of food establishments maintained by the health authority shall be made available to the public^{*}**[.]*** ***upon request.***

8:24-10.1 Submission of plans

Whenever a retail food establishment is constructed or extensively remodeled and whenever a structure is converted to use as a retail food establishment, plans and specifications ***[such as construction, remodeling, or conversion]*** ***pertaining to the health and sanitary aspects of the operation for example, proposed equipment layout, equipment design and installation, construction materials of food related work areas, and model of proposed fixed equipment and facilities*** shall be submitted to the health authority for review before construction, remodeling or conversion is begun. ***The health authority shall review these plans and respond accordingly within 30 days of the date of submission.*** ***[The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities.]*** No retail food establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications previously submitted to the ***appropriate* health *and construction* * [authority]* *** **authorities*.**

8:24-11.10 Other equipment

(a) (No change from proposal.)

(b) The cavities and door edges of microwave ovens must be cleaned at such frequency with nonabrasive cleaners to assure that the equipment is kept free of encrusted grease deposits and other accumulated soil. All doors, seals, hinges, and latch fasteners (screws and related hardware) shall be kept tight and adjusted in accordance with manufacturer's procedures. Microwave ovens shall be in compliance with applicable safety standards of the United States Food and Drug Administration's Bureau of Radiological Health, as enforced by the New Jersey Department of Environmental Protection, Bureau of Radiation Protection ***or the local health authority*.**

(c) (No change from proposal.)

(d) All countertop vending machines as well as other types of countertop equipment must comply with the applicable provisions of N.J.A.C. 8:24-**[4.2]* *5.1*.**

*[8:24-11.15 Tables of approved water additives and chemical sanitizing solutions

(a) Appendix A - Boiler Water Additives: Boiler water additives may be safely used in the preparation of steam that will contact food, under the following conditions:

1. The amount of additive is not in excess of that required for its functional purpose, and the amount of steam in contact with food does not exceed that required for its functional purpose and the amount of steam in contact with food does not exceed that required to produce the intended effect in or on the food.

2. The compounds are prepared from substances identified in (a)3 and 4 below, and are subject to the limitations, if any, prescribed:

3. List of substances (with limitations):

Acrylamide-Sodium Acrylate Resin (Contains not more than 9.05 percent by weight of Acrylamide Monomer.)

Ammonium Alginate

Cobalt Sulfate (as Catalyst)

Lignosulfonic Acid

Monobutyl Ether of Poly-Ethylene-Polypropylene Glycol produced by random condensation of 1:1 mixture by weight of Ethylene Oxide and Propylene Oxide with Butanol (Minimum Mol. Wt. 1,500.)

Polyethylene Glycol (The additive is an addition Polymer of Ethylene Oxide and water with a mean molecular weight of 200 to 9,500, containing no more than 0.2 percent total by weight of Ethylene and Diethylene Glycols.)

Polyoxypropylene Glycol Do.

Potassium Carbonate

Potassium Tripolyphosphate

Sodium Acetate

Sodium Alginate

Sodium Aluminate

Sodium Carbonate

Sodium Carboxymethylcellulose (Contains not less than 95 percent sodium carboxy-methylcellulose on a dry-weight basis, with maximum viscosity of 15 centipoises for two percent by weight aqueous solution at 25 degrees Celsius; such determinations to be made by method described in food chemicals Codex (2d Ed.) monograph for Sodium Carboxymethylcellulose.)

Sodium Glucoheptonate (Less than one part per million Cyanide in the Sodium Glucoheptonate.)

Sodium Hexametaphosphate

Sodium Humate

Sodium Hydroxide

Sodium Lignosulfonate

Sodium Metasilicate

Sodium Metabisulfite

Sodium Nitrate

Sodium Phosphate (Mono-, Di-, Tri-)

Sodium Polyacrylate

Sodium Polymethacrylate

Sodium Silicate

Sodium Sulfate

Sodium Sulfite (Neutral or Alkaline)

Sodium Tripolyphosphate

Tannin (including Quebacho Extract)

Tetrasodium Edta

Tetrasodium Pyrophosphate

4. Substances used alone or in combination with substances in (a)3 above with limitations:

Cyclohexylamine (Not to exceed 10 parts per million in steam, and excluding use of such steam in contact with milk and milk products.)

Diethylaminoethanol (Not to exceed 15 parts per million in steam, and excluding use of such steam in contact with milk and milk products.)

Hydrazine (Zero in steam.)

Morpholine (Not to exceed 10 parts per million in steam and excluding use of such steam in contact with milk and milk products.)

Octadecylamine (Not to exceed 3 parts per million in steam and excluding use of such steam in contact with milk and milk products.)

Trisodium Nitrilotriacetate (Not to exceed five parts per million in boiler feedwater; not to be used where steam will be in contact with milk and milk products.)

5. To assure safe use of the additive, the product label or labeling shall bear:

i. The common or chemical name or names of the additive or additives.

ii. Adequate directions for use to assure compliance with all the

provisions of this appendix.

(b) Appendix B - Substances Utilized to Control the Growth of Microorganisms:

1. Sanitizing solutions: Sanitizing solution may be safely used on food-processing equipment and utensils, and on other food-contact articles as specified in this section, within the following prescribed conditions:

i. Such sanitizing solutions are used, followed by adequate draining, before contact with food.

ii. The solutions consist of one of the following, to which may be added components generally recognized as safe and components which are permitted by prior sanction or approval.

(1) An aqueous solution containing potassium, sodium, or calcium hypochlorite, with or without the bromides of potassium, sodium, or calcium.

(2) An aqueous solution containing dichloroisocyanuric acid, trichloroisocyanuric acid or the sodium or potassium salts of these acids, with or without the bromides of potassium, sodium, or calcium.

(3) An aqueous solution containing potassium iodide, sodium p-toluene sulfonchloroamide, and sodium lauryl sulfate.

(4) An aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a cloudpoint of 90 degrees-100 degrees Celsius in 0.5 percent aqueous solution and an average molecular weight of 3,300, and ethylene glycol monobutyl ether. Additionally, the aqueous solution may contain diethylene glycol monoethyl ether as an optional ingredient.

(5) An aqueous solution containing elemental iodine, hydriodic acid, a-(p-nonylphenyl)-omega-hydroxypoly-(oxyethylene) (complying with the identity prescribed in 21CFR Section 178.3400(c) and subsequent amendments and supplements thereto, and having a maximum average molecular weight of 748) and/or polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900). Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.

(6) An aqueous solution containing elemental iodine, sodium iodide, sodium dioctylsulfosuccinate, and polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900).

(7) An aqueous solution containing dodecylbenzenesulfonic acid, polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800). In addition to use on food processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk.

(8) An aqueous solution containing elemental iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a minimum average molecular weight 2,400 and a-lauroyl-omega-hydroxypoly (oxyethylene) with an average 8-9 moles of ethylene oxide and an average molecular weight of 400. In addition to use on food processing equipment and utensils, this solution may be used on beverage containers, including milk containers or equipment. Rinse water treated with this solution can be recirculated as a preliminary rinse. It is not to be used as final rinse.

(9) An aqueous solution containing n-alkyl (C₁₂-C₁₈) benzyl-dimethylammonium chloride compounds having average molecular weights of 341-380 and consisting principally of alkyl groups with 12-16 carbon atoms with or without not over one percent each of groups with 8 and 10 carbon atoms. Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.

(10) An aqueous solution containing trichloromelamine and either sodium lauryl sulfate or dodecylbenzenesulfonic acid. In addition to use on food processing equipment and utensils and other food-contact articles, this solution may be used on beverage containers except milk containers or equipment.

(11) An aqueous solution containing equal amounts of n-alkyl

(C₁₂-C₁₈) dimethyl ethylbenzyl ammonium chloride (having an average molecular weight of 384). In addition to use on food processing equipment and utensils, this solution may be used on food contact surfaces in public eating places.

(12) An aqueous solution containing the sodium salt of sulfonated oleic acid polyoxyethylene-polyoxypropylene block polymers (having an average molecular weight of 2,000 and 27 to 31 moles of polyoxypropylene). In addition to use on food processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk. All equipment, utensils, glass bottles, and other glass containers treated with this sanitizing solution shall have a drainage period of 15 minutes prior to use in contact with food.

(13) An aqueous solution containing elemental iodine and alkyl (C₁₂-C₁₅) monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloud-point of 70 degrees -77 degrees Celsius in 1 percent aqueous solution and an average molecular weight of 807.

(14) An aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloud-point of 90 degrees -100 degrees Celsius in 0.5 percent aqueous solution and an average molecular weight of 3,300, and polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,000).

(15) An aqueous solution containing lithium hypochlorite.

(16) An aqueous solution containing equal amounts of n-alkyl (C₁₂-C₁₈) benzyl dimethyl ammonium chloride and n-alkyl (C₁₂-C₁₄) dimethyl ethylbenzyl ammonium chloride (having average molecular weights of 377 to 384), with the optional adjuvant substances tetrasodium ethylenediaminetetraacetate and/or alpha-(p-nonylphenol)-omega-hydroxy-poly (oxyethylene) having an average poly (oxyethylene) content of 11 moles. Alpha-hydro-omega-hydroxypoly-(oxyethylene)poly(oxypropylene) (15 to 18 mole minimum) poly (oxyethylene) block copolymer, having a minimum molecular weight of 1,900 CAS Registry No. 90031-11-6) may be used in lieu of alpha-(p-nonylphenol)-omega-hydroxypoly (oxyethylene) having an apoly (oxyethylene) content of 11 moles. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(17) An aqueous solution containing di-n-alkyl (C₈-C₁₀) dimethyl ammonium chlorides and isopropyl alcohol, having average molecular weights of 332-361. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(18) An aqueous solution containing n-alkyl (C₁₂-C₁₈) benzyl dimethyl ammonium chloride, sodium metaborate, alpha-terpineol and alpha-omega-hydroxy-poly (oxyethylene) produced with one mole of the phenol and 4 to 14 moles ethylene oxide.

(19) An aqueous solution containing sodium dichloroisocyanurate and tetrasodium ethylenediaminetetraacetate. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(20) An aqueous solution containing ortho-phenylphenol, ortho-benzyl-para-chlorophenol, para-tertiarymethylphenol, sodium-alpha-alkyl (C₁₂-C₁₅) omega-hydroxypoly (oxyethylene) sulfate with the poly (oxyethylene) content averaging one mole, potassium salts of coconut oil fatty acids, and isopropyl alcohol or hexylene glycol.

(21) An aqueous solution containing sodium dodecylbenzenesulfonate. In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk.

iii. The solutions identified in (b)1ii above will not exceed the following concentrations:

1. Solutions identified in (b)1ii(1) above will provide not more than 200 parts per million of available halogen determined as available chlorine.

2. Solutions identified in (b)1ii(2) above will provide not more than 100 parts per million of available halogen determined as available chlorine.

3. Solution identified in (b)1ii(3) will provide not more than 25 parts per million of titratable iodine. The solutions will contain the components potassium iodide, sodium p-toluenesulfonchloramide and sodium lauryl sulfate at a level not in excess of the minimum required to produce their intended functional effect.

4. Solutions identified in (b)1ii(4), (5), (6), (8), (13), and (14) above will contain iodine to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

5. Solutions identified in (b)1ii(7) above will provide not more than 400 parts per million of dodecylbenzenesulfonic acid and not more than 80 parts per million of polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800).

6. Solutions identified in (b)1ii(9) above shall provide when ready to use no more than 200 parts per million of the active quaternary compound.

7. Solutions identified in (b)1ii(10) above shall provide not more than sufficient trichloromelamine to produce 200 parts per million of available chlorine and either sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect or not more than 400 parts per million of dodecylbenzenesulfonic acid.

8. Solutions identified in (b)1ii(11) above shall provide, when ready to use, not more than 200 parts per million of active quaternary compound.

9. The solution identified in (b)1ii(12) above shall provide not more than 200 parts per million of sulfonated oleic acid, sodium salt.

10. Solutions identified in (b)1ii(15) above will provide not more than 200 parts per million of available chlorine and not more than 30 ppm lithium.

11. Solutions identified in (b)1ii(16) above shall provide not more than 200 parts per million of active quaternary compound.

12. Solutions identified in paragraph (b)1ii(17) above shall provide, when ready to use, a level of 150 parts per million of the active quaternary compound.

13. Solution identified in (b)1ii(18) above shall provide not more than 200 parts per million of active quaternary compound and not more than 66 parts per million of alpha-omega-hydroxypoly (oxyethylene).

14. Solutions identified in paragraph (b)1ii(19) above shall provide, when ready to use, a level of 100 parts per million of available chlorine.

15. Solutions identified in (b)1ii(20) above are for single use applications only and shall provide, when ready to use, a level of 800 parts per million of total active phenols consisting of 400 parts per million ortho-phenylphenol, 320 parts per million ortho-benzyl-para-chlorophenol and 80 parts per million parateritarymethylphenol.

16. Solution identified in (b)1ii(21) above shall provide not more than 430 parts per million and not less than 25 parts per million of sodium dodecylbenzenesulfonate.

(d) Sanitizing agents for use in accordance with this section will bear labeling meeting the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.]*

***8:24-11.15 Boiler water additives and chemical sanitizing solutions**

(a) Boiler water additives and chemical sanitizing solutions used in a retail food establishment shall be used in accordance with the provisions set forth in the Code of Federal Regulations, Title 21, 173.310 and 178.1010.

(b) Sanitizing agents used in a retail food establishment shall be labeled and used in accordance with the labeling requirements of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 135 et. seq., and N.J.A.C. 7:30-1.*

HUMAN SERVICES

(a)

DIVISION OF PUBLIC WELFARE

**General Assistance Manual
Increase Boarding Rate in Residential Health
Care Facilities**

Adopted Amendment: N.J.A.C. 10:85-3.3

Proposed: August 16, 1982 at 14 N.J.R. 894(a).
Adopted: March 17, 1983 by George J. Albanese,
Commissioner, Department of Human Services.
Filed: March 18, 1983, as R.1983 d.105, **with substantive
and technical changes** not requiring additional public
notice and comment (see N.J.A.C. 1:30-3.5).

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

Effective Date: April 4, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
June 1, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

Summary of changes subsequent to proposal:

The maximum monthly assistance payment for an individual residing in a Residential Health Care Facility (RHCF) has been changed from the proposed \$428.10 to \$430.20 in order to provide for inclusion of a special State Lifeline Program utility supplement and thus, maintain comparability in rate for General Assistance (GA)/RHCF residents with Supplemental Security Income (SSI)/RHCF residents.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

10:85-3.3 ***[Finacial]* *Financial*** eligibility

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

(f) Assistance allowance standards are as follows:

1.-3. (No change from proposal.)

4. Room and board living arrangements: When an individual is purchasing a room and board living arrangement, the following shall apply:

i. Residential health care facility: When an individual who is in need of extensive personal services on a regular and continuous basis is purchasing a room and board living arrangement in a Residential Health Care Facility (licensed by the New Jersey Department of Health for purposes other than the care or treatment of drug or alcohol abuse), the monthly assistance payment, including a personal allowance, shall not exceed \$[408.50] *** [428.10]* *430.20***, less any countable income. However, the cost of purchasing such living arrangement shall not exceed the minimum amount which the establishment customarily charges to or for other guests not dependent ***[or]* *on*** public assistance, for the same accommodations and/or services.

ii.-iv. (No change from proposal.)

5. (No change from proposal.)

(g) (No change from proposal.)

LAW AND PUBLIC SAFETY

(b)

BOARD OF MEDICAL EXAMINERS

**Standards for Out-of-State Medical School
Clinical Training**

Adopted New Rule: N.J.A.C. 13:35-11

Proposed: January 17, 1983 at 15 N.J.R. 75(a).
Adopted: March 9, 1983 by Board of Medical Examiners,
Edwin H. Albano, M.D., President.
Filed: March 16, 1983 as R.1983 d.97, **with substantive
changes** not requiring additional public notice and
comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 45:9-2 and 18A:68-12 requiring
additional public notice and comments (see N.J.A.C.
1:30-35)

Effective Date: April 4, 1983.
Expiration Date pursuant to Executive Order No. 66(1978):
April 4, 1988.

Summary of Public Comments and Agency Responses:

The present adoption, published January 17, 1983 at 15 N.J.R. 75(a), is a modification of proposals published July 9, 1981 (13 N.J.R. 443(b)) and June 7, 1982 (14 N.J.R. 548(a)). In addition to publication in the New Jersey Register, some 42 notices of the proposal were sent to interested parties including three newspapers, the Department of Higher Education, the State Education Department, to representatives of national and state medical associations, the New Jersey Hospital Association, to several attorneys, and to all foreign medical schools which had expressed an interest in the subject during the pendency of the Board's inquiry into the matter.

Significant comments were received during the study of all three versions. Writers included the Chancellor of the Department of Higher Education, the President of UMDNJ, an alumni association of one foreign medical school, representatives of organizations of persons who are parents of students at some foreign schools, some relatives and friends of students at foreign schools, some attorney representatives of foreign schools, several individual physicians, and numerous persons describing themselves as students at some foreign schools (a large number from one school), from three foreign medical schools, and from the Antitrust Section of the Division of Criminal Justice. The comments from all prior versions have been considered, insofar as still applicable to the current draft.

Some writers urged that the term "affiliated hospitals" be expanded to include any licensed hospital in New Jersey, rather than only those which support a teaching program for graduate residents in addition to undergraduate clinical clerks. The Board rejects this suggestion. A hospital with approved residency programs has already been closely reviewed by nationally recognized accrediting agencies. Such a hospital has an established educational program, well structured and disciplined. It has demonstrated a commitment as an ongoing institution of learning. While a hospital without such postgraduate training programs could perhaps assemble a core faculty of highly skilled instructors whose attention was not diluted by their primary outside private practices, we are reluctant to rely upon the durability of that setting for a program purporting to offer essential clinical training to students

who are commencing that training outside of the integrated faculty and administrative structure common to the medical schools accredited by the LCME and the AOA. While the Board has, in the past, permitted a small number of students to take clerkship programs at small hospitals without approved teaching programs, the present method is deemed to be much more desirable as well as reasonably attainable.

Another suggestion was to permit a foreign school's alumni association to perform the task of supervising and monitoring the New Jersey training program. This is unacceptable. The tasks of planning the clinical portion of medical training, integrating it into the didactic curriculum, supervising its proper development in a location far from the parent school's domicile, enforcing compliance and corrections, and providing feedback to the academic faculty, all must be carried out by those intimately responsible for and responsive to the school administration.

Several writers complained that an affiliated hospital should not be limited to one which can provide all of the different clinical programs. However, N.J.A.C. 13:35-11.1(b) clearly requires only that there be an accredited postgraduate training program in the subject of the particular clerkship taken at a given hospital. Thus a student's total program may be taken by components in more than one hospital, depending on the number of approved clerkships available. This will allow more hospitals to participate, and may give the students exposure to more than one New Jersey setting.

One writer questioned the appropriateness of requiring that the affiliated hospital be one having accreditation by the two major and nationally recognized organizations for medical education in this country, the Liaison Committee on Graduate Medical Education and the American Osteopathic Association. He claimed that the UMDNJ may threaten to remove its own students from a clerkship program if the particular hospital is willing also to accept students from foreign schools, and that then the hospital may lose its accreditation status and be unable to train the foreign students. The writer warns of case law finding inappropriate the reliance of certain hospitals on certain private hospital bylaws which had the effect of automatically excluding certain qualified doctors. The Board rejects these claims. The case law referred to by the writer is totally inapt, not only since it deals with private and arbitrary restrictions but also because those hospitals excluded physicians who had already satisfied all State requirements and had plenary licenses to practice medicine and surgery. That is far different from the situation before this Board, which involves undergraduate students coming from a multitude of educational backgrounds of widely varying quality and about to engage in hands-on medicine on New Jersey residents. We do not accept the suggestion that any persons or agencies will act in anything other than good faith and the best interests of the public. This Board will not purport to intrude on the decisions by UMDNJ school officials regarding education policy or implementations affecting UMDNJ students. Those internal decisions do not impinge upon responsibilities assigned to this Board. In the event (not assumed by this Board but raised as a spectre by the writer) that a hospital otherwise eligible to receive foreign students declines to do so, for any reason (not necessarily the discriminatory reason suggested by the writer) a request could presumably be made to the Department of Health which regulates hospitals, or to the courts, to regulate access for training purposes. We think these speculations to be unlikely, however, considering the apparent competition among hospitals for qualified clerks who may then return to be postgraduate residents. We also observe that if an accredited hospital becomes "disaccredited", as a result of some arbitrary circumstances, it becomes unavailable for domestic students as well as for foreign students, and then no part of the public is aided. Thus, it remains in the interests of all sectors of the health community to assure that accredited hospitals remain so.

A few writers urged that clinical programs be permitted which would provide instruction not only in basic subject areas but in elective subspecialties. The Board's original concern was that students might come to New Jersey hospitals to begin medical prac-

tice in narrow electives without having demonstrated a secure foundation in the core medical subjects. We are, however, aware that the core subjects are generally taken during the third year, not the fourth. We also recognize that N.J.A.C. 13:35-11.4(a)2 of the rule (which appeared in this third draft but not the earlier two) probably makes sufficient provision to deal with this concern, as we now require proof that the third year has been utilized for satisfactory completion of proper clinical subjects. We have, therefore, deleted N.J.A.C. 13:35-11.4(b)3, so that electives can be taken in a program which has shown that core subjects have been satisfactorily completed.

One comment urged that a satisfactory score on the E.C.F.M.G. exam, as an alternative to the M.S.K.P. exam, be accepted as sufficient proof without more, of basic science mastery to permit entry into the clinical program. The Board rejects this as insufficient, as cramming for a test and engaging in rote memorization might enable one to pass a single test, yet does not assure the comprehensive and thorough learning process that may at least be inferred from the present requirement that one have achieved a passing grade in all academic course work preceding entry into the clinical program. This is in addition to satisfactory completion of third year clinical training programs in appropriate hospitals. Further we would not at this time accept the E.C.F.M.G. examination as a substitute for the M.S.K.P., in light of the prevalence of concern that the current version of the E.C.F.M.G. is less rigorous than the M.S.K.P. or Part I of the National Boards Examination. We are advised, however, that the E.C.F.M.G. is going to be revised substantially in the future, and the Board will at that time consider whether it would qualify as a substitute for the M.S.K.P. examination.

The most significant suggestions have been made, over the course of the several drafts, by the New Jersey Department of Higher Education. The Board has accepted in the present version the Department's suggestion that it conduct on behalf of the Medical Board an academic review of the parent medical school to assure that the student has been adequately prepared. No adverse comments have been received on that topic, and such arrangements will therefore be cooperatively established between the two agencies.

A more difficult suggestion had, in the past, been made by the same Department, for example to permit clinical training programs in New Jersey for the third, as well as the fourth year of clinical training for students who have spent the entirety of their first two (or sometimes three) preliminary didactic years at a foreign medical school. The Department is not urging third year participation now, and appears to be satisfied with the Board's present proposal. However, a demand for third year inclusion has been made in dozens of letters to the Board from individuals. It is noted that those letters largely follow the same pattern. Many were sent separately by members of the same family and many sent in duplicate to different government officials. Significantly, none offers any rationale for the demand, beyond an assertion that as "Americans" paying taxes to New Jersey government, they believe they have a vested right to come and take their practical experience in New Jersey hospitals rather than in locations provided by the foreign medical schools they chose to attend. Several of the students complained that they had attended foreign medical schools only because they had not been admitted to United States medical schools; they appeared to contend that the New Jersey Board of Medical Examiners owed it to them to permit better clinical training here than they could hope to secure at the schools they had elected to attend. One student pointed out that he thought he received very good preliminary training at the foreign school and had "studied health problems rarely encountered in the United States."

The Board has considered these suggestions and found them unpersuasive. We have considered the exposure that would result to New Jersey patients from medical care rendered by students who—fresh from the classroom and without clinical experience—would now be administering care without the close supervision of

the faculty that is responsible for integrating the didactic and clinical aspects of their training and is further responsible for maintaining a sufficient liaison with each student to permit knowledgeable grading of the student's progression. Those situations are dramatically different from the integrated supervision provided by United States medical schools. As well expressed by one commentator, Dr. Herbert Simonson:

"[If not] limited to the final year of medical school clinical experience . . . there will be a plethora of foreign schools coming into existence which can offer only the first two years of basic medical sciences and will have no obligation to provide any facilities for the clinical experience which students get in the third year of their curriculum. It is important, I think, that the basic medical science curriculum have some relationship to clinical study. In fact, many of the American schools provide training in physical examination, history taking, and some general exposure to clinical medicine in relation to the studies of the basic sciences. If a school is going to call itself a medical school it should provide some of the clinical training to its students."

The Board agrees. We may draw a partial analogy here with undergraduate college education. A community college offers a two-year course of study and confers a limited degree. The student knows this at the outset and has appropriate, realistic expectations of that experience. A college or university holds itself out as offering four years of education culminating in the conferral of a plenary diploma, and a student enrolling in such a school is entitled to expect just that. We have the same expectation of a responsible medical school. We expect the New Jersey Board rule to provide to students only the luxury of another option in location of their clinical program. We do not intend to indirectly foster mini-medical schools in New Jersey to take up the slack in the students' education where a nominal medical school with patently inadequate resources stops—but then steps forward two clinical years later to confer its diploma purporting to attest to four years of thorough and comprehensive medical education under its aegis.

It appears that all members of the New Jersey Association were informed of the Board's proposed rule. Yet, although many students of foreign medical schools demanded access to third-year programs in New Jersey hospitals, we deem it highly significant that only one hospital in the entire State (Riverside General Hospital) wrote to the Board in favor of third-year students' programs. Silence of such dimensions is interpreted by us to indicate that the hospitals share our uneasiness about itinerant training at the critical third-year stage, and are disinterested in participating in such a venture. We will, therefore, commence this new project by permitting only fourth year clinical training programs. However, after a record of experience has been developed under the present rule, we will consider whether an expansion to the third-year should be undertaken. In this connection, we note that many of the commentators requested that a public hearing be held, primarily on the question of third-year programs in New Jersey. However, the letters did not present any substantial grounds for their demands, nor did they raise any substantial factual matters on which testimony would be helpful. Moreover, the Board has considered the gist of such written material as was presented, including the more significant comments made respecting this issue in prior drafts of the rule. We have indicated our reasons for the present program limitation to fourth year students, and we will consider modification of the program in the future. We therefore deem a public hearing to be unnecessary and unproductive in these circumstances.

The president of UMDNJ has informed the Board that the medical school is presently phasing out its "Fifth Channel" program. That program had provided a year of supervised clinical experience primarily to students who had completed a full four-year program in Mexico but who, because of Mexican law, were not

officially recognized as having completed the requirements for a full diploma from their medical schools. Notwithstanding the dismantling of that UMDNJ program, Dr. Bergen has suggested that the Medical Board should consider imposing a Fifth Channel or remedial type program on all foreign medical school graduates who wish to qualify for the New Jersey licensure examination. We appreciate his suggestion and his offer of assistance but do not find it feasible at this time, in part because it would impose a blanket additional licensure prerequisite not authorized by N.J.S.A. 45:9-8. In addition, the proposal does not aid in resolving the present problem of providing clinical training adequate to protect the public at the undergraduate stage, for example, the third and fourth years.

(We note, parenthetically, that the UMDNJ president has objected to a phrase in the original economic impact section of the introductory statement to the rule proposal. That statement—not officially a part of the rule—makes reference to the fact that the approved training programs permitted by the rule will be at no cost to the taxpayers. The president of UMDNJ has taken offense at the phrase, in the belief that the public would draw the negative inference that somehow, domestic medical school programs are reviewed and conducted at a cost to the taxpayers. Clearly, no such inference was intended, as domestic programs are reviewed by the LCME or AOA and the medical school is responsible for the costs. However, as the pertinent phrase has no substantive importance to the rule or the policies to be effectuated by the Board, we have no objection to deleting it from the introductory material which, after rule adoption, remains in the file only as background information.)

Certain additional changes have been made in accordance with suggestions (attached) of the Chancellor of the Department of Higher Education to effect clarification, and not to affect substance. For example, the rule title and N.J.A.C. 13:35-11.1(a) will now make clearer that the rule governs medical schools which are, at present, not eligible for LCME or AOA accrediting agency evaluation and approval in the first instance, although the rule also applies to a domestic school which either has never sought approval or has been evaluated and found unacceptable. Clarifying wording has also been implemented in N.J.A.C. 13:35-11.2(a) respecting the limited Board involvement in determining who shall be regarded as a "qualified director" and in N.J.A.C. 13:35-11.3(a) as to qualified clinical faculty, and in N.J.A.C. 13:35-11.6(c) as to the decision that on-site visits shall be made for inspection purposes. N.J.A.C. 13:35-11.4(b) 3, specifying the subjects of study, will be deleted as unnecessary.

With the amendments described above, the rule is hereby adopted, to be effective upon filing and promulgation by the Office of Administrative Law.

Full text of the changes between proposal and adoption follows (additions to proposal shown in boldface with asterisks ***thus***; deletions from proposal shown in brackets with asterisks ***[thus]***).

SUBCHAPTER 11. STANDARDS FOR NEW JERSEY CLINICAL TRAINING PROGRAMS SPONSORED BY MEDICAL SCHOOLS NOT ***ELIGIBLE FOR EVALUATION AND NOT*** APPROVED BY THE L.C.M.E., THE A.O.A. OR OTHER AGENCY RECOGNIZED BY THE NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

13:35-11.1 Definitions and principles of responsibility

(a) For the purpose of this subchapter, the term medical school or parent medical school shall mean a medical school approved by its country of domicile and listed in a current World Health Organization Directory, but which medical school is not currently ***eligible for evaluation and not*** approved by the Liaison Committee on Medical Education, the American Osteopathic Association or other group or agency recognized by the New Jersey State Board of Medical Examiners.

1. (No change from proposal.)
 (b)-(c) (No change from proposal.)

13:35-11.2 Administration of the clinical training program
 (a) A *[qualified]* director of the clinical medical education program at and acceptable to the affiliate hospital shall be appointed by and be responsible to the administrative head of the parent medical school. ***The affiliate institution must demonstrate to the Board's satisfaction that the director possesses the academic credentials and experience sufficient to assure competent performance of the program director's function.*** The position of program director shall be half-time or more, proportionate to the number of students approved by the Board and sufficient to assure comprehensive planning and supervision of the program.

(b)-(d) (No change from proposal.)

13:35-11.3 Faculty

(a) The *[director of the clinical program shall appoint, subject to the approval of the Board, clinical faculty at the affiliate institution who]* ***affiliate institution must demonstrate to the Board's satisfaction that all clinical faculty*** possess academic credentials and experience sufficient to assure competent performance of the instructional assignment.

(b) (No change from proposal.)

13:35-11.4 Educational program

(a) (No change from proposal.)
 (b) Educational criteria for the program follows:
 1.-2. (No change from proposal.)

[3. Clinical training programs may be established for a specified period of time, subject to approval of the Board, in any of the following subjects: medicine, surgery, obstetrics and gynecology, pediatrics, radiology, laboratory (pathology), psychiatry and neurology.]

[4.] ***3.*** The student-faculty ratio of the program at each affiliate institution shall bear a reasonable relationship to the availability of service of the program director, the budget proposed, faculty, and facilities available, all subject to final approval of the Board.

[5.] ***4.*** A certificate shall be issued by the director of the clinical training program to each enrolled student recording the dates, type and length of each service and an evaluation of the student's accomplishment, and the date the certificate was issued.

13:35-11.5 Facilities

(No change from proposal.)

13:35-11.6 Request for approval

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

(c) An on-site inspection shall be required at the affiliate institution during the review period *****, **and also may be required at the parent medical school, taking into account alternatives avail able under N.J.A.C. 13:35-11.1(a)*.** The parent medical school shall agree in advance to be responsible for all reasonable out-of-pocket expenses incurred by the Board and the Department of Higher Education and an inspection team appointed by the Board in conjunction with the Department of Higher Education.

(d)-(h) (No change from proposal.)

13:35-11.7 Public record

(No change from proposal.)

13:35-11.8 Termination of program approval

(No change from proposal.)

13:35-11.9 Violations

(No change from proposal.)

13:35-11.10 Severability

(No change from proposal.)

13:35-11.11 Effective date and limited waiver provision
 (No change from proposal.)

(a)

BOARD OF PHARMACY

General Provisions; Fee Schedules
 Increase in Fees

Adopted Amendment: N.J.A.C. 13:39-9.16

Proposed: January 17, 1983 at 15 N.J.R. 78(a).
 Adopted: February 23, 1983 by State Board of Pharmacy,
 Sheldon Moed, President.
 Filed: March 9, 1983 as R.1983 d.95, **without change.**

Authority: N.J.S.A. 45:14-3, 45:14-3.1, 45:14-26.2 and
 45:1-3.2.

Effective Date: April 4, 1983.

Expiration Date pursuant to Executive Order No. 66 (1978):
 July 22, 1986.

Summary of Public Comments and Agency Responses:

The Board received a comment from David Harris, R.P., who objected to the increased fees which he feels are "already high and unfair".

A comment was also received from Alvin N. Geser, writing on behalf of the New Jersey Pharmaceutical Association to request a public hearing in this matter. Mr. Geser also requested a copy of the Board's budget and pharmacy inspector reports so as to "testify appropriately" at such public hearing.

A third comment was received from Jesse Gaynor who objected that the proposed fees were too low, and requested that fees be increased sufficiently to insure that all pharmacies are inspected every year in order to force pharmacies to "clean up".

The Board responded that the increase in fees was fully justified by the increase in the costs of administering and regulating the profession. Fees have not been increased since 1975 despite inflation. The Board is mandated by statute (N.J.S.A. 45:1-3.1) to defray all proper expenses incurred by the Board in the performance of its duties. The Board responded to Mr. Geser by informing him that it declined to hold a public hearing on this issue and notes that a public hearing is not mandated by statute or regulation. The Board feels that the need for the increase in fees is apparent on the face of the budget and that no useful purpose would be served by holding a hearing on this issue. The Board responded to Mr. Gaynor by informing him that the Board does anticipate increased inspections due to the increased fees and that after a careful review of the budget, the Board feels the new fees balance the interests of protecting the public by increasing monitorings of the conditions in pharmacies without unduly burdening pharmacists.

(b)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules: Licensing

Adopted Amendment: N.J.A.C. 13:70-4.1

Proposed: December 20, 1982 at 14 N.J.R. 1444(a).

Adopted: March 9, 1983 by Harold G. Handel, Deputy Director, New Jersey Racing Commission.
Filed: March 18, 1983 as R.1983 d.103, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: April 4, 1983.
Operative Date: January 1, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 9, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

(a)

NEW JERSEY RACING COMMISSION

Harness Rules Licensing

Adopted Amendment: N.J.A.C. 13:71-7.1

Proposed: December 20, 1982 at 14 N.J.R. 1445(a).
Adopted: March 9, 1983 by Harold G. Handel, Deputy Director, New Jersey Racing Commission.
Filed: March 18, 1983 as R.1983 d.104, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: April 4, 1983.
Operative Date: January 1, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 9, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

TRANSPORTATION

(b)

TRANSPORTATION OPERATIONS

Miscellaneous Traffic Rules
Route 35

Adopted New Rule: N.J.A.C. 16:30-9.1

Proposed: February 7, 1983 at 15 N.J.R. 132(a).
Adopted: March 14, 1983 by David W. Gwynn, Chief Engineer, Transportation Operations and Local Aid.
Filed: March 18, 1983 as R.1983 d.106, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-17 and 39:4-198.

Effective Date: April 4, 1983.
Expiration Date pursuant to Executive Order No. 66 (1978): August 1, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

OTHER AGENCIES

(c)

GARDEN STATE PARKWAY

Emergency Services; Fees

Adopted Amendment: N.J.A.C. 19:8-2.12

Proposed: February 7, 1983 at 15 N.J.R. 134(a).
Adopted: March 14, 1983 by New Jersey Highway Authority, William F. Smith, Executive Director.
Filed: March 16, 1983 as R.1983 d.99, **without change**.

Authority: N.J.S.A. 27:12B-5(j).

Effective Date: April 4, 1983.
Expiration Date pursuant to Executive Order-No. 66 (1978): June 30, 1983.

Summary of Public Comments and Agency Responses:
No comments received.

EMERGENCY ADOPTION

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 23

Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 16:28A-1.15

Emergency Amendment Adopted: March 8, 1983 by John P. Sheridan, Jr., Commissioner, Department of Transportation.

Gubernatorial Approval (N.J.S.A. 52:14B-4(c): March 15, 1983.

Emergency Amendment Filed: March 15, 1983 as R.1983 d.96.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-6, 39:4-138.1 and 39:4-139.

Emergency Amendment Effective Date: March 15, 1983.
Emergency Amendment Expiration Date: May 16, 1983.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before May 4, 1983. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, NJ 08625

This amendment was adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see: N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of this emergency amendment are being proposed for re-adoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The readopted rule becomes effective upon acceptance for filing by the Office of Administrative Law (see: N.J.A.C. 1:30-4.4(d)).

The concurrent proposal is known as PRN 1983-181.

The agency emergency adoption and concurrent proposal follows:

Summary

John P. Sheridan Jr., Commissioner, Department of Transportation, pursuant to the authority of N.J.S.A. 27:1A-1 et seq., and in particular N.J.S.A. 27:1A-5, 27:1A-44, 27:7-21(i) and authority granted the Commissioner of Transportation by the provisions of N.J.S.A. 39:4-6, proposes the adoption of an emergency amendment to N.J.A.C. 16:28A-1.15, establishing "no

parking" zones along Route 23 in Hardyston Township, Sussex County. Concurrently, these same rules are proposed for re-adoption on a non-emergent basis.

The Department of Transportation in compliance with request for the Local Officials of Hardyston Township, conducted traffic engineering studies establishing requirements for "no parking" zones along the westerly (southbound) side of Route 23 for its entire length within the corporate limits of Hardyston Township, including all ramps and connections thereto, which are under the jurisdiction of the Commissioner of Transportation. This was accomplished with the intent of enhancing public safety along a heavily travelled route, the reduction of accidents created by persons crossing a major highway for accessibility to fast food chains constructed along the route and the parking of trucks and other vehicles. There have been numerous near misses, in and along the route described.

Enforcement of the "no parking" zones must also be on a high level, because without a highly visible and active police effort, the violations of the regulation would be at an unacceptable high level. This is critical to preserve the integrity and continuity of efficient traffic flow.

Continuity of no parking enforcement is critical to the successful and efficient operation of traffic along the highway. A break or interruption in this continuity of operation could imperil police enforcement and contribute to the destroying of the public perception of the traffic regulations along Route 23.

Therefore, to meet the emergent demands created by traffic along Route 23 in Hardyston Township and to maintain the integrity and efficient operation of traffic, this amendment is submitted as an emergency amendment. Public harm would result from the delay caused by a normal rulemaking processing. Commissioner John P. Sheridan Jr., finds that imminent peril to the public health, safety and welfare exists which requires an adoption of emergency amendment to N.J.S.A. 16:28A-1.15 establishing "no parking" zones along Route 23 in Hardyston Township, Sussex County.

Social Impact

The amendment will restrict parking along the area designated for the efficient flow of traffic, reduce the volume of traffic parking along the highway unless in cases of emergency, thus enhancing safety along the highway system.

Economic Impact

The Department will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements.

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

16:28A-1.15 Route 23

(a) The certain parts of State highway Route 23 described [herein below] **in this section** 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.-3. (No change.)

4. No stopping or standing along the westerly (southbound) side for its entire length within the corporate limits of Hardyston Township, Sussex County, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

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

MISCELLANEOUS NOTICE**EDUCATION****(a)****STATE BOARD OF EDUCATION****Special Education
Programs for Preschool Handicapped
Children**

Take notice that the State Board of Education, Saul Cooperman, Secretary, published proposed new rules for Special Education Programs for Preschool Handicapped Children as N.J.A.C. 6:28-11 on December 20, 1982, at 14 N.J.R. 1430(a)

The State Board of Education proposes to take no action on these rules as self-contained in subchapter 11; rather, the State Board of Education plans to integrate the provisions for preschool handicapped children into other subchapters of N.J.A.C. 6:28. The incorporation of the proposed preschool rules into chapter 28 will have two beneficial effects. First, since all of N.J.A.C. 6:28 will expire on August 1, 1983, under the sunset provision of Executive Order No. 66, 1978, and the new subchapter 11 would have been adopted by then, integration will reduce confusion on the part of the public. Secondly, references to information currently published as N.J.A.C. 6:28-11 will be made in appropriate contextual areas of N.J.A.C. 6:28.

The readoption of N.J.A.C. 6:28 will be published in a forthcoming issue of the Register.

INDEX OF ADOPTED RULES

The *Index of Adopted Rules* contains rules which have been promulgated subsequent to the most recent update of the New Jersey Administrative Code. Rules which are being promulgated in this Register, and which appear in the *Table of Rules* in this issue, do not appear in this index. These rules will appear in next month's Index of Adopted Rules.

The rules in this index are listed in order of their N.J.A.C. citations. Accompanying the N.J.A.C. citation for each rule is a brief description of the rule's content, the Register citation for its proposal notice, its Office of Administrative Law (OAL) document citation (which should be used if ordering a copy of the rule from OAL), and the Register citation for its adoption.

An N.J.A.C. citation which includes a **section** number, such as 1:30-1.1, means that only that section has been modified. An N.J.A.C. citation which includes a **subchapter** number, such as 5:23-3, *but no section designation*, or which includes only title and **chapter**, such as 1:30, means that there have been extensive changes involving all or most sections of that subchapter or chapter.

At the bottom of the listing for each Title is the date of the most recent Code update for that Title.

The *Index of Adopted Rules* appears in the first Register of each month, complementing the *Index of Proposed Rules* which appears in the second Register of each month. Together, these indices make available to a Code and Register subscriber all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activities from the initial proposal through final promulgation.

For any rule not yet published in a Code update, the full text of the proposal notice as published in the Register, plus the full text of any changes published with the adoption notice in the Register, constitute an official copy of the promulgated rule. If the full text of either the proposed rule or any changes does not appear in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

To be certain that you have a copy of each proposed rule which may have been adopted but which does not yet appear in the most recent Code update, you should retain each Register beginning with October 5, 1979.

N.J.A.C. CITATION

ADMINISTRATIVE LAW—TITLE 1

1:1-2.2	Contested cases and OAL jurisdiction
1:1-3.3	Pre-hearing conferences and tape-recording
1:1-3.11	Succession of parties in contested cases
1:1-9.1, 9.2, 9.6, 9.7, 13.2, 13.3, 14.5	Interlocutory review and emergency relief
1:1-14.1	Consolidation of cases
1:1-16.5	Substantiation of final decisions
1:2-2	Conference hearings and Civil Service cases
1:2-3	"Hearings on the papers" and MV cases
1:6A	Special Education Program hearing rules
1:6A-2.2, 4.2, 5.5	Special Education Program hearing rules
1:30	Agency rulemaking
1:30-3.7	Correction: Agency rulemaking
1:31	Organization of OAL
15:15-8.1, 8.2	Repeal rules on Register and Code

(Title 1, Transmittal 2 dated June 21, 1982)

AGRICULTURE—TITLE 2

2:2-2.1, 2.6, 2.10, 2.13, 2.14, 2.15, 2.17, 2.18	Swine brucellosis control
2:2-2.2	Official calfhood brucella vaccination
2:2-2.3	Vaccination of female bovines
2:2-2.3	Calfhood brucellosis vaccination
2:2-2.16	Slaughtering of market cattle and goats
2:2-2.19	Brucellosis testing for intrastate movement
2:3-2.3, 2.4	Brucellosis and tuberculosis tests for cattle
2:3-3.7	Swine brucellosis control
2:3-4.1	Movement of livestock
2:3-6.2	Goats for exhibition: Disease testing
2:3-6.2	Goats for exhibition: Disease testing
2:5-1	Repeal hog cholera quarantines
2:22-2	Mediterranean fruit fly control
2:32-2	Sire Stakes Program
2:48-5.1	Use of coupons in milk promotion
2:50-1.1	Dairy farmers and relief from notice of intent
2:54-1.1	Milk marketing order
2:54-1.1, 2.1	Milk Marketing Order 57-3 and Order 63-1
2:69-1.6	Slow-release nitrogen products
2:69-1.11	Commercial values of primary plant nutrients

PROPOSAL NOTICE DOCUMENT (N.J.R. CITATION) CITATION

14 N.J.R. 486(a)	R. 1982 d.467	15 N.J.R. 23(a)
14 N.J.R. 606(a)	R. 1982 d.297	14 N.J.R. 975(a)
14 N.J.R. 606(b)	R. 1982 d.295	14 N.J.R. 975(b)
14 N.J.R. 1182(a)	R. 1982 d.472	15 N.J.R. 25(a)
14 N.J.R. 674(b)	R. 1982 d.296	14 N.J.R. 975(c)
14 N.J.R. 608(a)	R. 1982 d.292	14 N.J.R. 975(d)
15 N.J.R. 66(a)	R. 1983 d.87	15 N.J.R. 435(a)
15 N.J.R. 68(a)	R. 1983 d.86	15 N.J.R. 436(a)
14 N.J.R. 930(a)	R. 1982 d.462	15 N.J.R. 25(b)
15 N.J.R. 2(a)	R. 1983 d.88	15 N.J.R. 437(a)
14 N.J.R. 780(a)	R. 1982 d.466	15 N.J.R. 29(a)
14 N.J.R. 780(a)	R. 1982 d.466	15 N.J.R. 101(a)
Organizational	R. 1982 d.291	14 N.J.R. 976(a)
14 N.J.R. 366(a)	R. 1982 d.339	14 N.J.R. 1163(b)
14 N.J.R. 487(b)	R. 1982 d.237	14 N.J.R. 833(a)
13 N.J.R. 114(b)	R. 1981 d.173	13 N.J.R. 318(a)
13 N.J.R. 256(a)	R. 1981 d.288	13 N.J.R. 471(a)
14 N.J.R. 487(a)	R. 1982 d.234	14 N.J.R. 833(b)
13 N.J.R. 5(a)	R. 1981 d.40	13 N.J.R. 115(b)
14 N.J.R. 865(a)	R. 1982 d.360	14 N.J.R. 1154(a)
13 N.J.R. 4(b)	R. 1981 d.39	13 N.J.R. 115(a)
14 N.J.R. 487(b)	R. 1982 d.237	14 N.J.R. 833(a)
13 N.J.R. 5(b)	R. 1981 d.41	13 N.J.R. 115(c)
14 N.J.R. 489(a)	R. 1982 d.235	14 N.J.R. 833(c)
14 N.J.R. 489(a)	R. 1982 d.235	14 N.J.R. 833(c)
13 N.J.R. 5(c)	R. 1981 d.42	13 N.J.R. 115(d)
13 N.J.R. 550(a)	R. 1981 d.508	14 N.J.R. 101(a)
15 N.J.R. 69(a)	R. 1983 d.84	15 N.J.R. 439(a)
13 N.J.R. 181(b)	R. 1981 d.166	13 N.J.R. 318(b)
14 N.J.R. 489(b)	R. 1982 d.238	14 N.J.R. 833(d)
13 N.J.R. 551(a)	R. 1981 d.416	13 N.J.R. 753(a)
13 N.J.R. 798(a)	R. 1981 d.512	14 N.J.R. 101(b)
14 N.J.R. 258(a)	R. 1982 d.159	14 N.J.R. 471(b)
13 N.J.R. 114(c)	R. 1981 d.172	13 N.J.R. 318(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
2:69-1.11	Commercial values of fertilizers	14 N.J.R. 402(a)	R. 1982 d. 236	14 N.J.R. 833(c)
2:71-2.28, 2.29, 2.31	Farm products inspection and grading fees	14 N.J.R. 66(a)	R. 1982 d. 75	14 N.J.R. 277(a)

(Title 2, Transmittal 18 dated January 14, 1981)

BANKING—TITLE 3

3:1-1.1	Interest rates	Emergency	R. 1981 d. 429	13 N.J.R. 753(b)
3:1-1.1	Readoption: Interest rates on mortgages	13 N.J.R. 753(b)	R. 1981 d. 511	14 N.J.R. 101(c)
3:1-1.1	Correction: Interest rates on mortgages	13 N.J.R. 753(b)	R. 1981 d. 511	14 N.J.R. 205(a)
3:1-2	Procedural rules	13 N.J.R. 182(a)	R. 1981 d. 258	13 N.J.R. 382(b)
3:1-9.4-9.21	Home mortgage disclosure	15 N.J.R. 4(a)	R. 1983 d. 85	15 N.J.R. 439(b)
3:1-10.1	Real property transactions: Executive officer defined	14 N.J.R. 490(a)	R. 1982 d. 242	14 N.J.R. 834(a)
3:1-11	"Executive officer" and affiliated persons	14 N.J.R. 490(b)	R. 1982 d. 243	14 N.J.R. 834(b)
3:2-2	Repealed: Plain language review of contracts	14 N.J.R. 454(a)	R. 1982 d. 213	14 N.J.R. 755(a)
3:2-2.1-2.3	Plain language in consumer contracts	13 N.J.R. 184(a)	R. 1981 d. 259	13 N.J.R. 383(a)
3:6-1.1	Savings bank parity rule	13 N.J.R. 383(b)	R. 1981 d. 352	13 N.J.R. 551(b)
3:6-3	Standardization of executive officer classification	14 N.J.R. 491(a)	R. 1982 d. 244	14 N.J.R. 834(c)
3:6-7, -9	Class II and Small Business Loans	14 N.J.R. 182(a)	R. 1982 d. 126	14 N.J.R. 383(b)
3:6-7.1-7.8	Mutual savings banks: Investment restatement accounting	14 N.J.R. 676(a)	R. 1982 d. 307	14 N.J.R. 988(a)
3:6-12.1	Commercial bank parity	13 N.J.R. 383(c)	R. 1981 d. 351	13 N.J.R. 552(a)
3:6-14	Foreign banks: Biennial certification fee	15 N.J.R. 6(a)	R. 1983 d. 42	15 N.J.R. 330(a)
3:7-5, 5.1-5.5	Statement of interest: Officers defined	14 N.J.R. 492(a)	R. 1982 d. 245	14 N.J.R. 834(d)
3:8-3, -4	Nonmember commercial bank reserves	14 N.J.R. 183(a)	R. 1982 d. 125	14 N.J.R. 383(c)
3:11-2.1	Commercial bank lending: Approved subsidiaries	13 N.J.R. 799(a)	R. 1981 d. 516	14 N.J.R. 101(d)
3:11-7.7	Time deposit balances and 10 percent limitation	14 N.J.R. 608(b)	R. 1982 d. 263	14 N.J.R. 909(a)
3:11-10.1, 10.2	Savings banks participation in credit card operations	13 N.J.R. 61(b)	R. 1981 d. 91	13 N.J.R. 185(b)
3:17-4.4,-7	Small loan licenses	13 N.J.R. 115(e)	R. 1981 d. 257	13 N.J.R. 384(a)
3:17-7.1, 7.3	Permits to small loan licensees	13 N.J.R. 471(b)	R. 1981 d. 430	13 N.J.R. 754(a)
3:19-2	Energy rules on home repair financing	Emergency	R. 1981 d. 29	13 N.J.R. 116(a)
3:21-2	State chartered credit unions	13 N.J.R. 522(b)	R. 1981 d. 414	13 N.J.R. 754(b)
3:23	License fees for credit sales and loan businesses	Emergency	R. 1982 d. 76	14 N.J.R. 277(b)
3:23	Readoption: License fees for credit and lending	14 N.J.R. 277(b)	R. 1982 d. 158	14 N.J.R. 471(c)
3:26-4.1	Parity with federally-chartered savings and loan	13 N.J.R. 634(a)	R. 1981 d. 506	14 N.J.R. 40(a)
3:27-6	Repealed: Variable rate mortgage rules	13 N.J.R. 715(a)	R. 1981 d. 507	14 N.J.R. 40(b)
3:28-5.1-5.7	Mutual savings and loan: Investment restatement accounting	14 N.J.R. 678(a)	R. 1982 d. 306	14 N.J.R. 989(a)
3:30-2.1	Reserve requirements	13 N.J.R. 61(c)	R. 1981 d. 90	13 N.J.R. 185(a)
3:38-1	Licensing of mortgage bankers and brokers	Emergency	R. 1981 d. 165	14 N.J.R. 571(a)
3:38-1	Licensing of mortgage bankers and brokers	14 N.J.R. 571(a)	R. 1982 d. 302	14 N.J.R. 977(a)
3:38-1.1	Mortgage bankers and brokers license fees	13 N.J.R. 256(c)	R. 1981 d. 260	13 N.J.R. 384(b)
3:38-2, 3, 4, 5, 6	Mortgage bankers and brokers: Rules of operation	14 N.J.R. 493(a)	R. 1982 d. 303	14 N.J.R. 977(b)

(Title 3, Transmittal 17 dated January 14, 1981)

CIVIL SERVICE—TITLE 4

4:1-2.1	"Base salary" defined	14 N.J.R. 679(a)	R. 1982 d. 331	14 N.J.R. 1089(a)
4:1-8.8B	Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d. 326	14 N.J.R. 1089(b)
4:1-10.1, 10.2, 10.3, 10.5	Noncompetitive and labor titles	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:1-12.10	Notifying eligibles of certification	14 N.J.R. 940(a)	R. 1983 d. 17	15 N.J.R. 141(a)
4:1-13.4	Police and firefighters: Working test periods	14 N.J.R. 115(a)	R. 1982 d. 204	14 N.J.R. 709(a)
4:1-17.16	Advancing of sick leave (State)	14 N.J.R. 299(a)	R. 1982 d. 300	14 N.J.R. 978(a)
4:1-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d. 18	15 N.J.R. 141(b)
4:2-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d. 326	14 N.J.R. 1089(b)
4:2-6.8, 10.1, 10.2	Repealed: see 4:1-10	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:2-17.14	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d. 300	14 N.J.R. 978(a)
4:2-18.4	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d. 18	15 N.J.R. 141(b)
4:3-2.1	Repealed: Veterans' age reduction	14 N.J.R. 455(a)	R. 1982 d. 326	14 N.J.R. 1089(b)
4:3-6.9	Repealed: see 4:1-10	14 N.J.R. 1186(a)	R. 1982 d. 496	15 N.J.R. 83(a)
4:3-13.1	Repealed: Formerly CSPM (Local) 13-4. 101	14 N.J.R. 115(a)	R. 1982 d. 204	14 N.J.R. 709(a)
4:3-17.6	Repealed: Sick leave advance	14 N.J.R. 299(a)	R. 1982 d. 300	14 N.J.R. 978(a)
4:3-18.1	Repealed: Dual employment rules	14 N.J.R. 941(a)	R. 1983 d. 18	15 N.J.R. 141(b)

(Title 4, Transmittal 16 dated June 21, 1982)

COMMUNITY AFFAIRS—TITLE 5

5:10-1.3, 2.2	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d. 363	13 N.J.R. 704(a)
5:10-1.17	Hotel and multiple dwelling inspection fees	Emergency	R. 1982 d. 259	14 N.J.R. 909(b)
5:10-1.17	Readoption: Hotel and multiple dwelling inspection fees	14 N.J.R. 909(b)	R. 1982 d. 334	14 N.J.R. 1089(c)
5:10-2.2, 25.3	Standards for hotels and multiple dwellings	14 N.J.R. 119(a)	R. 1982 d. 253	14 N.J.R. 910(a)
5:10-25.3	Hotels and multiple dwellings	13 N.J.R. 387(b)	R. 1981 d. 363	13 N.J.R. 704(a)
5:11-2.1	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d. 59	15 N.J.R. 330(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:11-3.2	Duplicate rental assistance	14 N.J.R. 72(a)	R. 1982 d.71	14 N.J.R. 278(a)
5:11-3.11	Emergency relocation benefits	15 N.J.R. 6(b)	R. 1983 d.59	15 N.J.R. 330(b)
5:11-9.2	Relocation assistance hearings	13 N.J.R. 186(d)	R. 1981 d.183	13 N.J.R. 332(a)
5:11-9.2	Parties to relocation assistance hearing	14 N.J.R. 1188(a)	R. 1982 d.487	15 N.J.R. 83(b)
5:12	Repeal State aid for urban renewal projects	13 N.J.R. 187(a)	R. 1981 d.180	13 N.J.R. 333(a)
5:12	Plain language review of residential leases	13 N.J.R. 473(a)	R. 1981 d.424	13 N.J.R. 782(b)
5:12	Repealed: Plain language review of leases	14 N.J.R. 222(a)	R. 1982 d.139	14 N.J.R. 426(a)
5:17	Expiration date for retirement community disclosure	13 N.J.R. 560(d)	R. 1981 d.425	13 N.J.R. 782(c)
5:21	Repealed: Uniform standards for mobile homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:22-2.6	Multiple dwelling exemptions and tax list designations (joint adoption, see 18:12-6A.8)	14 N.J.R. 72(b)	R. 1982 d.78	14 N.J.R. 278(b)
5:23-1.4	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-1.4, -2	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d.134	13 N.J.R. 258(b)
5:23-2.5	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d.133	13 N.J.R. 258(c)
5:23-2.5	Uniform Construction Code	13 N.J.R. 390(a)	R. 1981 d.462	13 N.J.R. 885(d)
5:23-2.6	Uniform Construction Code inspections	13 N.J.R. 187(b)	R. 1981 d.182	13 N.J.R. 333(b)
5:23-2.8	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-2.38	Licensing	14 N.J.R. 734(a)	R. 1982 d.436	14 N.J.R. 1449(a)
5:23-3	Uniform Construction Code	13 N.J.R. 121(a)	R. 1981 d.132	13 N.J.R. 258(d)
5:23-3.2	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d.133	13 N.J.R. 258(c)
5:23-3.3	Uniform Construction Code interpretations	13 N.J.R. 561(a)	R. 1981 d.454	13 N.J.R. 886(a)
5:23-3.3	Uniform Construction Code: Casino hotels	13 N.J.R. 561(b)	R. 1981 d.455	13 N.J.R. 886(b)
5:23-3.9	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-3.14, 3.15	Building and plumbing subcode supplements	14 N.J.R. 1326(a)	R. 1983 d.12	15 N.J.R. 141(c)
5:23-4.3	Temporary appointments of municipal code officials	13 N.J.R. 863(a)	R. 1982 d.23	14 N.J.R. 142(b)
5:23-4.6	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-4.8	Uniform Construction Code	13 N.J.R. 120(a)	R. 1981 d.133	13 N.J.R. 258(c)
5:23-4.8	Interlocal Construction Code enforcement (recodified as 5:23-4.17(d))	14 N.J.R. 495(a)	R. 1982 d.401	14 N.J.R. 1300(a)
5:23-4.8(c)	Now codified as 5:23-4.19	14 N.J.R. 456(a)	R. 1982 d.220	14 N.J.R. 755(b)
5:23-4.8, 4.10	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.7	14 N.J.R. 142(a)
5:23-4.10A	Manufactured homes	13 N.J.R. 717(a)	R. 1982 d.42	14 N.J.R. 233(a)
5:23-4.10A	Recodified as 5:23-4.25A	14 N.J.R. 496(a)	R. 1982 d.232	14 N.J.R. 834(e)
5:23-4.15, 4.26	Licensing	14 N.J.R. 734(a)	R. 1982 d.436	14 N.J.R. 1449(a)
5:23-4.17, 4.20	UCC enforcing agency fees	14 N.J.R. 943(a)	R. 1982 d.402	14 N.J.R. 1300(b)
5:23-4.19	Remitting of UCC training fees	14 N.J.R. 456(a)	R. 1982 d.220	14 N.J.R. 755(b)
5:23-4.20	Uniform Construction Code: Periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d.463	15 N.J.R. 32(a)
5:23-4.20	Correction: UCC periodic inspection fees	14 N.J.R. 1129(a)	R. 1982 d.463	15 N.J.R. 84(a)
5:23-4.25A	Manufactured homes standards	14 N.J.R. 496(a)	R. 1982 d.232	14 N.J.R. 834(e)
5:23-5.2	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d.134	13 N.J.R. 258(b)
5:23-5.2, 5.9, 5.11	Licensing	14 N.J.R. 734(a)	R. 1982 d.436	14 N.J.R. 1449(a)
5:23-5.3, 5.5	Uniform Construction Code	13 N.J.R. 390(a)	R. 1981 d.462	13 N.J.R. 885(d)
5:23-5.5	Uniform Construction Code	13 N.J.R. 635(a)	R. 1981 d.463	13 N.J.R. 886(c)
5:23-5.5	Licensing of Code officials	13 N.J.R. 801(a)	R. 1982 d.10	14 N.J.R. 143(b)
5:23-5.5	Fire subcode officials and construction licensing	14 N.J.R. 8(a)	R. 1982 d.56	14 N.J.R. 234(a)
5:23-5.5, 5.6, 5.7	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R. 1982 d.8	14 N.J.R. 143(a)
5:23-5.8, 5.9	Licensing of Code officials	13 N.J.R. 801(a)	R. 1982 d.10	14 N.J.R. 143(b)
5:23-5.11	Code enforcement (provisional) licensees	13 N.J.R. 799(b)	R. 1982 d.8	14 N.J.R. 143(a)
5:23-5.11	Uniform Construction Code	13 N.J.R. 119(a)	R. 1981 d.134	13 N.J.R. 258(b)
5:24-1.3	Condominium and cooperative conversion	13 N.J.R. 70(a)	R. 1981 d.131	13 N.J.R. 258(e)
5:24-1.3	Correction: Condominium and cooperative conversion	13 N.J.R. 70(a)	R. 1981 d.131	13 N.J.R. 333(c)
5:24-1.4, 1.5, 1.12	Condominium and cooperative conversion	13 N.J.R. 392(a)	R. 1981 d.354	13 N.J.R. 562(a)
5:24-2	Protected tenancy for disabled and seniors	13 N.J.R. 802(a)	R. 1982 d.9	14 N.J.R. 144(a)
5:25-2.8	Restoration of builders' registrations	14 N.J.R. 9(a)	R. 1982 d.55	14 N.J.R. 234(b)
5:25-3.1	New home warranty and mixed use property	13 N.J.R. 863(b)	R. 1982 d.22	14 N.J.R. 145(a)
5:25-5.5	New home warranties and builders' registration	13 N.J.R. 187(c)	R. 1981 d.181	13 N.J.R. 333(d)
5:25-5.5	Warranty coverage claims	14 N.J.R. 944(a)	R. 1982 d.386	14 N.J.R. 1210(a)
5:26	Planned real estate development full disclosure	12 N.J.R. 631(b)	R. 1981 d.130	13 N.J.R. 259(a)
5:26-2.4	Registration fees for planned developments	14 N.J.R. 609(a)	R. 1982 d.260	14 N.J.R. 912(a)
5:26-2.4, 3.1, 10.5	Planned real estate development full disclosure	13 N.J.R. 474(a)	R. 1981 d.365	13 N.J.R. 704(b)
5:27	Rooming and boarding houses	13 N.J.R. 393(a)	R. 1981 d.359	13 N.J.R. 704(c)
5:27-1.6	Rooming and boarding houses: License fees	15 N.J.R. 7(a)	R. 1983 d.60	15 N.J.R. 330(c)
5:27-1.6, 2.1	Multi-building rooming and boarding houses	14 N.J.R. 1075(a)	R. 1982 d.422	14 N.J.R. 1365(a)
5:27-1.6, 3.2	Rooming and boarding houses and discrimination	13 N.J.R. 562(b)	R. 1981 d.435	13 N.J.R. 842(e)
5:27-2.1, 4.8, 5.1-5.3, 5.8, 5.9	Fire safety in boarding house; safety improvement loans	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1210(b)
5:27-3.5, 10.6	Boarding houses: Non-ambulatory residents; self-administration of medicine	14 N.J.R. 499(a)	R. 1982 d.379	14 N.J.R. 1211(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
5:27-5.1	Fire drills in rooming houses	14 N.J.R. 1248(a)	R. 1982 d.490	15 N.J.R. 84(b)
5:27-5.3	Correction: Fire safety in boarding houses	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1300(c)
5:27-12	Safety improvement loans	14 N.J.R. 496(b)	R. 1982 d.378	14 N.J.R. 1210(b)
5:29	Petitions for rules	13 N.J.R. 259(b)	R. 1981 d.242	13 N.J.R. 395(a)
5:30-1.11	Realized revenue analysis report	13 N.J.R. 475(a)	R. 1981 d.381	13 N.J.R. 755(a)
5:30-3.3	"Dedication by rider" to local budgets	14 N.J.R. 301(a)	R. 1982 d.186	14 N.J.R. 654(a)
5:30-3.4	Filing of municipal budget amendments	13 N.J.R. 188(a)	R. 1981 d.216	13 N.J.R. 395(b)
5:30-9.2	Form of tax collection record	13 N.J.R. 121(b)	R. 1981 d.122	13 N.J.R. 260(a)
5:30-9.3	Tax collector examination	13 N.J.R. 70(d)	R. 1981 d.121	13 N.J.R. 260(b)
5:70	Congregate Housing Services Program	14 N.J.R. 609(b)	R. 1982 d.272	14 N.J.R. 912(b)
5:71	County offices on aging	13 N.J.R. 395(c)	R. 1981 d.356	13 N.J.R. 563(a)
5:80-4.1	NJHFA: Debarment and suspension	12 N.J.R. 385(a)	R. 1981 d.255	13 N.J.R. 397(a)
5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R. 1982 d.288	14 N.J.R. 983(a)

(Title 5, Transmittal 16 dated March 19, 1981)

EDUCATION—TITLE 6

6:2-1.1, 1.2, 1.7-1.19	Filing appeals before State Board	14 N.J.R. 261(a)	R. 1982 d.268	14 N.J.R. 913(a)
6:11-3.3	Teacher certification fees	13 N.J.R. 8(b)	R. 1981 d.82	13 N.J.R. 191(a)
6:11-3.3	Fees for certificates and transcript evaluation	14 N.J.R. 1188(b)	R. 1983 d.40	15 N.J.R. 244(a)
6:11-3.7	Revocation of teaching certificate	14 N.J.R. 73(a)	R. 1982 d.122	14 N.J.R. 383(d)
6:11-3.12, 4.7	County substitute certification: School nurse, athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:11-3.18	Teacher education and academic credentials	12 N.J.R. 452(e)	R. 1981 d.22	13 N.J.R. 123(b)
6:11-7	Repealed existing subchapter	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:11-7.1	State Approval of Teacher Education	14 N.J.R. 456(b)	R. 1982 d.269	14 N.J.R. 914(a)
6:20-2.3	Budget and cost distribution records	13 N.J.R. 333(e)	R. 1981 d.353	13 N.J.R. 563(b)
6:20-2.3	Program-oriented budgeting format	14 N.J.R. 309(a)	R. 1982 d.194	14 N.J.R. 654(b)
6:20-3.1	Building use charge by receiving districts	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 914(b)
6:20-3.1	Correction: Operative date of building use charge	14 N.J.R. 499(b)	R. 1982 d.270	14 N.J.R. 978(b)
6:21-10.4	Private auto use for pupil transportation	13 N.J.R. 914(a)	R. 1982 d.121	14 N.J.R. 384(a)
6:22-1.14, 1.19	Inspection fees for school facilities	14 N.J.R. 74(a)	R. 1982 d.119	14 N.J.R. 384(b)
6:24-1.3	Format of petition for controversies and disputes	13 N.J.R. 190(a)	R. 1981 d.265	13 N.J.R. 397(b)
6:24-1.3	Correction: Petition format	13 N.J.R. 190(a)	R. 1981 d.265	13 N.J.R. 481(a)
6:28-5.10, 5.11, 6.10, 6.11	Approval of auxiliary services for private school students	14 N.J.R. 617(a)	R. 1982 d.316	14 N.J.R. 1054(a)
6:29-4.2	Tuberculosis testing	13 N.J.R. 914(b)	R. 1982 d.120	14 N.J.R. 385(a)
6:29-6.3	County substitute certification: Athletic coach	14 N.J.R. 1010(a)	R. 1982 d.486	15 N.J.R. 84(c)
6:29-8.1, 8.2	Hearing screening of pupils	14 N.J.R. 108(a)	R. 1982 d.195	14 N.J.R. 654(c)
6:30	Adult diploma requirements	13 N.J.R. 721(a)	R. 1982 d.39	14 N.J.R. 205(c)
6:44-6,-7	Recodified as 6:30	13 N.J.R. 721(a)	R. 1982 d.39	14 N.J.R. 205(c)
6:46-1.1	"Technical education" in local area districts	14 N.J.R. 9(b)	R. 1982 d.118	14 N.J.R. 385(b)
6:46-1.1-1.5	Local area vocational school districts	13 N.J.R. 635(b)	R. 1981 d.495	14 N.J.R. 41(c)
6:53	Vocational education safety standards	14 N.J.R. 619(a)	R. 1982 d.368	14 N.J.R. 1154(b)
6:66	Archives and history records management	13 N.J.R. 190(b)	R. 1981 d.202	13 N.J.R. 397(c)
6:79-1.9, 1.11	Child nutrition program changes	14 N.J.R. 1248(b)	R. 1983 d.71	15 N.J.R. 440(a)

(Title 6, Transmittal 17 dated November 10, 1980)

ENVIRONMENTAL PROTECTION—TITLE 7

7:1A	Water Supply Bond Act loans	14 N.J.R. 10(a)	R. 1982 d.167	14 N.J.R. 573(c)
7:1A	Extension of application closing date	Public Notice	R. 1982 d.167	14 N.J.R. 1172(a)
7:1A-2.5, 2.12, 2.13	Water Supply Bond Act loans	14 N.J.R. 499(c)	R. 1982 d.281	14 N.J.R. 915(a)
7:1A-3	Emergency interim repair of water systems	14 N.J.R. 1075(b)	R. 1983 d.26	15 N.J.R. 141(d)
7:1C-1.5	Fees for 90-day construction permits	13 N.J.R. 123(c)	R. 1981 d.187	13 N.J.R. 334(b)
7:1C-1.5	Maximum fees for waterfront development permits	13 N.J.R. 564(a)	R. 1981 d.473	13 N.J.R. 943(b)
7:1C-1.13	90-day construction permits	Procedural	R. 1981 d.48	13 N.J.R. 128(b)
7:1H-3.4	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R. 1983 d.50	15 N.J.R. 330(d)
7:7-2	Waterfront development permits	13 N.J.R. 73(c)	R. 1981 d.355	13 N.J.R. 564(b)
7:7A-1.13	Correction to Code: Wetlands maps	_____	_____	14 N.J.R. 1403(a)
7:7D-2.3, 2.5, 2.8	CAFRA procedural rules	13 N.J.R. 75(a)	R. 1981 d.267	13 N.J.R. 401(b)
7:7E	Coastal resource and development policies	13 N.J.R. 76(a)	R. 1981 d.186	13 N.J.R. 338(a)
7:7E	Coastal Management Program: "Routine implementation" determination	_____	_____	14 N.J.R. 1467(b)
7:7E-3.10, 3.30, 3.33, 3.37, 4.10, 4.11, 5.5	Coastal resources and development policies	13 N.J.R. 565(a)	R. 1982 d.114	14 N.J.R. 385(c)
7:7E-5.3, 5.6, 5.7	Coastal resource and development	14 N.J.R. 1129(b)	R. 1983 d.27	15 N.J.R. 142(a)
7:7E-5.5	Correction: Coastal resources and development	13 N.J.R. 565(a)	R. 1982 d.114	14 N.J.R. 1155(a)
7:7E-7.2	Affordable housing and coastal development	13 N.J.R. 864(a)	R. 1982 d.31	14 N.J.R. 206(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:7E-8.7, 8.16, 8.17	Coastal resources and development policies	13 N.J.R. 565(a)	R. 1982 d.114	14 N.J.R. 385(c)
7:7F	Shore Protection Program	14 N.J.R. 865(b)	R. 1982 d.421	14 N.J.R. 1365(b)
7:8	Storm water management	14 N.J.R. 1022(a)	R. 1983 d.24	15 N.J.R. 142(b)
7:9-4, -5, -6	Water quality standards	12 N.J.R. 108(c)	R. 1981 d.80	13 N.J.R. 194(b)
7:9-8,-11,-14	Repealed	12 N.J.R. 108(c)	R. 1981 d.80	13 N.J.R. 194(b)
7:9-10.2, 10.3, 10.9	Pinelands and coastal area sewerage approval	14 N.J.R. 504(a)	R. 1982 d.298	14 N.J.R. 979(a)
7:9-10.4, 10.5, 10.6	One-year suspension of rules	14 N.J.R. 504(a)	R. 1982 d.298	14 N.J.R. 979(a)
7:9-13.3, 13.5, 13.6	Sewer extension ban	12 N.J.R. 639(b)	R. 1981 d.224	13 N.J.R. 402(a)
7:10-8	Repealed: See 7:18	13 N.J.R. 260(d)	R. 1981 d.279	13 N.J.R. 481(c)
7:11-2, -4	Water rate schedule: D and R, Spruce Run- Round Valley	14 N.J.R. 681(a)	R. 1982 d.455	14 N.J.R. 1449(b)
7:12-1.1, 1.3,	Condemnation of certain shellfish beds	13 N.J.R. 191(b)	R. 1981 d.190	13 N.J.R. 339(b)
7:12-1.2-1.5	Shellfish beds: Reclassification	14 N.J.R. 310(a)	R. 1982 d.182	14 N.J.R. 655(a)
7:12-1.3	Condemnation of certain shellfish areas	13 N.J.R. 566(a)	R. 1981 d.431	13 N.J.R. 755(b)
7:12-2	Shellfish waters condemnation	13 N.J.R. 191(b)	R. 1981 d.190	13 N.J.R. 339(b)
7:13-1.11	Flood plain delineation of Great Egg Harbor River	12 N.J.R. 506(a)	R. 1981 d.88	13 N.J.R. 194(d)
7:13-1.11	Flood plain delineation of Mullica River and tributaries	12 N.J.R. 506(b)	R. 1981 d.89	13 N.J.R. 194(e)
7:13-1.11	Flood hazard area delineations	12 N.J.R. 640(b)	R. 1981 d.144	13 N.J.R. 339(c)
7:13-1.11	Flood hazard area delineations	12 N.J.R. 640(a)	R. 1981 d.145	13 N.J.R. 340(a)
7:13-1.11	Delaware Basin floodway delineations	13 N.J.R. 805(a)	R. 1982 d.154	14 N.J.R. 472(b)
7:13-1.11	Floodway delineations along Tuckahoe River	13 N.J.R. 921(a)	R. 1982 d.155	14 N.J.R. 473(a)
7:13-1.11	Floodway delineations in Hackensack basin	14 N.J.R. 19(a)	R. 1982 d.156	14 N.J.R. 473(b)
7:13-1.11	Floodway delineations: Woodbridge and Rahway rivers	13 N.J.R. 920(a)	R. 1982 d.157	14 N.J.R. 473(c)
7:13-1.11	Delineated streams along Upper Mullica River	14 N.J.R. 367(b)	R. 1982 d.209	14 N.J.R. 755(c)
7:13-1.11	Delineated streams in Somerset County	14 N.J.R. 367(a)	R. 1982 d.392	14 N.J.R. 1211(b)
7:13-1.11	Floodway delineations in Union County	14 N.J.R. 870(a)	R. 1982 d.428	14 N.J.R. 1365(c)
7:13-1.11	Floodway delineations along Cedar Creek, Lacey Twp.	14 N.J.R. 683(a)	R. 1982 d.430	14 N.J.R. 1365(d)
7:13-1.11	Floodway delineations along Big Timber Creek	14 N.J.R. 505(a)	R. 1982 d.431	14 N.J.R. 1366(a)
7:13-1.11	Floodway delineations along Pond Run, Mercer County	14 N.J.R. 506(a)	R. 1982 d.432	14 N.J.R. 1366(b)
7:13-1.11	Floodway delineations in Morris County	14 N.J.R. 870(b)	R. 1982 d.453	14 N.J.R. 1451(a)
7:13-1.11	Floodway delineations in Essex County	14 N.J.R. 1027(a)	R. 1982 d.478	15 N.J.R. 32(b)
7:14	Pollutant discharge and waste management	12 N.J.R. 569(f)	R. 1981 d.84	13 N.J.R. 194(c)
7:14-2	Construction of wastewater treatment facilities	14 N.J.R. 75(a)	R. 1982 d.338	14 N.J.R. 1155(b)
7:14-2.12	Correction: Select trench backfill payment width	14 N.J.R. 75(a)	R. 1982 d.338	15 N.J.R. 440(b)
7:14-5, App. A	Statewide septage management	13 N.J.R. 124(a)	R. 1982 d.82	14 N.J.R. 336(c)
7:14A	Conditions for users of DTW	12 N.J.R. 569(f)	R. 1981 d.84	13 N.J.R. 194(c)
7:14A-1.8, 1.9, 2.1	Fee schedule for NJPDES permittees	14 N.J.R. 684(a)	R. 1982 d.495	15 N.J.R. 85(a)
7:14A-1.9	Water quality: Underground injection control	14 N.J.R. 1136(a)	R. 1983 d.9	15 N.J.R. 145(a)
7:14A-4	Industrial waste management facilities	12 N.J.R. 569(f)	R. 1981 d.373	13 N.J.R. 705(a)
7:14A-4.2, 4.3	Hazardous waste management	14 N.J.R. 1137(a)	R. 1983 d.25	15 N.J.R. 146(a)
7:14A-4.3	"Wastewater treatment unit" defined	14 N.J.R. 506(b)	R. 1982 d.310	14 N.J.R. 1054(b)
7:14A-5.11, 5.13, 5.15, 5.16	Underground injection control	14 N.J.R. 1136(a)	R. 1983 d.9	15 N.J.R. 145(a)
7:14A-11, 13.1	Hazardous waste management	13 N.J.R. 724(a)	R. 1982 d.97	14 N.J.R. 338(a)
7:14A-13.4	Pollutant discharge and waste management	13 N.J.R. 89(a)	R. 1981 d.214	13 N.J.R. 403(a)
7:17	Hard clam depuration pilot plant program	12 N.J.R. 253(a)	R. 1981 d.56	13 N.J.R. 194(a)
7:18	Laboratory certification and standards of performance	13 N.J.R. 260(d)	R. 1981 d.279	13 N.J.R. 481(c)
7:19	Water diversion and water supply allocation permits	13 N.J.R. 639(a)	R. 1981 d.488	14 N.J.R. 42(a)
7:19-3	Water diversion fees for non-growing use	14 N.J.R. 459(a)	R. 1982 d.239	14 N.J.R. 834(f)
7:21	Water policy and supply council	Organizational	R. 1981 d.366	13 N.J.R. 705(b)
7:22	Natural Resources Bond Fund	13 N.J.R. 481(d)	R. 1981 d.456	13 N.J.R. 886(d)
7:23-2	Flood control bond grants	13 N.J.R. 192(a)	R. 1981 d.223	13 N.J.R. 403(b)
7:24	Dam restoration grants	13 N.J.R. 9(a)	R. 1981 d.104	13 N.J.R. 195(b)
7:25-4.6	Nongame and exotic wildlife inspection	13 N.J.R. 806(a)	R. 1981 d.513	14 N.J.R. 102(a)
7:25-5	Game Code	13 N.J.R. 262(a)	R. 1981 d.253	13 N.J.R. 403(c)
7:25-5	1982-83 Game Code	14 N.J.R. 402(b)	R. 1982 d.212	14 N.J.R. 755(d)
7:25-5.13, 5.28, 5.29	1982-83 Game Code changes	14 N.J.R. 871(a)	R. 1982 d.351	14 N.J.R. 1158(a)
7:25-6	1982-1983 Fish Code	13 N.J.R. 483(a)	R. 1981 d.470	13 N.J.R. 887(a)
7:25-6	1983 Fish Code	14 N.J.R. 872(a)	R. 1982 d.429	14 N.J.R. 1366(c)
7:25-7.2	Oyster seed beds recodification	13 N.J.R. 193(a)	R. 1981 d.189	13 N.J.R. 340(b)
7:25-7.10	Taking of oysters	13 N.J.R. 125(a)	R. 1981 d.199	13 N.J.R. 403(d)
7:25-7.10	Senior citizen's oyster license	14 N.J.R. 629(a)	R. 1982 d.337	14 N.J.R. 1158(b)
7:25-7.13	Crab dredging	13 N.J.R. 125(b)	R. 1981 d.200	13 N.J.R. 404(a)
7:25-9.2	Hard clam harvest penalties	13 N.J.R. 404(b)	R. 1981 d.362	13 N.J.R. 706(a)
7:25-9.4	Bay scallops	13 N.J.R. 126(a)	R. 1981 d.256	13 N.J.R. 404(c)
7:25-12.1	Sea clam harvesting (emergency adoption)	Emergency	R. 1981 d.448	13 N.J.R. 843(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7:25-12.1	Harvest of sea clams	13 N.J.R. 613(a)	R. 1981 d.486	13 N.J.R. 943(c)
7:25-12.1	1982 sea clam harvest limits	Emergency	R. 1982 d.80	14 N.J.R. 288(a)
7:25-12.1	Sea clam harvest	14 N.J.R. 881(a)	R. 1982 d.393	14 N.J.R. 1213(a)
7:25-14	Atlantic Coast crabbing	13 N.J.R. 262(b)	R. 1981 d.299	13 N.J.R. 546(a)
7:25-14.8-14.10	Crab harvesting	13 N.J.R. 645(a)	R. 1982 d.169	14 N.J.R. 578(a)
7:25-15.1	Hard clam relay program	13 N.J.R. 645(b)	R. 1982 d.117	14 N.J.R. 387(a)
7:25-15.1	Relay of hard clams	Emergency	R. 1982 d.309	14 N.J.R. 1055(a)
7:25-15.1	Readopted: Relay of hard clams	14 N.J.R. 1055(a)	R. 1982 d.411	14 N.J.R. 1300(d)
7:25-16.1	Upstream line revisions	13 N.J.R. 484(a)	R. 1981 d.469	13 N.J.R. 887(b)
7:25-16.1	Upstream fishing lines	14 N.J.R. 882(a)	R. 1982 d.454	14 N.J.R. 1451(b)
7:25-21	Terrapin	13 N.J.R. 126(b)	R. 1981 d.198	13 N.J.R. 405(a)
7:25A-1.1	Emergency: Oyster dredging license moratorium	Emergency	R. 1981 d.94	13 N.J.R. 195(a)
7:25A-1.1, 1.2	Oyster dredging licenses	13 N.J.R. 192(b)	R. 1981 d.188	13 N.J.R. 340(c)
7:25A-2.1-2.7	Oyster management in Delaware Bay	13 N.J.R. 192(c)	R. 1981 d.197	13 N.J.R. 405(b)
7:25A-3.1	Oyster seed beds recodification	13 N.J.R. 193(a)	R. 1981 d.189	13 N.J.R. 340(b)
7:25A-3.1	1982 seed oyster season	14 N.J.R. 264(a)	R. 1982 d.148	14 N.J.R. 426(b)
7:25A-18A	Fisheries closures and advisories on certain species	Emergency	R. 1982 d.477	15 N.J.R. 39(a)
7:26-1	Solid waste administration	12 N.J.R. 511(a)	R. 1981 d.281	13 N.J.R. 484(b)
7:26-1	Hazardous waste management	12 N.J.R. 511(a)	R. 1981 d.370	13 N.J.R. 706(b)
7:26-1.1	Pollutant discharge and waste management	12 N.J.R. 569(f)	R. 1981 d.84	13 N.J.R. 194(c)
7:26-1.1, 1.4, 1.7, 2.14, 3.8, 5.5	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-1.4	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d.324	14 N.J.R. 1089(d)
7:26-1.4	Correction: Hazardous waste management	14 N.J.R. 1137(a)	R. 1983 d.25	15 N.J.R. 333(a)
7:26-1.8	Hazardous waste management	13 N.J.R. 724(a)	R. 1982 d.97	14 N.J.R. 338(a)
7:26-3.2,4.7	Solid waste collection and haulage	Procedural	R. 1981 d.49	13 N.J.R. 129(a)
7:26-4.7	Registration of hazardous waste collector/haulers	14 N.J.R. 368(a)	R. 1982 d.289	14 N.J.R. 979(b)
7:26-4.10	County fees for solid waste enforcement activities	14 N.J.R. 1328(a)	R. 1983 d.50	15 N.J.R. 330(d)
7:26-6	Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R. 1982 d.434	14 N.J.R. 1368(a)
7:26-6	Correction: Interdistrict and intradistrict solid waste flow	14 N.J.R. 1027(b)	R. 1982 d.434	15 N.J.R. 32(c)
7:26-7, -8	Solid waste administration	12 N.J.R. 511(a)	R. 1981 d.281	13 N.J.R. 484(b)
7:26-7.4	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d.324	14 N.J.R. 1089(d)
7:26-7.4, 7.5, 7.7, 8.13, 8.15	Waste oil management as hazardous material	14 N.J.R. 20(a)	R. 1982 d.494	15 N.J.R. 88(a)
7:26-7.6, 8.16, 9.1, 9.5, 9.9	Hazardous waste management	14 N.J.R. 1138(a)	R. 1982 d.433	14 N.J.R. 1367(a)
7:26-9	Hazardous waste management	12 N.J.R. 511(a)	R. 1981 d.370	13 N.J.R. 706(b)
7:26-9.1, 9.2, 9.4,-10, 11.2, 11.3, 11.5, 11.7, 12.1, 12.2	Hazardous waste management	13 N.J.R. 567(a)	R. 1982 d.324	14 N.J.R. 1089(d)
7:26-11, -12	Hazardous waste management	12 N.J.R. 511(a)	R. 1981 d.370	13 N.J.R. 706(b)
7:26-12.2	Hazardous waste management	13 N.J.R. 724(a)	R. 1982 d.97	14 N.J.R. 338(a)
7:26-14	Resource recovery grants	13 N.J.R. 9(a)	R. 1981 d.184	13 N.J.R. 340(d)
7:26-14	Codification correction: Resource recovery grants	13 N.J.R. 9(a)	R. 1981 d.184	15 N.J.R. 147(a)
7:26-15	Recycling of municipal solid waste (joint adoption, see 14A:3-15)	13 N.J.R. 865(a)	R. 1982 d.32	14 N.J.R. 206(b)
7:27-2	Control and prohibition of open burning	12 N.J.R. 690(a)	R. 1981 d.135	13 N.J.R. 264(a)
7:27-9	Sulfur in fuels	13 N.J.R. 870(a)	R. 1982 d.456	14 N.J.R. 1452(a)
7:27-10	Sulfur in coal	12 N.J.R. 571(a)	R. 1981 d.185	13 N.J.R. 341(a)
7:27-16	Air pollution control: Volatile organic substances	13 N.J.R. 127(a)	R. 1982 d.3	14 N.J.R. 145(b)
7:28-24	Licensing of nuclear medicine technologists	14 N.J.R. 507(a)	R. 1982 d.457	14 N.J.R. 1455(a)
7:28-41	Mercury vapor lamps	13 N.J.R. 9(b)	R. 1981 d.464	13 N.J.R. 887(c)
7:29B	Noise measurement	13 N.J.R. 127(b)	R. 1982 d.81	14 N.J.R. 339(a)
7:30-1, -2, -4, -8	State Pesticide Control Code	14 N.J.R. 787(a)	R. 1982 d.435	14 N.J.R. 1385(a)
7:30-10	State Pesticide Control Code: Pesticide use	14 N.J.R. 787(a)	R. 1983 d.63	15 N.J.R. 333(b)
7:36-3.1	Green Acres reimbursement	14 N.J.R. 461(a)	R. 1982 d.231	14 N.J.R. 835(a)
7:38-1.17	Wild and scenic rivers addition	13 N.J.R. 568(a)	R. 1982 d.2	14 N.J.R. 147(a)
7:50	Pinelands Comprehensive Management Plan	12 N.J.R. 513(b)	R. 1981 d.13	13 N.J.R. 91(e)
7:50	Pinelands management	13 N.J.R. 569(a)	R. 1982 d.131	14 N.J.R. 388(a)
7:50	Pinelands Comprehensive Management Plan and Sunset Provision	Public Notice	_____	14 N.J.R. 1102(b)

(Title 7, Transmittal 16 dated January 14, 1981)

HEALTH-TITLE 8

8:13-2.1, 2.3, 2.4,	Soft-shell clam depuration	14 N.J.R. 415(a)	R. 1982 d.241	14 N.J.R. 835(b)
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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
2.7-2.9, 2.11, 2.13-2.15				
8:21-3.23	Legal animal repellants	14 N.J.R. 79(a)	R. 1982 d. 123	14 N.J.R. 389(a)
8:21-3.24	Ingredients for human self-defense sprays	14 N.J.R. 1029(a)	R. 1982 d. 451	14 N.J.R. 1456(a)
8:21-3.25	Sale and possession of nitrous oxide	14 N.J.R. 1190(a)	R. 1983 d. 41	15 N.J.R. 244(b)
8:21-10	Designated fluid milk products	12 N.J.R. 643(c)	R. 1980 d. 539	13 N.J.R. 13(f)
8:22-1	State Sanitary Code—Campgrounds	13 N.J.R. 130(a)	R. 1981 d. 161	13 N.J.R. 342(a)
8:22-2	Repeal mobile home park rules	12 N.J.R. 577(d)	R. 1980 d. 499	13 N.J.R. 13(c)
8:25-6.12	Youth camp certification fees	14 N.J.R. 1191(a)	R. 1982 d. 476	15 N.J.R. 33(a)
8:30	Expiration date	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:30	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:30-1.4	Health care facilities licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:31-22.1	Doctors' offices in medical facilities	13 N.J.R. 807(a)	R. 1982 d. 273	14 N.J.R. 915(b)
8:31-23.1	Parking garage standards	13 N.J.R. 807(b)	R. 1982 d. 274	14 N.J.R. 916(a)
8:31-24.1	Hospital personnel housing	13 N.J.R. 808(a)	R. 1982 d. 275	14 N.J.R. 916(b)
8:31-25.1	Mobile intensive care paramedics: Approved drugs	14 N.J.R. 1331(a)	R. 1983 d. 28	15 N.J.R. 147(b)
8:31-26.3	All health care facilities: Employee physicals	14 N.J.R. 1274(a)	R. 1983 d. 69	15 N.J.R. 337(a)
8:31-26.4	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:31-26.4	Correction: Child abuse reporting	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 756(a)
8:31-26.5	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:31-27	Megavoltage radiation (recodified as 8:33I)	13 N.J.R. 406(b)	R. 1981 d. 406	13 N.J.R. 756(b)
8:31-28.1, 28.3	Need and designation of regional services	12 N.J.R. 515(a)	R. 1980 d. 528	13 N.J.R. 13(d)
8:31-30.1	Plan Review Fee multiplier	13 N.J.R. 265(b)	R. 1981 d. 284	13 N.J.R. 486(a)
8:31A-7	1982 SHARE regulations	13 N.J.R. 266(a)	R. 1981 d. 325	13 N.J.R. 571(c)
8:31A-7	SHARE Manual: 1983 rate review guidelines	14 N.J.R. 887(a)	R. 1982 d. 452	14 N.J.R. 1456(b)
8:31A-9.2	Correction to Code: SHARE Manual	10 N.J.R. 534(c)	R. 1979 d. 25	14 N.J.R. 44(a)
8:31A-10.1	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d. 38	14 N.J.R. 208(a)
8:31B-2.2, 2.4	Uniform Bill-Patient Summary (Inpatient)	13 N.J.R. 410(a)	R. 1981 d. 404	13 N.J.R. 756(c)
8:31B-3	Hospital procedural and methodological regulations	12 N.J.R. 515(b)	R. 1980 d. 455	12 N.J.R. 645(c)
8:31B-3	Procedural and methodological regulations	13 N.J.R. 486(b)	R. 1981 d. 494	14 N.J.R. 45(a)
8:31B-3	Nursing Management Report: RIM Methodology	14 N.J.R. 737(a)	R. 1982 d. 427	15 N.J.R. 43(a)
8:31B-3	Hospital rate setting: RIM and other 1983 changes	14 N.J.R. 737(a)	R. 1982 d. 427	14 N.J.R. 1389(a)
8:31B-3.20D	Rate of return: For-profit hospitals	13 N.J.R. 266(b)	R. 1981 d. 290	13 N.J.R. 486(c)
8:31B-4	Hospital financial elements and reporting regulations	12 N.J.R. 516(a)	R. 1980 d. 453	12 N.J.R. 645(a)
8:31B-4.44, 4.66	1983 Financial Elements and Reporting	14 N.J.R. 946(b)	R. 1982 d. 449	14 N.J.R. 1457(a)
8:31B-4.62	Excluded health care services	12 N.J.R. 643(d)	R. 1981 d. 10	13 N.J.R. 92(a)
8:31B-5.1, 5.2, 5.3	Diagnostic related groups	13 N.J.R. 726(b)	R. 1982 d. 27	14 N.J.R. 147(b)
8:31B-6.1-6.5	Mobile unit rate guidelines	13 N.J.R. 647(a)	R. 1982 d. 38	14 N.J.R. 208(a)
8:33	Certificate of Need application changes	13 N.J.R. 267(a)	R. 1981 d. 296	13 N.J.R. 487(b)
8:33D-1.3	Regional hemophilia care centers	13 N.J.R. 727(a)	R. 1982 d. 26	14 N.J.R. 147(c)
8:33E-1.1	Cardiac diagnostic facilities	13 N.J.R. 649(a)	R. 1982 d. 24	14 N.J.R. 147(d)
8:33E-2.2	Cardiac surgical centers	13 N.J.R. 651(a)	R. 1982 d. 25	14 N.J.R. 147(e)
8:33F-1.1-1.4, 1.6, 1.7	Regional end-stage renal services	13 N.J.R. 922(b)	R. 1982 d. 143	14 N.J.R. 426(c)
8:33G	Certificate of Need reviews: CT scanners	13 N.J.R. 487(c)	R. 1981 d. 472	13 N.J.R. 944(a)
8:33G-1.2, 1.4	CT scanners: Need review	14 N.J.R. 1275(a)	R. 1983 d. 64	15 N.J.R. 337(b)
8:33H-3.3	Medicare and Medicaid beds in long-term care	14 N.J.R. 191(a)	R. 1982 d. 180	14 N.J.R. 578(b)
8:33I	Megavoltage radiation units (recodified from 8:31-27)	13 N.J.R. 406(b)	R. 1981 d. 406	13 N.J.R. 756(b)
8:37	Expiration date	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:37	Intermediate care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:37-4.7	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:39-Foreword	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:39-1	Foreword: Amend operational dates	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1.1	Long term care standards	13 N.J.R. 268(a)	R. 1981 d. 285	13 N.J.R. 495(a)
8:39-1.1, 1.16-1.21	Long-term care facilities: Licensure standards	14 N.J.R. 193(a)	R. 1982 d. 146	14 N.J.R. 427(a)
8:39-1.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:39-1.33	LTC facilities: Construction standards	13 N.J.R. 809(a)	R. 1982 d. 276	14 N.J.R. 916(c)
8:39-1.34	LTC facilities: Additional standards	13 N.J.R. 809(b)	R. 1982 d. 277	14 N.J.R. 916(d)
8:39-1.35	Operational dates	13 N.J.R. 265(a)	R. 1981 d. 283	13 N.J.R. 485(b)
8:39-1.35	Long-term care facilities	14 N.J.R. 417(a)	R. 1982 d. 205	14 N.J.R. 709(b)
8:42-1.4, 2.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:42-1.8	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d. 157	13 N.J.R. 342(b)
8:42-2	Readopted: Inpatient drug treatment facilities	14 N.J.R. 812(a)	R. 1982 d. 391	14 N.J.R. 1214(a)
8:42A	Alcoholism treatment facilities	13 N.J.R. 217(b)	R. 1981 d. 236	13 N.J.R. 411(a)
8:42A-2.2	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:43-1.4	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d. 66	15 N.J.R. 336(a)
8:43-2.6	Residential health care facilities	15 N.J.R. 8(a)	R. 1983 d. 90	15 N.J.R. 440(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
8:43-2.13	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d.529	13 N.J.R. 13(c)
8:43-3.3, 3.20, 3.22	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d.297	13 N.J.R. 495(b)
8:43-3.22	Residential health care: Fire protection	13 N.J.R. 495(c)	R. 1981 d.402	13 N.J.R. 756(d)
8:43-3.22	Fire safety in residential care homes	14 N.J.R. 194(a)	R. 1982 d.145	14 N.J.R. 427(b)
8:43-4.13, 4.14	Residential health care standards	13 N.J.R. 268(b)	R. 1981 d.297	13 N.J.R. 495(b)
8:43-6.9	Licensure of Residential Health Care Facilities	12 N.J.R. 644(a)	R. 1980 d.529	13 N.J.R. 13(c)
8:43-7.1	Residential health care facilities	15 N.J.R. 8(a)	R. 1983 d.90	15 N.J.R. 440(c)
8:43A-1.5	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43A-2.1, 2.2	Ambulatory care facilities: Construction standards	13 N.J.R. 810(a)	R. 1982 d.278	14 N.J.R. 916(c)
8:43A-3.1	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d.157	13 N.J.R. 342(b)
8:43A-8.1	Ambulatory care facilities: Surgical services	15 N.J.R. 9(a)	R. 1983 d.92	15 N.J.R. 440(d)
8:43A-9.4, 9.7, 9.11	Drug abuse treatment centers	14 N.J.R. 529(a)	R. 1982 d.390	14 N.J.R. 1214(b)
8:43A-9.9	Outpatient drug abuse counseling	15 N.J.R. 10(a)	R. 1983 d.91	15 N.J.R. 441(a)
8:43B-1.8	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43B-1.13	Child abuse and neglect	13 N.J.R. 12(a)	R. 1981 d.157	13 N.J.R. 342(b)
8:43B-3.1, 3.1A	Hospital construction standards	13 N.J.R. 811(a)	R. 1982 d.279	14 N.J.R. 916(f)
8:43B-8.3, 8.6	Hospital facilities: Maternal and newborn services	14 N.J.R. 1276(a)	R. 1983 d.68	15 N.J.R. 338(a)
8:43B-15.12, 15.12A	Renal dialysis services: Construction standards	13 N.J.R. 812(a)	R. 1982 d.280	14 N.J.R. 917(a)
8:43F-2.3	Licensure fees	14 N.J.R. 1273(a)	R. 1983 d.66	15 N.J.R. 336(a)
8:43F-3.26	Medical day care in long-term facilities	15 N.J.R. 11(a)	R. 1983 d.89	15 N.J.R. 441(b)
8:45-1.3	Licensure of clinical laboratories	13 N.J.R. 653(a)	R. 1981 d.493	14 N.J.R. 45(b)
8:57-1.1	Reportable diseases	14 N.J.R. 1277(a)	R. 1983 d.67	15 N.J.R. 338(b)
8:57-1.1-1.18	Reportable disease rules	12 N.J.R. 577(c)	R. 1980 d.498	13 N.J.R. 13(b)
8:57-4.5, 4.10, 4.12, 4.13, 4.15, 4.16	Immunization of pupils in school	13 N.J.R. 738(a)	R. 1981 d.502	14 N.J.R. 45(c)
8:65	Administrative corrections			15 N.J.R. 164(b)
8:65-1.1	Controlled dangerous substances: Registration fees	14 N.J.R. 1191(b)	R. 1983 d.29	15 N.J.R. 147(c)
8:65-7.8	CDS prescription filling requirements	13 N.J.R. 130(b)	R. 1981 d.452	13 N.J.R. 845(a)
8:65-7.10	CDS: Prescriptions in LTCF's	13 N.J.R. 130(c)	R. 1981 d.453	13 N.J.R. 845(b)
8:65-7.14, 7.18	Controlled dangerous substances	14 N.J.R. 195(a)	R. 1982 d.124	14 N.J.R. 389(b)
8:65-8.7	Controlled dangerous substances	13 N.J.R. 131(a)	R. 1981 d.238	13 N.J.R. 411(b)
8:65-10.1, 10.2	Controlled dangerous substances	Emergency	R. 1981 d.50	13 N.J.R. 132(b)
8:65-10.1, 10.2	Rescheduling of methaqualone	14 N.J.R. 1029(b)	R. 1982 d.450	14 N.J.R. 1457(b)
8:65-10.1, 10.3, 10.4	Controlled dangerous substances	14 N.J.R. 195(a)	R. 1982 d.124	14 N.J.R. 389(b)
8:65-10.4, 10.8	Controlled dangerous substances	Emergency	R. 1981 d.50	13 N.J.R. 132(b)
8:70-1.4	Resubmission of rejected generic drug products	14 N.J.R. 1030(a)	R. 1983 d.33	15 N.J.R. 147(d)
8:71	Interchangeable drug products	12 N.J.R. 465(a)	R. 1980 d.454	12 N.J.R. 645(b)
8:71	Interchangeable drug products	12 N.J.R. 516(b)	R. 1981 d.25	13 N.J.R. 131(b)
8:71	Interchangeable drug products	12 N.J.R. 465(b)	R. 1981 d.26	13 N.J.R. 131(c)
8:71	Interchangeable drug products	Emergency	R. 1981 d.27	13 N.J.R. 132(a)
8:71	Interchangeable drug products	12 N.J.R. 644(b)	R. 1981 d.81	13 N.J.R. 217(d)
8:71	Interchangeable drug product list	13 N.J.R. 269(a)	R. 1981 d.364	13 N.J.R. 706(c)
8:71	Interchangeable drug list	12 N.J.R. 644(b)	R. 1981 d.405	13 N.J.R. 757(a)
8:71	List of interchangeable drugs	13 N.J.R. 354(a)	R. 1981 d.403	13 N.J.R. 757(b)
8:71	Interchangeable drug products	13 N.J.R. 654(a)	R. 1981 d.503	14 N.J.R. 45(d)
8:71	Correction: Generic drug list	13 N.J.R. 654(a)	R. 1981 d.503	14 N.J.R. 102(b)
8:71	Generic drug list additions	13 N.J.R. 217(c)	R. 1982 d.58	14 N.J.R. 235(a)
8:71	Amitriptyline addition	14 N.J.R. 22(b)	R. 1982 d.106	14 N.J.R. 342(a)
8:71	Generic drug list additions	14 N.J.R. 22(a)	R. 1982 d.115	14 N.J.R. 389(c)
8:71	Additions to generic drug list	14 N.J.R. 22(a)	R. 1982 d.197	14 N.J.R. 655(b)
8:71	Additions to generic drug list	14 N.J.R. 369(a)	R. 1982 d.240	14 N.J.R. 836(a)
8:71	Correction: Generic drug list	14 N.J.R. 369(a)	R. 1982 d.240	14 N.J.R. 980(a)
8:71	Generic drug list changes	14 N.J.R. 22(a)	R. 1982 d.371	14 N.J.R. 1159(a)
8:71	Generic drug list changes	13 N.J.R. 645(a)	R. 1982 d.372	14 N.J.R. 1159(b)
8:71	Generic drug list changes	14 N.J.R. 369(a)	R. 1982 d.373	14 N.J.R. 1160(a)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R. 1982 d.374	14 N.J.R. 1160(b)
8:71	Generic drug list changes	14 N.J.R. 690(a)	R. 1982 d.426	14 N.J.R. 1392(a)
8:71	Correction: Generic drug list	14 N.J.R. 690(a)	R. 1982 d.426	15 N.J.R. 33(b)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R. 1982 d.488	15 N.J.R. 90(a)
8:71	Generic drug list additions	14 N.J.R. 690(a)	R. 1982 d.489	15 N.J.R. 91(a)
8:71	Generic drug list additions	14 N.J.R. 888(a)	R. 1983 d.30	15 N.J.R. 147(e)
8:71	Additions to generic drug list	14 N.J.R. 1077(a)	R. 1983 d.31	15 N.J.R. 148(a)
8:71	Steri-med 50mg hydrochlorothiazide tabs	14 N.J.R. 887(b)	R. 1983 d.32	15 N.J.R. 148(b)
8:71	Generic drug list deletions	14 N.J.R. 1030(b)	R. 1983 d.34	15 N.J.R. 149(a)
8:71	Generic drug list changes	14 N.J.R. 1278(a)	R. 1983 d.65	15 N.J.R. 339(a)

(Title 8, Transmittal 14 dated September 18, 1980)

HIGHER EDUCATION—TITLE 9

9:1-6.1, 6.4	Petitions from out-of-state institutions	14 N.J.R. 372(a)	R. 1982 d. 219	14 N.J.R. 756(a)
9:2-2.25	Mandatory retirement at State colleges	14 N.J.R. 947(a)	R. 1982 d. 444	14 N.J.R. 1458(a)
9:2-13.1–13.12	State college auxiliary organizations	14 N.J.R. 1141(a)	R. 1982 d. 493	15 N.J.R. 91(b)
9:4-1.5	County colleges: Chargebacks to sending counties	14 N.J.R. 690(b)	R. 1982 d. 335	14 N.J.R. 1099(a)
9:4-3.1, 3.10	County college annual audit	14 N.J.R. 318(a)	R. 1982 d. 218	14 N.J.R. 757(a)
9:11-1	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R. 1982 d. 385	14 N.J.R. 1214(c)
9:12-1, -2	Educational Opportunity Fund Program	14 N.J.R. 691(a)	R. 1982 d. 385	14 N.J.R. 1214(c)

(Title 9, Transmittal 17 dated June 21, 1982)

HUMAN SERVICES—TITLE 10

10:4	Group homes and community relations	14 N.J.R. 1192(a)	R. 1982 d. 475	15 N.J.R. 33(c)
10:38	Interim Assistance Procedures Manual	13 N.J.R. 220(d)	R. 1981 d. 225	13 N.J.R. 412(c)
10:44A	Group homes and supervised apartments for developmentally disabled	14 N.J.R. 531(a)	R. 1983 d. 23	15 N.J.R. 149(b)
10:49-1.2	Amend recipient controls	12 N.J.R. 274(a)	R. 1980 d. 549	13 N.J.R. 100(c)
10:49-1.2	Medicaid ID: Special Status Card	14 N.J.R. 418(a)	R. 1982 d. 261	14 N.J.R. 917(b)
10:49-1.3	Provider participation	13 N.J.R. 496(c)	R. 1981 d. 393	13 N.J.R. 758(c)
10:49-1.3, 1.4	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d. 415	14 N.J.R. 1393(a)
10:49-1.5	Amend recipient controls	12 N.J.R. 274(a)	R. 1980 d. 549	13 N.J.R. 100(c)
10:49-1.5	Record keeping by providers	12 N.J.R. 520(b)	R. 1981 d. 329	13 N.J.R. 574(b)
10:49-1.7	Utilization of insurance benefits	12 N.J.R. 187(c)	R. 1981 d. 123	13 N.J.R. 272(a)
10:49-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R. 1982 d. 52	14 N.J.R. 235(b)
10:49-1.13, 1.14	Providers using management agencies	13 N.J.R. 272(b)	R. 1981 d. 246	13 N.J.R. 412(d)
10:49-1.17	Suspension of provider from Medicaid program	12 N.J.R. 581(a)	R. 1980 d. 501	13 N.J.R. 17(a)
10:49-1.17	Suspended providers	13 N.J.R. 222(a)	R. 1981 d. 315	13 N.J.R. 574(c)
10:49-1.17	Provider participation	13 N.J.R. 496(c)	R. 1981 d. 393	13 N.J.R. 758(c)
10:49-1.24	Medical day care in hospital-affiliated facilities	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:49-1.26	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:49-1.27	Final audits	13 N.J.R. 133(c)	R. 1981 d. 114	13 N.J.R. 273(a)
10:49-1.27	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R. 1983 d. 5	15 N.J.R. 155(a)
10:49-5.3, 5.4	Recipient fair hearings	12 N.J.R. 581(b)	R. 1980 d. 512	13 N.J.R. 17(f)
10:49-5.6	Recipient fair hearings	12 N.J.R. 581(b)	R. 1980 d. 512	13 N.J.R. 17(f)
10:49-6.5	Medicaid: Payment recovery from estates	14 N.J.R. 80(a)	R. 1982 d. 147	14 N.J.R. 427(c)
10:49-6.8	Compromising claims	12 N.J.R. 582(a)	R. 1980 d. 502	13 N.J.R. 17(b)
10:50	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:50-2.7	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:51	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:51-1	Pharmacy Manual: Appendices B, C, and D	14 N.J.R. 1142(a)	R. 1982 d. 458	14 N.J.R. 1458(b)
10:51-1.13, 1.14	Emergency amend "Less than effective" drugs	Emergency	R. 1981 d. 476	13 N.J.R. 945(a)
10:51-1.13, 1.14	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d. 28	14 N.J.R. 158(a)
10:51-1.14, 1.17	Pharmaceutical Services: Fees and delivery	14 N.J.R. 1336(a)	R. 1983 d. 56	15 N.J.R. 339(b)
10:51-1.17	Legend drug dispensing fee	13 N.J.R. 575(c)	R. 1981 d. 411	13 N.J.R. 758(d)
10:51-1.19	Emergency amendment: "Less than effective" drugs	Emergency	R. 1981 d. 476	13 N.J.R. 945(a)
10:51-1.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d. 28	14 N.J.R. 158(a)
10:51-1(App. B, D)	Pharmaceutical Services Manual	13 N.J.R. 134(a)	R. 1981 d. 124	13 N.J.R. 274(a)
10:51-1(App. B, D)	Non-legend drugs and legend services	13 N.J.R. 739(a)	R. 1981 d. 505	14 N.J.R. 46(a)
10:51-1(App. E)	Pharmacy Manual: Protein replacements	14 N.J.R. 418(b)	R. 1982 d. 211	14 N.J.R. 757(b)
10:51-2	Pharmacy Manual billing procedures	13 N.J.R. 274(b)	R. 1981 d. 247	13 N.J.R. 415(a)
10:51-2.6	Reporting chemotherapy injectable drugs	14 N.J.R. 813(a)	R. 1982 d. 340	14 N.J.R. 1161(a)
10:51-3	Pharmaceutical services in LTC facilities	13 N.J.R. 415(b)	R. 1981 d. 344	13 N.J.R. 577(a)
10:51-3.15	Capitation of fee for legend drugs dispensed by LTC pharmacy providers	13 N.J.R. 577(b)	R. 1981 d. 465	13 N.J.R. 887(d)
10:51-4.5	Repeal payments for pharmaceutical consultants	12 N.J.R. 410(a)	R. 1981 d. 101	13 N.J.R. 228(c)
10:51-5.16, 5.19	"Less than effective" drugs: Reimbursement	13 N.J.R. 873(a)	R. 1982 d. 28	14 N.J.R. 158(a)
10:51-5.28-5.33	Pharmaceutical Assistance to the Aged	13 N.J.R. 289(a)	R. 1981 d. 248	13 N.J.R. 415(c)
10:52	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d. 327	13 N.J.R. 578(a)
10:52-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d. 51	13 N.J.R. 147(c)
10:52-1.1	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d. 415	14 N.J.R. 1393(a)
10:52-1.1	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:52-1.3	Non-covered hospital services	13 N.J.R. 14(d)	R. 1981 d. 126	13 N.J.R. 291(a)
10:52-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d. 73	14 N.J.R. 278(c)
10:52-1.3	Second opinion requirement on certain surgery	14 N.J.R. 1143(a)	R. 1982 d. 459	14 N.J.R. 1458(c)
10:52-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d. 51	13 N.J.R. 147(c)
10:52-1.9	Out-of-State hospital care	13 N.J.R. 654(b)	R. 1982 d. 52	14 N.J.R. 235(b)
10:52-1.9	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:52-1.17	Out-of-State inpatient hospital services	13 N.J.R. 15(a)	R. 1981 d. 162	13 N.J.R. 358(b)
10:52-1.17	Correction: Out-of-State hospital services	13 N.J.R. 15(a)	R. 1981 d. 162	13 N.J.R. 416(b)
10:52-1.18	Out-of-State hospital services	13 N.J.R. 359(a)	R. 1981 d. 293	13 N.J.R. 497(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:52-2.2	Uniform billing of hospital services	13 N.J.R. 93(a)	R. 1982 d. 13	14 N.J.R. 158(b)
10:52-2.8A	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d. 479	13 N.J.R. 946(a)
10:52-2.13	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:52-3.6	Outpatient dental services	13 N.J.R. 416(c)	R. 1981 d. 479	13 N.J.R. 946(a)
10:53	Hospital and special hospital manuals	13 N.J.R. 416(a)	R. 1981 d. 327	13 N.J.R. 578(a)
10:53-1.1	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d. 51	13 N.J.R. 147(c)
10:53-1.1	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:53-1.3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d. 73	14 N.J.R. 278(c)
10:53-1.3	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d. 459	14 N.J.R. 1458(c)
10:53-1.4	Professional Standards Review Organization	12 N.J.R. 661(c)	R. 1981 d. 51	13 N.J.R. 147(c)
10:53-1.15	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:53-2.18	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:54-1	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:54-1.2	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d. 125	13 N.J.R. 292(b)
10:54-1.2	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d. 73	14 N.J.R. 278(c)
10:54-1.2	Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d. 459	14 N.J.R. 1458(c)
10:54-1.3	Record keeping by providers	12 N.J.R. 520(b)	R. 1981 d. 329	13 N.J.R. 574(b)
10:54-1.5	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d. 374	13 N.J.R. 706(d)
10:54-1.6	Reimbursement for anesthesia time	12 N.J.R. 413(a)	R. 1981 d. 220	13 N.J.R. 417(b)
10:54-1.20	Physicians Services: Sterilization by hysterectomy	14 N.J.R. 1337(a)	R. 1983 d. 55	15 N.J.R. 339(c)
10:54-1.22	Routine chest X rays	13 N.J.R. 94(a)	R. 1981 d. 125	13 N.J.R. 292(b)
10:54-2.1	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:54-2.4, 2.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:54-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:54-3	Procedure Code Manual	12 N.J.R. 520(c)	R. 1980 d. 511	13 N.J.R. 17(e)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 95(a)	R. 1981 d. 111	13 N.J.R. 299(a)
10:54-3	Physician's Services Manual: Procedure codes	13 N.J.R. 223(a)	R. 1981 d. 211	13 N.J.R. 418(c)
10:54-3	Procedure codes for pacemakers	13 N.J.R. 297(a)	R. 1981 d. 251	13 N.J.R. 430(a)
10:54-3	Procedure codes for physicians services	13 N.J.R. 298(a)	R. 1981 d. 305	13 N.J.R. 578(b)
10:54-3	Physician services procedure codes	13 N.J.R. 298(b)	R. 1981 d. 314	13 N.J.R. 578(c)
10:54-3	Procedure Code Manual	13 N.J.R. 578(d)	R. 1981 d. 475	13 N.J.R. 946(b)
10:54-3	Surgical procedures requiring second opinion	13 N.J.R. 292(a)	R. 1982 d. 73	14 N.J.R. 278(c)
10:54-3	Procedure codes: Second opinion requirement	14 N.J.R. 1143(a)	R. 1982 d. 459	14 N.J.R. 1458(c)
10:54-3	Procedure codes: Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d. 415	14 N.J.R. 1393(a)
10:55	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:56	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:56-1.8, 1.12	Dental Services Manual	12 N.J.R. 700(a)	R. 1981 d. 219	13 N.J.R. 430(b)
10:56-1.14, 1.15	Limitations on diagnostic dental services	13 N.J.R. 875(a)	R. 1982 d. 403	14 N.J.R. 1301(a)
10:56-3.15	Orthodontics	13 N.J.R. 134(b)	R. 1981 d. 113	13 N.J.R. 299(b)
10:57-1.4	Podiatry services	13 N.J.R. 360(a)	R. 1981 d. 300	13 N.J.R. 579(a)
10:57-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:57-1.9	Podiatry services	13 N.J.R. 360(a)	R. 1981 d. 300	13 N.J.R. 579(a)
10:57-1.20, 2.5-2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:57-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:58	Nurse-midwife services	14 N.J.R. 889(a)	R. 1982 d. 415	14 N.J.R. 1393(a)
10:59	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:59-1.7, 1.8	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:59-1.9	Medical Supplier Manual	13 N.J.R. 430(c)	R. 1981 d. 376	13 N.J.R. 707(a)
10:59-1.10	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:59-1.10	IPPB equipment	13 N.J.R. 223(b)	R. 1981 d. 328	13 N.J.R. 579(b)
10:59-1.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:59-2.6-2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:59-2.11	Repair of durable medical equipment	12 N.J.R. 25(a)	R. 1980 d. 510	13 N.J.R. 17(d)
10:60	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:60-1, 2.1-2.3	Home Health Services Manual revisions	14 N.J.R. 264(b)	R. 1982 d. 199	14 N.J.R. 656(a)
10:60-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:61-1.4	Record retention requirements	13 N.J.R. 95(b)	R. 1981 d. 110	13 N.J.R. 299(c)
10:61-1.4	Physician orders for laboratory services	13 N.J.R. 430(d)	R. 1981 d. 342	13 N.J.R. 579(c)
10:61-2.3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:61-2.6	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:62	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:62-1.5	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:62-1.7	Procedure codes for ophthalmologists and optometrists	13 N.J.R. 299(d)	R. 1981 d. 280	13 N.J.R. 497(b)
10:62-3	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:63-1.2	Rehabilitation in long-term care	14 N.J.R. 420(a)	R. 1982 d. 210	14 N.J.R. 757(c)
10:63-1.4	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d. 219	13 N.J.R. 430(b)
10:63-1.4	Special equipment in long-term care	13 N.J.R. 877(a)	R. 1982 d. 110	14 N.J.R. 391(a)
10:63-1.5	Inspection of long-term care	14 N.J.R. 81(a)	R. 1982 d. 72	14 N.J.R. 279(a)
10:63-1.6	Level III care in LTC facilities	14 N.J.R. 462(a)	R. 1982 d. 264	14 N.J.R. 917(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:63-1.8	Long Term Care Manual	12 N.J.R. 700(a)	R. 1981 d. 219	13 N.J.R. 430(b)
10:63-1.8	Clinical records in long-term care facilities	12 N.J.R. 701(a)	R. 1981 d. 33	13 N.J.R. 146(c)
10:63-1.11	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:63-1.14	Retention of records in LTC facilities	13 N.J.R. 431(a)	R. 1981 d. 345	13 N.J.R. 579(d)
10:63-1.19	LTCISM: Termination of Medicaid eligibility	13 N.J.R. 15(b)	R. 1981 d. 62	13 N.J.R. 225(b)
10:63-1.21	Three-year audit cycle	12 N.J.R. 701(a)	R. 1981 d. 23	13 N.J.R. 146(a)
10:63-1.22	LTC: "Field audit" defined	14 N.J.R. 1031(a)	R. 1983 d. 5	15 N.J.R. 155(a)
10:63-3.1	Reimbursement to Long Term Care Facilities	12 N.J.R. 702(a)	R. 1981 d. 87	13 N.J.R. 227(a)
10:63-3.2	LTC: Related-party lease costs	14 N.J.R. 742(a)	R. 1983 d. 74	15 N.J.R. 442(b)
10:63-3.8	LTC's nursing care costs	13 N.J.R. 360(b)	R. 1981 d. 326	13 N.J.R. 579(e)
10:63-3.10	LTC: Capital Facilities Allowance rate	14 N.J.R. 743(a)	R. 1983 d. 73	15 N.J.R. 443(a)
10:63-3.20	Long-term care facilities: Reimbursement appeals	14 N.J.R. 269(a)	R. 1983 d. 11	15 N.J.R. 156(a)
10:63-3.21	Rescission: Long-term care per diem reduction	13 N.J.R. 498(a)	R. 1981 d. 375	13 N.J.R. 707(b)
10:64	Hearing Aid Services Manual	14 N.J.R. 413(a)	R. 1982 d. 74	14 N.J.R. 279(b)
10:65	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:65-1.2-1.8, 2.1, 2.4-2.7	Medical day care	14 N.J.R. 1332(a)	R. 1983 d. 75	15 N.J.R. 442(a)
10:65-2.1	Medical day care rates	13 N.J.R. 362(a)	R. 1981 d. 318	13 N.J.R. 580(a)
10:66	Patient certification	13 N.J.R. 413(a)	R. 1981 d. 331	13 N.J.R. 575(a)
10:66-1.5, 1.6	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d. 19	14 N.J.R. 158(c)
10:66-2.10	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:66-3.1-3.3	Independent clinic services procedure codes	13 N.J.R. 363(a)	R. 1981 d. 313	13 N.J.R. 580(b)
10:66-3.3	Procedure codes for Medicaid	12 N.J.R. 662(b)	R. 1981 d. 112	13 N.J.R. 299(e)
10:66-3.3	Independent Clinic Services Manual	13 N.J.R. 224(a)	R. 1981 d. 212	13 N.J.R. 431(b)
10:66-3.3	Mental health partial care services	13 N.J.R. 662(a)	R. 1982 d. 19	14 N.J.R. 158(c)
10:66-3.3	Family planning procedure codes	13 N.J.R. 663(a)	R. 1982 d. 84	14 N.J.R. 343(b)
10:67-1.2	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:67-1.8	Physicians and Psychologist Manual	12 N.J.R. 662(a)	R. 1981 d. 374	13 N.J.R. 706(d)
10:67-2.5, 2.8	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:67-2.10	Psychological services procedure codes	13 N.J.R. 298(a)	R. 1981 d. 305	13 N.J.R. 578(b)
10:68-2.5, 2.7	HCFA-1500 claim form	13 N.J.R. 293(a)	R. 1981 d. 249	13 N.J.R. 417(a)
10:68-2.8	Automated Data Exchange Billing	13 N.J.R. 296(a)	R. 1981 d. 250	13 N.J.R. 418(a)
10:69A-2.1	Pharmaceutical Assistance for Aged and Disabled	14 N.J.R. 321(b)	R. 1982 d. 198	14 N.J.R. 659(a)
10:69A-5.6	PAA eligibility determinations	13 N.J.R. 432(a)	R. 1981 d. 332	13 N.J.R. 580(c)
10:69A-7.1	PAA: Payment recovery from estates	14 N.J.R. 80(a)	R. 1982 d. 147	14 N.J.R. 427(c)
10:81	PAM: Federal Omnibus Reconciliation Act of 1981	Emergency	R. 1981 d. 397	13 N.J.R. 759(a)
10:81	PAM: Readopted Federal requirements	13 N.J.R. 759(a)	R. 1981 d. 518	14 N.J.R. 102(c)
10:81-1.14	PAM: Welfare board minutes	13 N.J.R. 877(b)	R. 1982 d. 151	14 N.J.R. 473(d)
10:81-2.6, 2.17, 2.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d. 482	15 N.J.R. 92(a)
10:81-2.7	PAM: Deprivation of parental support in AFDC-C	12 N.J.R. 703(a)	R. 1981 d. 28	13 N.J.R. 146(b)
10:81-3.1, 3.5, 3.11, 3.13, 3.18	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d. 482	15 N.J.R. 92(a)
10:81-3.17	PAM: Uniformed service absence; rounding	Emergency	R. 1982 d. 366	14 N.J.R. 1168(a)
10:81-3.17	PAM: Readopted revisions	14 N.J.R. 1168(a)	R. 1982 d. 441	14 N.J.R. 1459(a)
10:81-3.35	PAM: Legally responsible relatives	14 N.J.R. 814(a)	R. 1982 d. 352	14 N.J.R. 1161(b)
10:81-3.38	PAM: Liquidation and transfer of resources	14 N.J.R. 1437(a)	R. 1983 d. 94	15 N.J.R. 443(b)
10:81-4.5-4.11, 4.13, 4.14, 4.16, 4.18, 4.19	PAM: Vendor payments	14 N.J.R. 1034(a)	R. 1982 d. 424	14 N.J.R. 1395(a)
10:81-5.2	PAM: Periodic redetermination	14 N.J.R. 1341(a)	R. 1983 d. 54	15 N.J.R. 340(a)
10:81-6.17, 7.18	PAM: Replacement of lost or stolen checks	14 N.J.R. 373(a)	R. 1982 d. 419	14 N.J.R. 1396(a)
10:81-7.1	AFDC: New or changed income	13 N.J.R. 300(a)	R. 1981 d. 262	13 N.J.R. 432(b)
10:81-7.13	PAM: Request and authorization for records disposal	14 N.J.R. 947(b)	R. 1982 d. 417	14 N.J.R. 1397(a)
10:81-7.22	AFDC: Funeral or burial payments for children	13 N.J.R. 580(d)	R. 1981 d. 447	13 N.J.R. 845(d)
10:81-7.22	PAM: Funeral and burial contributions	14 N.J.R. 462(b)	R. 1982 d. 286	14 N.J.R. 980(b)
10:81-7.26	PAM: Veterans' funeral expenses	14 N.J.R. 374(a)	R. 1982 d. 228	14 N.J.R. 836(b)
10:81-7.26, 8.4	PAM: RSDI lump sum benefits	13 N.J.R. 925(a)	R. 1982 d. 90	14 N.J.R. 344(a)
10:81-8.22	PAM: Extension of Medicaid benefits	14 N.J.R. 893(a)	R. 1982 d. 357	14 N.J.R. 1161(c)
10:81-8.22	PAM revisions	14 N.J.R. 1168(a)	R. 1982 d. 441	14 N.J.R. 1459(a)
10:81-8.23, 8.24, 8.25	PAM: AFDC changes	14 N.J.R. 1078(a)	R. 1982 d. 482	15 N.J.R. 92(a)
10:81-10	PAM: Refugee programs	14 N.J.R. 948(a)	R. 1982 d. 425	14 N.J.R. 1397(b)
10:81-App. A	Repealed: See 10:81-10	14 N.J.R. 948(a)	R. 1982 d. 425	14 N.J.R. 1397(b)
10:82	ASH: Federal Omnibus Reconciliation Act of 1981	Emergency	R. 1981 d. 396	13 N.J.R. 763(a)
10:82	ASH: Readopted Federal requirements	13 N.J.R. 763(a)	R. 1981 d. 519	14 N.J.R. 102(d)
10:82-1.2, 1.4, 1.5, 1.7, 2.1-2.6, 2.8- 2.10, 2.13, 2.19	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d. 443	14 N.J.R. 1459(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:82-2.1, 2.2, 2.18, 2.20	ASH: Rounding; prorating; military service absence	Emergency	R. 1982 d.367	14 N.J.R. 1169(a)
10:82-2.1, 2.2, 2.18, 2.20	ASH: Readopted revisions	14 N.J.R. 1169(a)	R. 1982 d.440	14 N.J.R. 1461(a)
10:82-2.9	Correction: Stepparent's income in AFDC-C	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 281(a)
10:82-2.14	ASH: Established monthly earnings	13 N.J.R. 16(a)	R. 1981 d.47	13 N.J.R. 147(b)
10:82-2.14	AFDC: New or changed income	13 N.J.R. 300(a)	R. 1981 d.262	13 N.J.R. 432(b)
10:82-3.1, 3.2, 3.4	ASH: Resources	14 N.J.R. 1438(a)	R. 1983 d.93	15 N.J.R. 443(c)
10:82-3.2	Correction to ASH: Exemption resources	_____	_____	15 N.J.R. 346(c)
10:82-3.2	ASH: HUD community development block grant	13 N.J.R. 96(a)	R. 1981 d.96	13 N.J.R. 227(b)
10:82-3.2, 4.5	Exempt resources and disregard of earned income	13 N.J.R. 224(b)	R. 1981 d.282	13 N.J.R. 499(a)
10:82-3.8	ASH: Relatives as a resource	14 N.J.R. 814(b)	R. 1982 d.353	14 N.J.R. 1161(d)
10:82-3.13	Correction: Federal requirement for ASH	13 N.J.R. 763(a)	R. 1981 d.519	14 N.J.R. 837(a)
10:82-3.13, 4.1, 4.3, 4.4, 4.15	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d.443	14 N.J.R. 1459(b)
10:82-4.9	ASH: Foster care rates	14 N.J.R. 374(b)	R. 1982 d.208	14 N.J.R. 709(c)
10:82-4.15	Irregular and nonrecurring income in AFDC	13 N.J.R. 224(c)	R. 1981 d.287	13 N.J.R. 499(b)
10:82-5.3	ASH: Day care rates	13 N.J.R. 134(c)	R. 1981 d.243	13 N.J.R. 432(c)
10:82-5.3	ASH: Care for unwed mothers	13 N.J.R. 134(c)	R. 1982 d.43	14 N.J.R. 235(c)
10:82-5.3	ASH: Federal requirements	14 N.J.R. 952(a)	R. 1982 d.443	14 N.J.R. 1459(b)
10:82-5.3, 5.10	ASH: Child care; emergency assistance	14 N.J.R. 1169(a)	R. 1982 d.440	14 N.J.R. 1461(a)
10:82-5.10	ASH: Emergency assistance	12 N.J.R. 584(a)	R. 1980 d.552	13 N.J.R. 101(a)
10:82-5.10	ASH: Emergency house furnishings allowance	14 N.J.R. 375(a)	R. 1982 d.207	14 N.J.R. 709(d)
10:82-5.10	ASH: Return of child from foster care placement	14 N.J.R. 698(a)	R. 1982 d.376	14 N.J.R. 1215(a)
10:83	Repeal Medical Assistance for Aged	14 N.J.R. 1081(a)	R. 1982 d.460	14 N.J.R. 1462(a)
10:85-1.2, 1.5, 2.2	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R. 1982 d.61	14 N.J.R. 281(b)
10:85-2.2	GAM: Temporary director of municipal welfare	12 N.J.R. 584(b)	R. 1980 d.505	13 N.J.R. 17(c)
10:85-2.2	GAM: Local assistance board	13 N.J.R. 96(b)	R. 1981 d.98	13 N.J.R. 228(b)
10:85-2.2	GAM: Local assistance board appointments	14 N.J.R. 1144(a)	R. 1982 d.492	15 N.J.R. 92(b)
10:85-3.1	GAM: Common living quarters	13 N.J.R. 927(a)	R. 1982 d.102	14 N.J.R. 344(b)
10:85-3.1	GAM: Eligibility of young people	14 N.J.R. 815(a)	R. 1982 d.355	14 N.J.R. 1162(a)
10:85-3.1	Correction to Code: General Assistance eligibility	_____	_____	14 N.J.R. 1103(b)
10:85-3.1, 3.2	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R. 1981 d.160	13 N.J.R. 363(b)
10:85-3.2	General Assistance application process	12 N.J.R. 584(c)	R. 1980 d.514	13 N.J.R. 18(a)
10:85-3.2	GAM: Clarification of "unemployable"	13 N.J.R. 927(b)	R. 1982 d.103	14 N.J.R. 344(c)
10:85-3.2	GAM: Workfare compliance	13 N.J.R. 929(a)	R. 1982 d.104	14 N.J.R. 344(d)
10:85-3.2	GAM: Verification of unemployment/disability benefits	14 N.J.R. 956(a)	R. 1982 d.418	14 N.J.R. 1398(a)
10:85-3.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R. 1980 d.547	13 N.J.R. 100(a)
10:85-3.3	GAM: Financial eligibility	12 N.J.R. 16(b)	R. 1981 d.46	13 N.J.R. 147(a)
10:85-3.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-3.3	GAM: Boarding rate for residential care	13 N.J.R. 879(a)	R. 1982 d.53	14 N.J.R. 235(d)
10:85-3.3	GAM: Hospital shelter time	13 N.J.R. 930(a)	R. 1982 d.98	14 N.J.R. 345(a)
10:85-3.3	GAM: Cash Contributions	14 N.J.R. 270(a)	R. 1982 d.185	14 N.J.R. 659(b)
10:85-3.3	GAM: Members of household	14 N.J.R. 893(b)	R. 1982 d.375	14 N.J.R. 1216(a)
10:85-3.4	GAM: Income and alien sponsorship	14 N.J.R. 122(b)	R. 1982 d.134	14 N.J.R. 428(a)
10:85-4.6	GAM: Emergency grants	12 N.J.R. 585(a)	R. 1980 d.538	13 N.J.R. 18(d)
10:85-4.6	GAM: Emergency grants	14 N.J.R. 124(a)	R. 1982 d.135	14 N.J.R. 428(b)
10:85-4.6	GAM: Emergency house furnishings	14 N.J.R. 1342(a)	R. 1983 d.58	15 N.J.R. 340(b)
10:85-4.8	GAM: Funeral and burial contributions	14 N.J.R. 463(a)	R. 1982 d.287	14 N.J.R. 980(c)
10:85-5.2	GAM: Diagnostic-Related Group payments	12 N.J.R. 585(b)	R. 1980 d.515	13 N.J.R. 18(b)
10:85-5.2	GAM: Payments for inpatients hospital care	13 N.J.R. 433(b)	R. 1981 d.394	13 N.J.R. 768(a)
10:85-5.3	Submission of Form GA-18	12 N.J.R. 586(a)	R. 1980 d.531	13 N.J.R. 18(c)
10:85-5.3	GAM: Recipients in residential health care facilities	12 N.J.R. 662(c)	R. 1980 d.547	13 N.J.R. 100(a).
10:85-5.3	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-5.4	GAM: Procedure for payments of medical bills	13 N.J.R. 499(c)	R. 1981 d.417	13 N.J.R. 768(b)
10:85-5.6, 8.4	GAM: Renal services; child health services	14 N.J.R. 420(b)	R. 1982 d.377	14 N.J.R. 1217(a)
10:85-6.5	GAM: Repayment by SSI recipients	12 N.J.R. 586(b)	R. 1980 d.551	13 N.J.R. 100(d)
10:85-6.5	GAM: Reimbursement authorization and repayment agreement	14 N.J.R. 1342(b)	R. 1983 d.57	13 N.J.R. 340(c)
10:85-6.6	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-7.2	GAM: Receipt of assistance	12 N.J.R. 535(b)	R. 1981 d.53	13 N.J.R. 147(d)
10:85-7.3	General Assistance and Faulkner Act municipalities	13 N.J.R. 301(a)	R. 1982 d.61	14 N.J.R. 281(b)
10:85-8.2	GAM: Food Stamps and medical payments	13 N.J.R. 225(a)	R. 1981 d.263	13 N.J.R. 433(a)
10:85-8.2	GAM: Eligibility of refugee groups	14 N.J.R. 815(b)	R. 1982 d.356	14 N.J.R. 1162(b)
10:85-8.3	GAM: Prospective SSI recipients	13 N.J.R. 145(a)	R. 1981 d.160	13 N.J.R. 363(b)
10:85-9.1	GAM: Legally responsible relatives	14 N.J.R. 543(a)	R. 1982 d.284	14 N.J.R. 980(d)
10:85-10.3, 10.6, 10.8	GAM: Workfare compliance	13 N.J.R. 929(a)	R. 1982 d.104	14 N.J.R. 344(d)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:87	Emergency amend Food Stamp Manual	Emergency	R. 1981 d.64	13 N.J.R. 226(b)
10:87	Student participation in Food Stamps	13 N.J.R. 96(c)	R. 1981 d.97	13 N.J.R. 228(a)
10:87	Food Stamp Manual	13 N.J.R. 364(a)	R. 1981 d.316	13 N.J.R. 581(a)
10:87	FSM: Federal Omnibus Reconciliation Act of 1981	Emergency	R. 1981 d.398	13 N.J.R. 769(a)
10:87	FSM: Readopted Federal requirements	13 N.J.R. 769(a)	R. 1981 d.517	14 N.J.R. 103(a)
10:87	Correction: FSM–Federal requirements	13 N.J.R. 769(a)	R. 1981 d.517	14 N.J.R. 208(b)
10:87-2.2, 2.3, 2.21, 3.19, 5.10, 6.14, 6.15, 12.1	Food Stamp Program revisions	Emergency	R. 1982 d.503	15 N.J.R. 97(a)
10:87-2.2, 2.3, 2.21	Readopted Food Stamp Program revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-2.2, 2.3, 2.21, 2.32, 2.34, 2.35, 2.38, 3.23, 3.24, 4.3, 4.8, 5.5, 5.10, 6.2, 6.3, 6.15–6.18, 7.18, 12.5–12.7	Food Stamp Program revisions	Emergency	R. 1983 d.38	15 N.J.R. 247(a)
10:87-2.4, 2.7, 2.8, 2.34, 3.2, 3.12	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-2.7	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d.437	14 N.J.R. 1462(b)
10:87-2.38	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-3.15–3.21	Food stamp participants and job search	14 N.J.R. 1041(a)	R. 1982 d.437	14 N.J.R. 1462(b)
10:87-3.19	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-4.4, 4.19	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-5.10, 6.14, 6.15	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-7.16, 7.17, 9.7	Extension of food stamp eligibility	14 N.J.R. 1037(a)	R. 1982 d.473	15 N.J.R. 34(a)
10:87-9.16	Replacement of food stamp benefits	14 N.J.R. 1081(b)	R. 1982 d.474	15 N.J.R. 35(a)
10:87-12.1	Readopted FSP revisions	15 N.J.R. 97(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:87-12.1, 12.2	Emergency amend Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(e)
10:87-12.1, 12.3, 12.4, 12.6	FSM: Mandated Federal adjustments	Emergency	R. 1982 d.217	14 N.J.R. 757(d)
10:87-12.1, 12.3, 12.4, 12.6	Readopted: Food Stamp Program adjustments	14 N.J.R. 757(d)	R. 1982 d.318	14 N.J.R. 1057(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Utility allowance; coupon allotment; rounding	Emergency	R. 1982 d.365	14 N.J.R. 1170(a)
10:87-12.1, 12.2, 12.6	Food Stamp Program: Readopted revisions	14 N.J.R. 1170(a)	R. 1982 d.442	14 N.J.R. 1463(a)
10:87-12.3	Food Stamp Program maximum net income levels	13 N.J.R. 500(a)	R. 1981 d.400	13 N.J.R. 772(a)
10:87-12.3,12.4	Emergency adoption: Food Stamp income levels	Emergency	R. 1981 d.278	13 N.J.R. 500(a)
10:87-12.4	Emergency amend Food Stamp Manual	Emergency	R. 1980 d.558	13 N.J.R. 100(c)
10:87-12.7	Readopted FSP revisions	15 N.J.R. 247(a)	R. 1983 d.72	15 N.J.R. 444(a)
10:89	Home energy assistance (emergency adoption)	Emergency	R. 1981 d.466	13 N.J.R. 888(a)
10:89	Readopted Home Energy Assistance rules	13 N.J.R. 888(a)	R. 1982 d.62	14 N.J.R. 281(c)
10:89-2.3, 3.1, 3.2, 3.4–3.6, 4.1, 5.2, 5.3	Home Energy Assistance Handbook	Emergency	R. 1982 d.412	14 N.J.R. 1311(a)
10:89-2.3, 3.1, 3.2, 3.4, 3.5, 3.6, 4.1, 5.2, 5.3	Readopted: Home Energy Assistance Handbook	14 N.J.R. 1311(a)	R. 1982 d.497	15 N.J.R. 92(c)
10:89-3.6	Emergency rule on Home Energy Assistance	Emergency	R. 1980 d.548	13 N.J.R. 100(b)
10:90	Monthly Reporting Policy Handbook	14 N.J.R. 958(a)	R. 1982 d.399	14 N.J.R. 1302(a)
10:91	Repealed: Services to families and children	14 N.J.R. 744(a)	R. 1982 d.317	14 N.J.R. 1057(b)
10:94-4,-5	Medicaid Only: Income and resource eligibility	12 N.J.R. 663(a)	R. 1981 d.177	13 N.J.R. 364(b)
10:94-5.4, 5.5, 5.6	Medicaid Only computation amounts	Emergency	R. 1981 d.276	13 N.J.R. 501(a)
10:94-5.4, 5.5, 5.6	Readopt Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 773(a)
10:94-5.4, 5.5, 5.6	Correction: Medicaid Only computation amounts	13 N.J.R. 501(a)	R. 1981 d.385	13 N.J.R. 846(a)
10:94-5.4, 5.5, 5.6	Medicaid Only computation amounts	Emergency	R. 1982 d.216	14 N.J.R. 758(a)
10:94-5.4, 5.5, 5.6	Readopted: Medicaid Only computation amounts	14 N.J.R. 758(a)	R. 1982 d.314	14 N.J.R. 1058(a)
10:94-7.5	Medicaid Only: Burial and funeral expenses	14 N.J.R. 816(a)	R. 1982 d.354	14 N.J.R. 1162(c)
10:94-8	Medicaid Only	12 N.J.R. 663(a)	R. 1981 d.177	13 N.J.R. 364(b)
10:94-9	Medical Assistance for Aged Continuation	14 N.J.R. 1084(a)	R. 1982 d.461	14 N.J.R. 1463(b)
10:98	State Plan for blind and visually impaired	14 N.J.R. 745(a)	R. 1982 d.311	14 N.J.R. 1058(b)
10:100-1.23	Emergency amend SSI payment levels	Emergency	R. 1981 d.277	13 N.J.R. 502(a)
10:100-1.23	Readopt SSI payment levels	13 N.J.R. 502(a)	R. 1981 d.386	13 N.J.R. 773(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
10:100-1.23	SSI payment levels	Emergency	R. 1982 d.215	14 N.J.R. 760(a)
10:100-1.23	Readopted: SSI payment levels	14 N.J.R. 760(a)	R. 1982 d.315	14 N.J.R. 1059(a)
10:100-3.6	Special Payments Handbook: Funeral contributions	14 N.J.R. 463(b)	R. 1982 d.285	14 N.J.R. 981(a)
10:109-1	Ruling 11	13 N.J.R. 581(b)	R. 1981 d.445	13 N.J.R. 846(b)
10:109-1.4	Ruling 11: Tuition Aid	14 N.J.R. 375(b)	R. 1982 d.227	14 N.J.R. 837(b)
10:109-3.2, 3.4	Ruling 11-Sick leave and leave without pay	13 N.J.R. 515(a)	R. 1981 d.395	13 N.J.R. 774(a)
10:109-App.I,II	Ruling 11: Salary increases for CWA employees	13 N.J.R. 741(a)	R. 1981 d.498	14 N.J.R. 46(b)
10:109-App. II	County welfare agencies: Salary parity with State	14 N.J.R. 630(a)	R. 1982 d.319	14 N.J.R. 1060(a)
10:121-2	Adoption subsidy	14 N.J.R. 746(a)	R. 1982 d.321	14 N.J.R. 1060(b)
10:121-5.1	Medical information form	12 N.J.R. 703(c)	R. 1981 d.63	13 N.J.R. 226(a)
10:121A	Adoption agency practices	13 N.J.R. 99(a)	R. 1981 d.298	13 N.J.R. 516(a)
10:122-4.1, 4.3-4.7	Child care centers: Staff requirements	14 N.J.R. 816(b)	R. 1982 d.384	14 N.J.R. 1218(a)
10:122-4.1, 4.3-4.7	Correction: Child care centers	14 N.J.R. 816(b)	R. 1982 d.384	14 N.J.R. 1307(a)
10:122-4.2, 7.1-7.7	Standards for child care centers	14 N.J.R. 82(a)	R. 1982 d.136	14 N.J.R. 428(c)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d.423	13 N.J.R. 774(b)
10:123-3.1, 3.2	Personal needs allowance	13 N.J.R. 595(a)	R. 1981 d.423	14 N.J.R. 287(a)
10:123-3.1, 3.2	Personal needs allowance: Residential health care	14 N.J.R. 699(a)	R. 1982 d.301	14 N.J.R. 981(b)
10:124	Children's shelter facilities and homes	14 N.J.R. 125(a)	R. 1982 d.222	14 N.J.R. 761(a)
10:130	Shelters for victims of domestic violence	14 N.J.R. 197(a)	R. 1982 d.138	14 N.J.R. 429(a)
10:130	Repealed: Children's shelters manual	14 N.J.R. 125(a)	R. 1982 d.222	14 N.J.R. 761(a)
10:131	Adoption assistance and child welfare	14 N.J.R. 744(a)	R. 1982 d.317	14 N.J.R. 1057(b)
10:132	Court actions and proceedings	13 N.J.R. 595(b)	R. 1981 d.434	13 N.J.R. 846(c)
10:140	1982 State Plan for Services to Developmentally Disabled	14 N.J.R. 699(b)	R. 1982 d.320	14 N.J.R. 1060(c)

(Title 10, Transmittal 15 dated November 10, 1980)

CORRECTIONS-TITLE 10A

(Title 10A, Transmittal 7 dated June 21, 1982)

INSURANCE-TITLE 11

11:1-13	Sale of auto club service contracts	13 N.J.R. 879(b)	R. 1982 d.177	14 N.J.R. 579(a)
11:1-14	Licenses: Address change; process serving	14 N.J.R. 748(a)	R. 1982 d.336	14 N.J.R. 1099(b)
11:2-1.6	Independent testing service	13 N.J.R. 364(d)	R. 1981 d.433	13 N.J.R. 846(d)
11:2-17	Unfair claims-settlement practices	12 N.J.R. 600(f)	R. 1981 d.407	13 N.J.R. 774(c)
11:2-17	Correction: Operative date for settlement practices	13 N.J.R. 774(c)	R. 1981 d.407	13 N.J.R. 894(a)
11:2-17.7	Claims settlement practices	14 N.J.R. 966(a)	R. 1982 d.400	14 N.J.R. 1307(b)
11:2-18	Readable policies	14 N.J.R. 967(a)	R. 1982 d.410	14 N.J.R. 1307(c)
11:2-18.4	Correction: Readable policies	14 N.J.R. 1308	R. 1982 d.410	14 N.J.R. 1398(b)
11:3-7.3, 7.7	Additional personal injury protection	14 N.J.R. 543(b)	R. 1982 d.246	14 N.J.R. 917(d)
11:4-2	Replacement of existing life insurance	13 N.J.R. 18(e)	R. 1982 d.16	14 N.J.R. 158(d)
11:4-11.5, 11.6	Life insurance solicitation	13 N.J.R. 36(a)	R. 1982 d.17	14 N.J.R. 159(a)
11:5-1.2, 1.3	Real Estate Commission rules	13 N.J.R. 306(a)	R. 1981 d.261	13 N.J.R. 440(c)
11:5-1.8, 1.14	Real Estate Commission rules	13 N.J.R. 302(b)	R. 1982 d.101	14 N.J.R. 345(b)
11:5-1.14	Correction: Real Estate Commission rules	13 N.J.R. 302(b)	R. 1982 d.101	14 N.J.R. 1162(d)
11:5-1.33-1.35	Real Estate Commission rules	13 N.J.R. 306(a)	R. 1981 d.261	13 N.J.R. 440(c)
11:5-1.36	Real Estate Guaranty Fund	13 N.J.R. 306(a)	R. 1981 d.252	13 N.J.R. 441(a)
11:12	Legal services insurance	13 N.J.R. 601(a)	R. 1981 d.422	13 N.J.R. 776(a)
11:13	Commercial lines insurance	14 N.J.R. 1045(a)	R. 1982 d.423	14 N.J.R. 1398(c)

(Title 11, Transmittal 16 dated January 14, 1981)

LABOR-TITLE 12

12:15-1.3	Maximum weekly benefit rates	13 N.J.R. 602(b)	R. 1981 d.419	13 N.J.R. 777(a)
12:15-1.3	Correction: Operative date	13 N.J.R. 602(b)	R. 1981 d.419	13 N.J.R. 894(b)
12:15-1.3	1983 unemployment and disability benefits	14 N.J.R. 969(a)	R. 1982 d.383	14 N.J.R. 1218(b)
12:15-1.4	Taxable wage base for unemployment compensation	13 N.J.R. 602(c)	R. 1981 d.421	13 N.J.R. 777(b)
12:15-1.4	Correction: Operative date	13 N.J.R. 602(c)	R. 1981 d.421	13 N.J.R. 894(b)
12:15-1.4	1983 wage base for unemployment contributions	14 N.J.R. 970(a)	R. 1982 d.382	14 N.J.R. 1219(a)
12:15-1.5	Unemployment compensation contribution rates	13 N.J.R. 603(a)	R. 1981 d.418	13 N.J.R. 777(c)
12:15-1.5	1983 contribution rates for government entities	14 N.J.R. 970(b)	R. 1982 d.381	14 N.J.R. 1219(b)
12:17-10.3, 10.4	Repayment of unemployment benefits	15 N.J.R. 74(a)	R. 1983 d.83	15 N.J.R. 447(a)
12:51	Vocational rehabilitation facilities	13 N.J.R. 230(a)	R. 1981 d.289	13 N.J.R. 517(a)
12:56-3.2	Correction to Code: Exemptions from minimum wage rates	_____	_____	15 N.J.R. 43(b)
12:56-7.2	Wage and hour: "Administrative" defined	14 N.J.R. 1145(a)	R. 1982 d.468	15 N.J.R. 36(a)
12:57	Wage orders for minors	13 N.J.R. 307(a)	R. 1981 d.226	13 N.J.R. 441(c)
12:190	Safety standards for explosives	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:191	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:192	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:193	Repealed	13 N.J.R. 517(b)	R. 1982 d.229	14 N.J.R. 837(c)
12:195	Carnival-amusement rides	13 N.J.R. 441(d)	R. 1981 d.321	13 N.J.R. 603(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
12:235-1.5	Workers' compensation benefit rates	13 N.J.R. 604(a)	R. 1981 d.420	13 N.J.R. 777(d)
12:235-1.5	1983 workers' compensation benefits	14 N.J.R. 971(a)	R. 1982 d.380	14 N.J.R. 1219(c)
(Title 12, Transmittal 14 dated January 14, 1981)				
LAW AND PUBLIC SAFETY—TITLE 13				
13:2-7.10	ABC rules	13 N.J.R. 604(b)	R. 1981 d.432	13 N.J.R. 777(e)
13:2-24.1, 24.4	ABC rules	13 N.J.R. 604(b)	R. 1981 d.432	13 N.J.R. 777(e)
13:2-24.4	Correction: ABC debt regulation	13 N.J.R. 604(b)	R. 1981 d.432	13 N.J.R. 846(e)
13:2-24.4	Amend various regulations	13 N.J.R. 37(b)	R. 1981 d.71	13 N.J.R. 238(b)
13:2-38.1,39.3	Amend various regulations	13 N.J.R. 37(b)	R. 1981 d.71	13 N.J.R. 238(b)
13:2-41	Amend various regulations	13 N.J.R. 37(b)	R. 1981 d.71	13 N.J.R. 238(b)
13:3-1.10, 1.14, 2.2, 3.9, 4.3	Amusement games licensing forms, fees	14 N.J.R. 1194(a)	R. 1982 d.498	15 N.J.R. 93(a)
13:3-8.1-8.7	Repealed	14 N.J.R. 1194(a)	R. 1982 d.498	15 N.J.R. 93(a)
13:19-5.1	Convulsive seizures	12 N.J.R. 606(a)	R. 1981 d.18	13 N.J.R. 150(b)
13:19-6	Repealed: Delaware motor vehicle reciprocity rule	14 N.J.R. 87(a)	R. 1982 d.94	14 N.J.R. 346(a)
13:20-7.3, 7.4	Motor vehicle inspection	Emergency	R. 1982 d.335	14 N.J.R. 918(a)
13:20-7.3, 7.4	Readopted: Motor vehicle inspection	14 N.J.R. 918(a)	R. 1982 d.364	14 N.J.R. 1162(e)
13:20-17.3	Attendance fee for driver improvement school	14 N.J.R. 1145(b)	R. 1982 d.485	15 N.J.R. 93(b)
13:20-25.2	Approval of safety glazing material	12 N.J.R. 606(b)	R. 1981 d.15	13 N.J.R. 149(d)
13:20-31.3	Fee for driver alcohol education program	14 N.J.R. 1195(a)	R. 1983 d.19	15 N.J.R. 156(b)
13:20-32.6, 32.9, 32.11	Motor vehicle reinspection centers: Fees	14 N.J.R. 1196(a)	R. 1983 d.20	15 N.J.R. 156(c)
13:20-33.53	Motorcycle handlebars and grips	12 N.J.R. 606(c)	R. 1981 d.16	13 N.J.R. 149(e)
13:20-33.72	Repeal handhold devices	12 N.J.R. 607(a)	R. 1981 d.17	13 N.J.R. 150(a)
13:20-36	Special National Guard plates	12 N.J.R. 427(a)	R. 1981 d.31	13 N.J.R. 150(e)
13:21-3	Repeal rules on dealer's temporary certificates	12 N.J.R. 607(b)	R. 1981 d.14	13 N.J.R. 149(c)
13:21-4.5	Repealed: "Title only" motor vehicle certification	14 N.J.R. 632(a)	R. 1982 d.370	14 N.J.R. 1163(a)
13:21-7.2	Student permits	12 N.J.R. 490(a)	R. 1981 d.66	13 N.J.R. 237(d)
13:21-8.17	Waiver of driving test	12 N.J.R. 666(f)	R. 1981 d.65	13 N.J.R. 237(c)
13:21-8.18	Repealed: Nonresident driver legend	14 N.J.R. 88(a)	R. 1982 d.95	14 N.J.R. 346(b)
13:21-9.3	Restoration fee for motor vehicle license	14 N.J.R. 1146(a)	R. 1982 d.484	15 N.J.R. 94(a)
13:26-1.2, 3.11	Transportation of bulk commodities	12 N.J.R. 724(f)	R. 1981 d.61	13 N.J.R. 237(b)
13:27-6	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d.320	13 N.J.R. 607(a)
13:27A	Price posting in barber shops	14 N.J.R. 749(a)	R. 1982 d.387	14 N.J.R. 1219(d)
13:28-1.3	Toilet facilities in beauty shops	13 N.J.R. 102(b)	R. 1981 d.109	13 N.J.R. 308(a)
13:28-2	Correction: Expiration date for N.J.A.C. 13:28-2	_____	_____	15 N.J.R. 347(a)
13:28-2.10, 2.14-2.16	Credit for Saturday beauty classes	13 N.J.R. 931(a)	R. 1982 d.70	14 N.J.R. 283(a)
13:28-2.24	Beauty schools: "Seniors" and clinical work	13 N.J.R. 930(b)	R. 1982 d.69	14 N.J.R. 283(b)
13:29-1.6	CPA qualifying requirements	14 N.J.R. 749(b)	R. 1982 d.405	14 N.J.R. 1309(a)
13:29-2.2	Examination for registered municipal accountant	13 N.J.R. 39(a)	R. 1981 d.67	13 N.J.R. 238(a)
13:29-3.1-3.9, 3.12-3.18	Board of Accountancy: Professional misconduct	14 N.J.R. 895(a)	R. 1982 d.407	14 N.J.R. 1309(b)
13:30-2.5, 2.10-2.17	Dental hygienists and assistants	13 N.J.R. 231(b)	R. 1981 d.264	13 N.J.R. 442(a)
13:30-2.18	Application fees for dental hygienists	13 N.J.R. 518(b)	R. 1981 d.378	13 N.J.R. 707(c)
13:30-8.12	Dental insurance forms and professional misconduct	13 N.J.R. 102(c)	R. 1981 d.175	13 N.J.R. 366(a)
13:31-1.3	Examinations	13 N.J.R. 664(a)	R. 1981 d.491	13 N.J.R. 946(c)
13:31-1.8	Inspections of electrical work	13 N.J.R. 607(b)	R. 1982 d.92	14 N.J.R. 346(c)
13:31-2.1	Repeal: Uniform penalty letter (electrical)	13 N.J.R. 442(b)	R. 1981 d.372	13 N.J.R. 707(d)
13:32-1.8	Pressure seal on plumbing permit applications	14 N.J.R. 750(a)	R. 1982 d.388	14 N.J.R. 1219(e)
13:33-1.1-1.7, 1.9-1.13, 1.15-1.19, 1.25, 1.34, 1.39, 1.42	Licensure of ophthalmic dispensers and technicians	14 N.J.R. 545(a)	R. 1983 d.15	15 N.J.R. 157(a)
13:33-1.38	Minimum standards for eyeglass dispensing	14 N.J.R. 1085(a)	R. 1983 d.81	15 N.J.R. 447(b)
13:33-1.41	Fee schedules	12 N.J.R. 546(a)	R. 1981 d.148	13 N.J.R. 366(b)
13:35-1.5	Military service in lieu of internship (podiatry)	13 N.J.R. 366(c)	R. 1981 d.346	13 N.J.R. 608(a)
13:35-2.7	Military service in lieu of internship	13 N.J.R. 367(a)	R. 1981 d.348	13 N.J.R. 608(b)
13:35-6.2	Guidelines for externship programs	13 N.J.R. 148(a)	R. 1981 d.149	13 N.J.R. 367(b)
13:35-6.5	Responsibility for pronouncement of death	14 N.J.R. 90(a)	R. 1982 d.214	14 N.J.R. 767(a)
13:35-6.5	Correction: Responsibility for pronouncement of death	14 N.J.R. 767(a)	R. 1982 d.214	14 N.J.R. 918(b)
13:35-6.19, 6.20	Excessive fees for professional services	13 N.J.R. 232(b)	R. 1981 d.237	13 N.J.R. 443(a)
13:35-9	Certified Nurse-Midwife and lay midwife practice	14 N.J.R. 632(b)	R. 1982 d.416	14 N.J.R. 1400(a)
13:35-9.3	Emergency amend certified nurse/midwife	Emergency	R. 1981 d.21	13 N.J.R. 150(c)
13:35-9.3(c)	Operative date on certified nurse/midwife standards	Emergency	R. 1981 d.24	13 N.J.R. 150(d)
13:36-1.6	Mortuary board fees	13 N.J.R. 367(c)	R. 1982 d.105	14 N.J.R. 346(d)
13:36-3.4	Mortuary science examination subjects	14 N.J.R. 897(a)	R. 1982 d.409	14 N.J.R. 1309(c)
13:36-4.1	Mortuary science: License renewals	14 N.J.R. 751(a)	R. 1982 d.333	14 N.J.R. 1110(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
13:36-5.12	Advertising of funeral services	13 N.J.R. 368(a)	R. 1981 d.349	13 N.J.R. 609(a)
13:36-5.12	Mortuary advertising requirements	14 N.J.R. 898(a)	R. 1982 d.404	14 N.J.R. 1309(d)
13:36-9.1	Uniform penalty letter	13 N.J.R. 452(c)	R. 1981 d.347	13 N.J.R. 609(b)
13:37-1.26	Board of Nursing rule	13 N.J.R. 149(a)	R. 1981 d.174	13 N.J.R. 370(a)
13:37-9.2	Practical nursing licensure by examination	14 N.J.R. 701(a)	R. 1982 d.406	14 N.J.R. 1309(e)
13:37-12.1	Board of Nursing: Licensure fees	14 N.J.R. 635(a)	R. 1982 d.408	14 N.J.R. 1310(a)
13:38-1.9, 1.10	Optometric advertising	13 N.J.R. 233(a)	R. 1981 d.295	13 N.J.R. 519(a)
13:39-6.4, 6.5, 6.7, 6.8, 9.13	Computerized recordkeeping in pharmacies	14 N.J.R. 1343(a)	R. 1983 d.22	15 N.J.R. 157(b)
13:39-9.12	Outdated or sample drugs	13 N.J.R. 235(a)	R. 1981 d.350	13 N.J.R. 609(c)
13:39-9.16	Board of Pharmacy examination fee	14 N.J.R. 1280(a)	R. 1983 d.21	15 N.J.R. 157(c)
13:39-9.17	Advertising and sale of prescription drugs	13 N.J.R. 445(a)	R. 1981 d.377	13 N.J.R. 708(a)
13:40-1.1, 2.1	Engineers and surveyors: Sealing of documents	14 N.J.R. 1345(a)	R. 1983 d.36	15 N.J.R. 157(d)
13:40-3.1	Engineers and land surveyors: Misconduct	14 N.J.R. 1196(b)	R. 1983 d.16	15 N.J.R. 158(a)
13:40-6.1	Engineer and surveyor test fees	13 N.J.R. 446(a)	R. 1982 d.142	14 N.J.R. 429(c)
13:40-7	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d.320	13 N.J.R. 607(a)
13:41-4	Division of responsibility in site planning	13 N.J.R. 231(a)	R. 1981 d.320	13 N.J.R. 607(a)
13:44-2.1	Veterinary prescriptions	13 N.J.R. 519(b)	R. 1981 d.451	13 N.J.R. 847(a)
13:44-2.12	Patient records	13 N.J.R. 520(a)	R. 1981 d.450	13 N.J.R. 847(b)
13:44-3.1	Repeal: Uniform penalty letter (veterinary)	13 N.J.R. 371(a)	R. 1981 d.371	13 N.J.R. 708(b)
13:44-4.1	Veterinary Medical Examiners fee schedule	14 N.J.R. 1281(a)	R. 1982 d.502	15 N.J.R. 94(b)
13:44B	Compensation for State board members	13 N.J.R. 932(a)	R. 1982 d.144	14 N.J.R. 429(d)
13:45A-15.1-15.4	Posting of retail refund policies	13 N.J.R. 665(a)	R. 1982 d.29	14 N.J.R. 160(a)
13:45A-17	Sale of advertising in quasi-official journals	13 N.J.R. 235(b)	R. 1981 d.294	13 N.J.R. 520(b)
13:45A-18.1	Fee for consumer contract review	14 N.J.R. 464(a)	R. 1982 d.221	14 N.J.R. 767(b)
13:46-1.1	Boxing and wrestling programs: Definitions	14 N.J.R. 751(b)	R. 1982 d.389	14 N.J.R. 1220(a)
13:46-1.2-1.4	Weights and classes: Recodified as subchapter 1A	14 N.J.R. 751(b)	R. 1982 d.389	14 N.J.R. 1220(a)
13:46-4	Boxing and wrestling programs: Licenses and permits	14 N.J.R. 751(b)	R. 1982 d.389	14 N.J.R. 1220(a)
13:46-15.15-15.18	Complimentary tickets for boxing and wrestling events	14 N.J.R. 971(b)	R. 1982 d.398	14 N.J.R. 1220(b)
13:46-18.12, 18.18	Repealed	14 N.J.R. 635(b)	R. 1982 d.271	14 N.J.R. 919(a)
13:46-18.15	Same day boxing programs	14 N.J.R. 635(b)	R. 1982 d.271	14 N.J.R. 919(a)
13:47A-3.1	Securities industry: Nonduplication of fingerprinting	14 N.J.R. 550(a)	R. 1982 d.304	14 N.J.R. 981(c)
13:47A-5.2	Broker-dealer registration	14 N.J.R. 551(a)	R. 1982 d.265	14 N.J.R. 919(b)
13:47A-9.13	Repealed exemption restriction for private offering to sophisticated investors	14 N.J.R. 552(a)	R. 1982 d.266	14 N.J.R. 919(c)
13:47B-1.1	Correction to Code: Liquid measuring devices			14 N.J.R. 1315(b)
13:47C-5	Repealed: Rules on precious metal sales	13 N.J.R. 818(a)	R. 1982 d.96	14 N.J.R. 346(e)
13:47C-6	Bonding of transient buyers	13 N.J.R. 819(a)	R. 1982 d.93	14 N.J.R. 346(f)
13:51	Certification for chemical breath testing	14 N.J.R. 376(a)	R. 1982 d.187	14 N.J.R. 660(a)
13:70	Thoroughbred racing rules	14 N.J.R. 91(a)	R. 1982 d.183	14 N.J.R. 661(a)
13:70-3.47, 6.55, 6.56, 18.6	Thoroughbred rules	14 N.J.R. 1146(b)	R. 1983 d.14	15 N.J.R. 158(b)
13:70-6.16	Racing: Eligibility of maidens	13 N.J.R. 520(c)	R. 1981 d.489	13 N.J.R. 946(d)
13:70-29.48	Emergency amend daily double pool	Emergency	R. 1981 d.32	13 N.J.R. 150(f)
13:70-29.48	Racing: Entries and daily double	13 N.J.R. 521(a)	R. 1981 d.490	13 N.J.R. 947(a)
13:71	Harness racing regulation	13 N.J.R. 820(a)	R. 1982 d.109	14 N.J.R. 347(a)
13:71-6.24, 11.9	Harness racing: Vaccination; respiratory bleeding	14 N.J.R. 1147(a)	R. 1983 d.13	15 N.J.R. 158(c)
13:75-1.7	Violent crimes funeral compensation	13 N.J.R. 743(a)	R. 1982 d.37	14 N.J.R. 208(c)

(Title 13, Transmittal 17 dated January 14, 1981)

PUBLIC UTILITIES-TITLE 14

(Title 14, Transmittal 16 dated June 21, 1982)

ENERGY-TITLE 14A

14A:3-11.3, 11.5	Designation of used oil collection sites	13 N.J.R. 681(a)	R. 1982 d.262	14 N.J.R. 919(d)
14A:12-1	Computing cost savings in shared-savings contracts	14 N.J.R. 820(a)	R. 1983 d.10	15 N.J.R. 158(d)

(Title 14A, Transmittal 8 dated June 21, 1982)

STATE-TITLE 15

15:2	Commercial recording: Expedited information services	15 N.J.R. 14(a)	R. 1983 d.61	15 N.J.R. 340(d)
15:15-8.1, 8.2	Repeal rules on Register and Code	14 N.J.R. 366(a)	R. 1982 d.339	14 N.J.R. 1163(b)

(Title 15, Transmittal 13 dated March 19, 1981)

PUBLIC ADVOCATE-TITLE 15A

(Title 15A, Transmittal 1 dated March 20, 1978)

TRANSPORTATION—TITLE 16

16:22-1.1, 1.2, 1.4	Transportation Rehabilitation and Improvement funds	14 N.J.R. 97(a)	R. 1982 d.68	14 N.J.R. 284(a)
16:25-13	Railroad crossing and bridge cases	14 N.J.R. 1197(a)	R. 1983 d.45	15 N.J.R. 341(a)
16:26-1.1	Traffic signal information	13 N.J.R. 152(b)	R. 1981 d.164	13 N.J.R. 372(a)
16:27-1.4	Repeal traffic and parking on NJDOT property	13 N.J.R. 153(a)	R. 1981 d.165	13 N.J.R. 372(b)
16:28-1.2	Speed limit on Route I-80	13 N.J.R. 153(b)	R. 1981 d.150	13 N.J.R. 372(c)
16:28-1.15	Speed limits along Route 13	13 N.J.R. 155(a)	R. 1981 d.152	13 N.J.R. 372(d)
16:28-1.16	Speed rates on I-195	14 N.J.R. 323(a)	R. 1982 d.172	14 N.J.R. 580(a)
16:28-1.17	Speed limits on Route 147	13 N.J.R. 239(a)	R. 1981 d.196	13 N.J.R. 451(a)
16:28-1.23	Speed limits along Route 18	13 N.J.R. 744(b)	R. 1981 d.484	13 N.J.R. 947(d)
16:28-1.23	School speed zone on Route 18 in Old Bridge	Emergency	R. 1982 d.465	15 N.J.R. 41(a)
16:28-1.23	Speed rate on Route 18 in East Brunswick	14 N.J.R. 1446(a)	R. 1983 d.51	15 N.J.R. 341(b)
16:28-1.23	Readoptd school zone on Route 18 in Old Bridge	15 N.J.R. 41(a)	R. 1983 d.70	15 N.J.R. 448(a)
16:28-1.41	US 9 and 35 speed changes in Atlantic County	13 N.J.R. 838(a)	R. 1982 d.11	14 N.J.R. 160(c)
16:28-1.49	Speed limits on Route 35	13 N.J.R. 451(b)	R. 1981 d.333	13 N.J.R. 612(a)
16:28-1.56	Speed rates on US 40 and 322	14 N.J.R. 323(a)	R. 1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US 130	14 N.J.R. 323(a)	R. 1982 d.172	14 N.J.R. 580(a)
16:28-1.69	Speed rates on US130 in Gloucester County	14 N.J.R. 824(a)	R. 1982 d.323	14 N.J.R. 1060(d)
16:28-1.69	Speed rates on US 130 in North Brunswick	14 N.J.R. 1197(b)	R. 1982 d.499	15 N.J.R. 94(c)
16:28-1.72	Speed limits on US 206 and 130 in Bordentown	14 N.J.R. 324(a)	R. 1982 d.168	14 N.J.R. 580(b)
16:28-1.111	Speed limits for Route 87	13 N.J.R. 452(a)	R. 1981 d.334	13 N.J.R. 613(a)
16:28A-1.1, 1.2, 1.4, 1.7	Parking on Routes US1, 1 and 9, 4, US9	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.2	Parking on Routes 1 and 9	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.2	Parking on Route 1 and 9 in Newark	14 N.J.R. 1049(a)	R. 1982 d.420	14 N.J.R. 1402(a)
16:28A-1.3, 1.5	Parking on Routes 3 and 5	14 N.J.R. 552(b)	R. 1982 d.247	14 N.J.R. 919(e)
16:28A-1.4	Route 4 bus stops	14 N.J.R. 98(a)	R. 1982 d.83	14 N.J.R. 347(b)
16:28A-1.4	Bus stops on Route 4 in Elmwood Park	14 N.J.R. 825(a)	R. 1982 d.328	14 N.J.R. 1100(b)
16:28A-1.6	Restricted parking along Route 7	13 N.J.R. 522(a)	R. 1981 d.383	13 N.J.R. 778(b)
16:28A-1.6	Restricted parking on Route 7	13 N.J.R. 745(a)	R. 1981 d.483	13 N.J.R. 947(b)
16:28A-1.6	Parking on Route 7	14 N.J.R. 424(a)	R. 1982 d.203	14 N.J.R. 710(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.7	Route US 9 parking	13 N.J.R. 157(b)	R. 1981 d.156	13 N.J.R. 373(b)
16:28A-1.7	US 9 parking	13 N.J.R. 239(b)	R. 1981 d.195	13 N.J.R. 452(b)
16:28A-1.7	Parking on US 9	13 N.J.R. 240(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.7	Restricted parking along Route US 9	13 N.J.R. 452(c)	R. 1981 d.335	13 N.J.R. 613(b)
16:28A-1.7	Restricted parking on US 9	13 N.J.R. 745(b)	R. 1981 d.487	13 N.J.R. 947(f)
16:28A-1.7	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R. 1982 d.44	14 N.J.R. 236(a)
16:28A-1.7	Parking on US9	14 N.J.R. 199(a)	R. 1982 d.116	14 N.J.R. 391(b)
16:28A-1.8	Parking and bus stops on Route 10	14 N.J.R. 464(b)	R. 1982 d.223	14 N.J.R. 838(a)
16:28A-1.9	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R. 1982 d.45	14 N.J.R. 236(b)
16:28A-1.9	Parking on Rt. 17 in Mahwah	Emergency	R. 1982 d.132	14 N.J.R. 429(c)
16:28A-1.9	Readopted: Route 17 parking in Mahwah	14 N.J.R. 429(e)	R. 1982 d.201	14 N.J.R. 710(b)
16:28A-1.9, 1.10, 1.11, 1.13, 1.15	Parking on Routes 17, 20, 21, US22, 23	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.13	Parking on US22	14 N.J.R. 199(a)	R. 1982 d.116	14 N.J.R. 391(b)
16:28A-1.13	Route US 22	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 753(a)	R. 1982 d.313	14 N.J.R. 1061(a)
16:28A-1.13	Parking on US 22	14 N.J.R. 1198(a)	R. 1982 d.500	15 N.J.R. 94(d)
16:28A-1.14	Restricted parking along Route US 22 alternate	13 N.J.R. 453(b)	R. 1981 d.336	13 N.J.R. 613(c)
16:28A-1.15	Route 23 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)
16:28A-1.15	Parking on Route 23	13 N.J.R. 241(a)	R. 1981 d.192	13 N.J.R. 454(b)
16:28A-1.15	Restricted parking along Route 23	13 N.J.R. 454(a)	R. 1981 d.337	13 N.J.R. 613(d)
16:28A-1.15	Parking on Route 23 (Temporary)	14 N.J.R. 1199(a)	R. 1982 d.501	15 N.J.R. 95(a)
16:28A-1.16	Restricted parking along Route 24	13 N.J.R. 455(a)	R. 1981 d.338	13 N.J.R. 613(e)
16:28A-1.16	Route 24 parking	14 N.J.R. 553(a)	R. 1982 d.248	14 N.J.R. 919(f)
16:28A-1.18	Restricted parking along Route 27	13 N.J.R. 373(c)	R. 1981 d.312	13 N.J.R. 613(f)
16:28A-1.18	Route 27 bus stops in Edison	13 N.J.R. 934(a)	R. 1982 d.46	14 N.J.R. 236(c)
16:28A-1.18	Parking on Route 27	14 N.J.R. 554(a)	R. 1982 d.249	14 N.J.R. 920(a)
16:28A-1.18, 1.19	Parking on Routes 27, 28	14 N.J.R. 637(a)	R. 1982 d.283	14 N.J.R. 982(a)
16:28A-1.19	Route 28 parking	13 N.J.R. 155(b)	R. 1981 d.153	13 N.J.R. 373(d)
16:28A-1.19	Route 28 parking	13 N.J.R. 157(b)	R. 1981 d.156	13 N.J.R. 373(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 242(a)	R. 1981 d.193	13 N.J.R. 455(b)
16:28A-1.19	Parking on Route 28	13 N.J.R. 240(a)	R. 1981 d.191	13 N.J.R. 453(a)
16:28A-1.19	Route 28 parking in Roselle Park	14 N.J.R. 138(a)	R. 1982 d.111	14 N.J.R. 391(c)
16:28A-1.20, 1.21	Parking on Routes 29 and US 30	14 N.J.R. 554(b)	R. 1982 d.250	14 N.J.R. 920(b)
16:28A-1.21	Parking on US30	14 N.J.R. 825(b)	R. 1982 d.322	14 N.J.R. 1061(b)
16:28A-1.22	Parking on Route 31	14 N.J.R. 555(a)	R. 1982 d.251	14 N.J.R. 920(c)
16:28A-1.23	Route 33 parking	13 N.J.R. 154(a)	R. 1981 d.151	13 N.J.R. 373(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.23	Route 33 parking	13 N.J.R. 156(a)	R. 1981 d. 154	13 N.J.R. 374(a)
16:28A-1.23	Route 33 parking in Hopewell Township	13 N.J.R. 838(b)	R. 1982 d. 12	14 N.J.R. 161(a)
16:28A-1.23, 1.24, 1.25	Parking on Routes 33, 34, 35	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)
16:28A-1.23, 1.25	Restricted parking on Routes 33 and 35	13 N.J.R. 746(a)	R. 1981 d. 482	13 N.J.R. 947(c)
16:28A-1.25	Route 35 parking	13 N.J.R. 157(a)	R. 1981 d. 155	13 N.J.R. 374(b)
16:28A-1.25	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R. 1982 d. 60	14 N.J.R. 284(b)
16:28A-1.25	Parking on Route 35	14 N.J.R. 324(b)	R. 1982 d. 173	14 N.J.R. 580(c)
16:28A-1.25	Route 35 parking	14 N.J.R. 1198(a)	R. 1982 d. 500	15 N.J.R. 94(d)
16:28A-1.25	Route 35 parking	14 N.J.R. 1199(a)	R. 1982 d. 501	15 N.J.R. 95(a)
16:28A-1.26	Parking on Route 36	13 N.J.R. 453(a)	R. 1981 d. 191	13 N.J.R. 453(a)
16:28A-1.26, 1.27, 1.28, 1.31, 1.32	Parking on Routes 36, 38, 40, 45, 46	14 N.J.R. 702(b)	R. 1982 d. 312	14 N.J.R. 1061(c)
16:28A-1.27	Parking on Route 38	14 N.J.R. 424(a)	R. 1982 d. 203	14 N.J.R. 710(a)
16:28A-1.27	Parking on Route 38	14 N.J.R. 753(a)	R. 1982 d. 313	14 N.J.R. 1061(a)
16:28A-1.28	Restricted parking on US 40 and Route 70	13 N.J.R. 747(a)	R. 1981 d. 481	13 N.J.R. 947(e)
16:28A-1.28	Parking on Routes US9 and 40	13 N.J.R. 932(b)	R. 1982 d. 44	14 N.J.R. 236(a)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 241(a)	R. 1982 d. 192	13 N.J.R. 454(b)
16:28A-1.32	Parking on Route US 46	13 N.J.R. 242(b)	R. 1981 d. 194	13 N.J.R. 455(c)
16:28A-1.32	Restricted parking along Route US 46	13 N.J.R. 522(b)	R. 1981 d. 384	13 N.J.R. 779(a)
16:28A-1.32	Restricted parking on US 46	13 N.J.R. 747(b)	R. 1981 d. 480	13 N.J.R. 948(a)
16:28A-1.32	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R. 1982 d. 47	14 N.J.R. 236(d)
16:28A-1.33, 1.36, 1.37, 1.38, 1.40, 1.41, 1.42, 1.45, 1.46	Parking on Routes 47, 57, 70, 71, 73, 77, 79, 94, US 130	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)
16:28A-1.34	Parking on Route 49	14 N.J.R. 554(a)	R. 1982 d. 249	14 N.J.R. 920(a)
16:28A-1.34	Parking on Route 49 in Millville	14 N.J.R. 1283(a)	R. 1983 d. 1	15 N.J.R. 162(a)
16:28A-1.36, 1.37	Parking on Routes 57 and 70	13 N.J.R. 242(b)	R. 1981 d. 194	13 N.J.R. 455(c)
16:28A-1.37	Restricted parking along Route 70	13 N.J.R. 456(a)	R. 1981 d. 339	13 N.J.R. 614(a)
16:28A-1.37	Route 70 parking	13 N.J.R. 747(a)	R. 1981 d. 481	13 N.J.R. 947(e)
16:28A-1.38	Parking on Route 71 in Belmar	14 N.J.R. 325(a)	R. 1982 d. 174	14 N.J.R. 580(d)
16:28A-1.41	Parking on Route 77	14 N.J.R. 324(b)	R. 1982 d. 173	14 N.J.R. 580(c)
16:28A-1.43	Restricted parking along Route 82	13 N.J.R. 522(b)	R. 1981 d. 384	13 N.J.R. 779(a)
16:28A-1.44	Route 88 parking	13 N.J.R. 155(b)	R. 1981 d. 153	13 N.J.R. 373(d)
16:28A-1.46	Parking on US 130	13 N.J.R. 746(a)	R. 1981 d. 482	13 N.J.R. 947(c)
16:28A-1.50	Bus stops on Routes 17 and 166	13 N.J.R. 933(a)	R. 1982 d. 45	14 N.J.R. 236(b)
16:28A-1.50, 1.51	Parking on Routes 166, 168	14 N.J.R. 702(b)	R. 1982 d. 312	14 N.J.R. 1061(c)
16:28A-1.51	Restricted parking along Route 168	13 N.J.R. 522(b)	R. 1981 d. 384	13 N.J.R. 779(a)
16:28A-1.52, 1.55, 1.57	Parking on Routes 173, US 202, US 206	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)
16:28A-1.55	Parking on Routes US46 and 202 in Morris County	13 N.J.R. 935(a)	R. 1982 d. 47	14 N.J.R. 236(d)
16:28A-1.55	Restricted parking on State highways	13 N.J.R. 455(a)	R. 1981 d. 338	13 N.J.R. 613(e)
16:28A-1.56, 1.63	Parking on US 202-206 and 202-31	14 N.J.R. 556(a)	R. 1982 d. 252	14 N.J.R. 920(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 155(b)	R. 1981 d. 153	13 N.J.R. 373(d)
16:28A-1.57	Route US 206 parking	13 N.J.R. 156(a)	R. 1981 d. 154	13 N.J.R. 374(a)
16:28A-1.57	Parking along US 206	13 N.J.R. 453(b)	R. 1981 d. 336	13 N.J.R. 613(c)
16:28A-1.57	US206 parking in Hamilton Township	14 N.J.R. 139(a)	R. 1982 d. 112	14 N.J.R. 391(d)
16:28A-1.60	Restricted parking on Route US 322-47	13 N.J.R. 523(a)	R. 1981 d. 382	13 N.J.R. 779(b)
16:28A-1.61	Bus stops on US9W in Fort Lee	14 N.J.R. 139(b)	R. 1982 d. 113	14 N.J.R. 391(e)
16:28A-1.61	Bustops and parking on US9W	14 N.J.R. 465(a)	R. 1982 d. 224	14 N.J.R. 838(b)
16:28A-1.64	Route 41 parking	13 N.J.R. 157(a)	R. 1981 d. 155	13 N.J.R. 374(b)
16:28A-1.64	Parking on Route 41	14 N.J.R. 425(a)	R. 1982 d. 202	14 N.J.R. 710(c)
16:28A-1.64	Parking on Route 41 in Cherry Hill	14 N.J.R. 1446(b)	R. 1983 d. 52	15 N.J.R. 342(a)
16:28A-1.65	Route 15 parking	13 N.J.R. 154(a)	R. 1981 d. 151	13 N.J.R. 373(a)
16:28A-1.65	Parking on Route 15	14 N.J.R. 466(a)	R. 1982 d. 226	14 N.J.R. 838(c)
16:28A-1.65	Route 15 Parking	14 N.J.R. 1198(a)	R. 1982 d. 500	15 N.J.R. 94(d)
16:28A-1.66	Parking on Route 18	13 N.J.R. 239(b)	R. 1981 d. 195	13 N.J.R. 452(b)
16:28A-1.67	Route 63 parking	13 N.J.R. 157(a)	R. 1981 d. 155	13 N.J.R. 374(b)
16:28A-1.67, 1.71	Parking on Routes 63, 67	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)
16:28A-1.68	Route 93 parking	13 N.J.R. 155(b)	R. 1981 d. 153	13 N.J.R. 373(d)
16:28A-1.68	Parking on Route 93	14 N.J.R. 199(a)	R. 1982 d. 116	14 N.J.R. 391(b)
16:28A-1.68, 1.70	Parking on Routes 93, 439	14 N.J.R. 702(b)	R. 1982 d. 312	14 N.J.R. 1061(c)
16:28A-1.69	Parking on Route 124	13 N.J.R. 240(a)	R. 1981 d. 191	13 N.J.R. 453(a)
16:28A-1.70	Parking on Routes 35 and 439	14 N.J.R. 35(a)	R. 1982 d. 60	14 N.J.R. 284(b)
16:28A-1.71	Bus stops on Route 67 in Fort Lee	14 N.J.R. 139(b)	R. 1982 d. 113	14 N.J.R. 391(e)
16:28A-1.72, 1.73	Parking on Routes 31-57 and 32	14 N.J.R. 555(a)	R. 1982 d. 251	14 N.J.R. 920(c)
16:28A-1.74-1.94	Parking on Routes 33-34, 35, 35-71, 37, US 40-50, 53, 59, I-80, 87, US 130, 33, 153, 159, 161,	14 N.J.R. 637(a)	R. 1982 d. 283	14 N.J.R. 982(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
16:28A-1.95	182,62, 208, 280, I-280, 287, I-295, US322, US322-45 Parking on Rising Sun Square Road, Bordentown (Emergency)	14 N.J.R. 825(b)	R. 1982 d.282	14 N.J.R. 982(b)
16:28A-1.95	Readopted: Parking on Rising Sun Square Road	14 N.J.R. 825(b)	R. 1982 d.322	14 N.J.R. 1061(b)
16:29-1.3, 1.20, 1.24-1.28	No passing zone changes	14 N.J.R. 1283(b)	R. 1983 d.2	15 N.J.R. 162(b)
16:30-2.6	Stop and yield intersection: Old Yorke Road-Rising Sun Square Road Bordentown	Emergency	R. 1982 d.308	14 N.J.R. 990(a)
16:30-2.6	Readopted: Stop sign on Old Yorke Road	14 N.J.R. 990(a)	R. 1982 d.414	14 N.J.R. 1402(b)
16:30-3.4	US 9 bus and HOV lane in Middlesex County	Emergency	R. 1982 d.200	14 N.J.R. 661(b)
16:30-3.4	Readopted: US9 bus and HOV lane	14 N.J.R. 661(b)	R. 1982 d.299	14 N.J.R. 982(c)
16:30-3.6	Readopt HOV lanes along Route 444	13 N.J.R. 456(b)	R. 1981 d.323	14 N.J.R. 614(b)
16:30-3.6	Repeal HOV lanes on Parkway	Emergency	R. 1982 d.196	14 N.J.R. 662(a)
16:30-3.6	Repealed: HOV lanes on Parkway	14 N.J.R. 662(a)	R. 1982 d.294	14 N.J.R. 982(d)
16:31-1.10	Turns along Route US 30	13 N.J.R. 457(a)	R. 1981 d.340	13 N.J.R. 614(c)
16:31-1.16	No left turn along Route 79	13 N.J.R. 614(d)	R. 1981 d.460	13 N.J.R. 895(b)
16:31-1.17	Left turns on Route 73, Winslow Twp.	14 N.J.R. 466(b)	R. 1982 d.225	14 N.J.R. 838(d)
16:31-1.18	Turns on Route 31 in Hunterdon County	14 N.J.R. 826(a)	R. 1982 d.327	14 N.J.R. 1100(c)
16:31-1.19	Turns on Route 33 in Mercer County	14 N.J.R. 973(a)	R. 1982 d.394	14 N.J.R. 1220(c)
16:31-1.20	Left turns on Route 28 in Somerset County	14 N.J.R. 1447(a)	R. 1983 d.53	15 N.J.R. 342(b)
16:31A-1.4, 1.13, 1.17, 1.19, 1.23	Prohibited rights on red: Routes 4, 18, 24, 28, 33	13 N.J.R. 935(b)	R. 1982 d.48	14 N.J.R. 236(e)
16:31A-1.25, 1.35, 1.37, 1.65	Prohibited rights on red: Routes 35, 49, US46, and 206	13 N.J.R. 936(a)	R. 1982 d.49	14 N.J.R. 237(a)
16:31A-1.67	Route I-280 right-on-red prohibition in Orange	13 N.J.R. 937(a)	R. 1982 d.50	14 N.J.R. 237(b)
16:31A-1.77	Route 181 right-on-red prohibition in Sparta	13 N.J.R. 937(b)	R. 1982 d.51	14 N.J.R. 237(c)
16:41-8.1, 8.4, 8.5, 8.6	Outdoor advertising	13 N.J.R. 615(a)	R. 1981 d.497	14 N.J.R. 46(d)
16:41A-7.1	Outdoor Advertising Tax Act	13 N.J.R. 616(a)	R. 1981 d.496	14 N.J.R. 47(a)
16:51	Recodified as 16:73	13 N.J.R. 881(a)	R. 1982 d.40	14 N.J.R. 209(a)
16:51-4	Repealed: Delegation of powers	13 N.J.R. 881(a)	R. 1982 d.40	14 N.J.R. 209(a)
16:53-2	Autobus specifications	13 N.J.R. 834(a)	R. 1982 d.30	14 N.J.R. 160(b)
16:54	Licensing of aeronautical facilities	12 N.J.R. 289(a)	R. 1981 d.141	13 N.J.R. 374(c)
16:54-1.3	"Commercial purposes" and balloon operations	14 N.J.R. 326(a)	R. 1982 d.175	14 N.J.R. 580(e)
16:56-3	Repeal aircraft registry logs	13 N.J.R. 457(b)	R. 1981 d.341	13 N.J.R. 616(b)
16:58-2	Repealed: Sport parachuting license rules	14 N.J.R. 1289(b)	R. 1983 d.8	15 N.J.R. 162(c)
16:65-9	Corporate reorganization of contractors	13 N.J.R. 524(a)	R. 1981 d.399	13 N.J.R. 779(c)
16:72	N.J. Transit procurement policies and procedures	13 N.J.R. 158(a)	R. 1981 d.176	13 N.J.R. 374(d)
16:73	Reduced Fare Transportation Program	13 N.J.R. 881(a)	R. 1982 d.40	14 N.J.R. 209(a)

(Title 16, Transmittal 15 dated March 19, 1981)

TREASURY-GENERAL-TITLE 17

17:1-1.1	Administration and receipt of checks	13 N.J.R. 616(c)	R. 1981 d.427	13 N.J.R. 779(d)
17:1-1.3, 1.8, 1.18, 1.19	Transfer between retirement systems; hearings	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-1.5	Pensions: Monthly transmittals and interest charges	15 N.J.R. 80(b)	R. 1983 d.77	15 N.J.R. 448(b)
17:1-1.10	Pensions: Audit differences and minimum adjustments	14 N.J.R. 1200(a)	R. 1982 d.470	15 N.J.R. 36(b)
17:1-1.14	Annual reports of salary changes	14 N.J.R. 200(a)	R. 1982 d.358	14 N.J.R. 1163(c)
17:1-1.15	Credit unions and direct deposit agreements	13 N.J.R. 883(a)	R. 1982 d.20	14 N.J.R. 161(b)
17:1-1.24	Pensioners' Health Plan: Coverage and termination	14 N.J.R. 35(b)	R. 1982 d.59	14 N.J.R. 237(d)
17:1-1.24	Pensioners' Group Health Insurance	14 N.J.R. 328(a)	R. 1982 d.346	14 N.J.R. 1163(d)
17:1-2.3	Alternate Benefit Program: Salary agreements and deductions	14 N.J.R. 1149(a)	R. 1982 d.438	14 N.J.R. 1464(a)
17:1-2.22, 2.23	Alternate Benefit Program: Life and disability insurance	14 N.J.R. 1200(b)	R. 1982 d.483	15 N.J.R. 95(c)
17:1-2.36	Alternate Benefit Program: Transfers and interest	14 N.J.R. 1201(a)	R. 1982 d.480	15 N.J.R. 96(a)
17:1-4.6, 4.25	Transfers and hearings	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-4.11	Pension purchases and final payments	14 N.J.R. 328(b)	R. 1982 d.347	14 N.J.R. 1163(e)
17:1-4.13, 4.34	Pensions: Service credit; purchases	14 N.J.R. 1201(b)	R. 1982 d.469	15 N.J.R. 36(c)
17:1-4.33	Leaves of absence for maternity	13 N.J.R. 617(b)	R. 1981 d.428	13 N.J.R. 779(e)
17:1-5.-7	Hearing request; Adjustment Program	14 N.J.R. 1290(a)	R. 1982 d.491	15 N.J.R. 95(b)
17:1-8.12	Social Security: Employer penalties for late filings	14 N.J.R. 1202(a)	R. 1982 d.471	15 N.J.R. 37(a)
17:1-12.1	Division of Pensions administrative priorities	14 N.J.R. 329(a)	R. 1982 d.350	14 N.J.R. 1164(a)
17:1-12.2	Loan information	14 N.J.R. 1201(b)	R. 1982 d.469	15 N.J.R. 36(c)
17:1-12.3	Retirement system loans	14 N.J.R. 1447(b)	R. 1983 d.39	15 N.J.R. 245(a)
17:2-2.3, 3.3	PERS: Ineligibility; contributory insurance	14 N.J.R. 1150(a)	R. 1983 d.7	15 N.J.R. 162(d)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
7.1, 7.2	rates; interfund transfers			
17:2-3.3	PERS: Contributory insurance rate	14 N.J.R. 200(b)	R. 1982 d.343	14 N.J.R. 1164(b)
17:2-3.9	Repealed: PERS insurance liability for unenrolled members	15 N.J.R. 16(a)	R. 1983 d.76	15 N.J.R. 449(a)
17:2-3.12, -5	PERS: Beneficiary designation: purchases	14 N.J.R. 1151(a)	R. 1983 d.6	15 N.J.R. 163(a)
17:2-6.26	PERS: Critical disability claims	13 N.J.R. 748(a)	R. 1981 d.515	14 N.J.R. 105(a)
17:3-1.1	Teachers' Pension: Board meetings	14 N.J.R. 201(a)	R. 1982 d.344	14 N.J.R. 1164(c)
17:3-1.11, 3.12	Teachers' Pension and Annuity Fund	14 N.J.R. 1202(b)	R. 1983 d.78	15 N.J.R. 449(b)
17:3-5	Teachers' Pension: Purchase and eligible service	13 N.J.R. 618(b)	R. 1981 d.510	14 N.J.R. 105(b)
17:3-5.5, 6.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d.78	15 N.J.R. 449(b)
17:3-6.4	Loan repayments to teachers' fund	13 N.J.R. 748(b)	R. 1982 d.14	14 N.J.R. 161(c)
17:3-6.15	Teachers' Pension: Compulsory retirement	13 N.J.R. 620(a)	R. 1981 d.509	14 N.J.R. 105(c)
17:3-6.25	Teacher's fund: Critical disability claims	13 N.J.R. 749(a)	R. 1982 d.15	14 N.J.R. 161(d)
17:3-7.1, 7.2	Teachers' Pension	14 N.J.R. 1202(b)	R. 1983 d.78	15 N.J.R. 449(b)
17:4-1.1	Police and firemen's pension board meetings	13 N.J.R. 938(a)	R. 1982 d.64	14 N.J.R. 284(c)
17:4-1.12	Police and Firemen's Retirement: Proof of age	14 N.J.R. 1204(a)	R. 1983 d.4	15 N.J.R. 163(b)
17:4-3.6	Police and Firemen's Retirement: Insurance liability	14 N.J.R. 1291(a)	R. 1983 d.47	15 N.J.R. 342(c)
17:4-5	Police and firemen's purchases and eligible service	13 N.J.R. 682(a)	R. 1982 d.4	14 N.J.R. 161(e)
17:4-5.1, 6.2, 6.6	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d.292	13 N.J.R. 525(c)
17:4-5.3, 5.6, 6.4, 7.1, 7.2	Police and Firemen's Retirement System changes	14 N.J.R. 1204(b)	R. 1983 d.3	15 N.J.R. 163(c)
17:4-6.13	Police and firemen's critical disability claims	13 N.J.R. 684(a)	R. 1982 d.5	14 N.J.R. 162(a)
17:4-6.14	Insurance purchases and retirement	13 N.J.R. 310(b)	R. 1982 d.292	13 N.J.R. 525(c)
17:5-1.9	State Police Retirement: Proof of age	14 N.J.R. 1205(a)	R. 1983 d.49	15 N.J.R. 342(d)
17:5-2.4	State Police Retirement System	14 N.J.R. 1448(a)	R. 1983 d.48	15 N.J.R. 342(e)
17:5-2.5	State Police pension coverage and unpaid leaves	13 N.J.R. 938(b)	R. 1982 d.65	14 N.J.R. 284(d)
17:5-4.1, 4.2 4.3	State Police pension purchases and eligible service	13 N.J.R. 939(a)	R. 1982 d.66	14 N.J.R. 284(e)
17:5-5.15	State Police: Critical disability claims	13 N.J.R. 939(a)	R. 1982 d.67	14 N.J.R. 285(a)
17:5-6.1, 6.2	State Police Retirement: Interfund transfers	14 N.J.R. 1292(a)	R. 1983 d.46	15 N.J.R. 343(a)
17:6-1.9	Consolidated Police and Firemen's: Interest charge	14 N.J.R. 1293(a)	R. 1983 d.35	15 N.J.R. 163(d)
17:6-3.9	Consolidated police and firemen's disability	13 N.J.R. 749(b)	R. 1982 d.349	14 N.J.R. 1164(d)
17:7-3.10	Prison officers' fund: Disability claims	13 N.J.R. 750(a)	R. 1982 d.89	14 N.J.R. 347(c)
17:8-4	Supplemental Annuity: Voluntary employee contributions	14 N.J.R. 556(b)	R. 1982 d.348	14 N.J.R. 1164(e)
17:9-1.4, 1.6, 2.1, 2.2, 2.3, 2.6, 2.7, 2.11	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d.44	15 N.J.R. 343(b)
17:9-4.6	State Health Benefits Program: "Local, full time"	14 N.J.R. 1296(a)	R. 1983 d.43	15 N.J.R. 343(c)
17:9-5.3, 5.5, 5.6, 5.8, 5.10	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d.44	15 N.J.R. 343(b)
17:9-5.11	Health coverage and 10-month employees	14 N.J.R. 36(a)	R. 1982 d.341	14 N.J.R. 1165(a)
17:9-6.1-6.6, 7.1, 7.2, 7.4	State Health Benefits Commission rules	14 N.J.R. 1293(b)	R. 1983 d.44	15 N.J.R. 343(b)
17:10-3.2	Judicial Retirement System: Maternity leave	14 N.J.R. 201(b)	R. 1982 d.345	14 N.J.R. 1165(b)
17:10-5.10	Judicial Retirement System: Disability	14 N.J.R. 140(a)	R. 1982 d.342	14 N.J.R. 1165(c)
17:12-5.1	Subscription fee for State contract information	14 N.J.R. 1085(b)	R. 1982 d.481	15 N.J.R. 96(b)
17:16-5.1-5.6	State Investment Council funds	14 N.J.R. 329(b)	R. 1982 d.397	14 N.J.R. 1220(d)
17:16-5.5	Classification of funds: Temporary reserve group	13 N.J.R. 620(c)	R. 1982 d.188	14 N.J.R. 663(a)
17:16-11.3, 12.2, 12.3	Investment rules	13 N.J.R. 526(b)	R. 1982 d.192	14 N.J.R. 663(b)
17:16-27.1	Collateralized Certificates of deposit	13 N.J.R. 528(a)	R. 1982 d.191	14 N.J.R. 663(c)
17:16-28.3, 28.4, 29.3	Investment rules	13 N.J.R. 526(b)	R. 1982 d.192	14 N.J.R. 663(b)
17:16-31.9, 40.1	Administrative expenses; collateralized securities	13 N.J.R. 528(a)	R. 1982 d.191	14 N.J.R. 663(c)
17:16-31.15	Cash Management Fund: Statement correction	14 N.J.R. 899(a)	R. 1982 d.363	14 N.J.R. 1166(a)
17:16-42.2, 42.4	Covered call options: Expanded trading	13 N.J.R. 750(b)	R. 1982 d.193	14 N.J.R. 663(d)
17:16-42.3	Investment rules	13 N.J.R. 526(b)	R. 1982 d.192	14 N.J.R. 663(b)
17:16-43.1, 43.2	Mortgage-backed securities	14 N.J.R. 652(a)	R. 1982 d.396	14 N.J.R. 1221(a)
17:16-44	State Employees Deferred Compensation Plan	14 N.J.R. 900(a)	R. 1982 d.362	14 N.J.R. 1166(b)
17:20-10	Correction to Code: Lottery ticket rules			15 N.J.R. 166(a)
17:26-2	Spill compensation tax and Federal Superfund.	14 N.J.R. 36(b)	R. 1982 d.79	14 N.J.R. 285(b)
(Title 17, Transmittal 16 dated September 15, 1981)				
TREASURY-TAXATION-TITLE 18				
18:3-1.2, 2.1	New Jersey wines	13 N.J.R. 839(a)	R. 1982 d.181	14 N.J.R. 664(a)
18:5-12.5	Penalty for smuggling unstamped cigarettes	14 N.J.R. 331(a)	R. 1982 d.256	14 N.J.R. 920(e)
18:7-1.1	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-1.15	Investment company defined	13 N.J.R. 684(b)	R. 1982 d.34	14 N.J.R. 209(b)
18:7-3	Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d.6	14 N.J.R. 105(d)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
18:7-3.1, 3.3, 3.4	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-3.5	Corporation Business Tax and short table	14 N.J.R. 826(b)	R. 1982 d.395	14 N.J.R. 1221(b)
18:7-3.14	Correction: Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d.6	14 N.J.R. 1065(a)
18:7-4.1, 4.10, 5.2, 8.5	Corporation Business Tax changes	14 N.J.R. 1206(a)	R. 1983 d.62	15 N.J.R. 343(d)
18:7-11.12	Emergency extension for filing corporate return	Emergency	R. 1981 d.163	13 N.J.R. 377(a)
18:7-11.12, 13.6, 14.2	Installment payments for corporation tax	13 N.J.R. 688(a)	R. 1982 d.6	14 N.J.R. 105(d)
18:12-6A.8	Multiple dwelling exemptions and tax list designations (joint adoption, see 5:22-2.6)	14 N.J.R. 72(b)	R. 1982 d.78	14 N.J.R. 278(b)
18:12-7.12	Emergency adoption: Extension of time to file homestead rebate claim	Emergency	R. 1981 d.474	13 N.J.R. 948(b)
18:12-7.12	Readopted: Homestead rebate filing extension	13 N.J.R. 948(b)	R. 1982 d.41	14 N.J.R. 212(a)
18:12-7.12	Homestead Rebate: Extension of time to file	Emergency	R. 1982 d.439	14 N.J.R. 1466(a)
18:12-9	Mobile homes tax moratorium (local property)	13 N.J.R. 162(b)	R. 1981 d.207	13 N.J.R. 462(c)
18:12A-1.6	Appeals to county tax boards	14 N.J.R. 231(a)	R. 1982 d.176	14 N.J.R. 580(f)
18:12A-1.12	Local property tax	13 N.J.R. 621(a)	R. 1981 d.478	13 N.J.R. 948(c)
18:12A-1.20	County boards of taxation	13 N.J.R. 44(d)	R. 1981 d.44	13 N.J.R. 165(a)
18:14-1.1, 2.2, 2.3, 2.4, 2.7, 2.8, 2.10, 3.4, 3.6, 3.9, 3.10	Local property tax senior citizens deduction	13 N.J.R. 462(d)	R. 1981 d.426	13 N.J.R. 779(f)
18:18-3.6	Distributors and gas jobbers bond ceiling	14 N.J.R. 202(a)	R. 1982 d.140	14 N.J.R. 430(a)
18:19-1.1, 2.1, 2.2, 2.6, 2.10, 3.1, 3.3	Gallon and liter pricing of motor fuels	13 N.J.R. 855(a)	R. 1982 d.77	14 N.J.R. 285(c)
18:19-2.2	Retail gasoline prices display	14 N.J.R. 331(b)	R. 1982 d.257	14 N.J.R. 921(a)
18:19-2.7	Cash discounts: Motor fuel sales	14 N.J.R. 705(a)	R. 1982 d.369	14 N.J.R. 1166(c)
18:24-2.3	Sales and Use Tax Act	13 N.J.R. 163(a)	R. 1981 d.209	13 N.J.R. 465(a)
18:24-2.15	Sales tax recordkeeping standards	13 N.J.R. 751(a)	R. 1982 d.36	14 N.J.R. 212(b)
18:24-5.7	Capital improvement installations and sales tax	14 N.J.R. 140(b)	R. 1982 d.141	14 N.J.R. 430(b)
18:24-7.19	Sales and Use Tax Act	13 N.J.R. 163(b)	R. 1981 d.206	13 N.J.R. 465(b)
18:24-12.4	Sales Tax exemptions	13 N.J.R. 111(a)	R. 1981 d.210	13 N.J.R. 465(c)
18:24-24.2	Underground gas tanks as real property	13 N.J.R. 883(b)	R. 1982 d.85	14 N.J.R. 348(a)
18:24-27.1, 27.2	Sales and Use Tax Act	13 N.J.R. 164(a)	R. 1981 d.208	13 N.J.R. 465(d)
18:24-28	Taxation of purchase or use of race horses	13 N.J.R. 622(a)	R. 1981 d.436	13 N.J.R. 847(c)
18:26-2.12, 5.9, 5.17, 5.19, 6.16, 6.17, 8.6, 8.12	Transfer Inheritance Tax	13 N.J.R. 623(a)	R. 1981 d.477	13 N.J.R. 948(d)
18:26-8.7	Pre-audit payment of inheritance tax	14 N.J.R. 1153(a)	R. 1982 d.445	14 N.J.R. 1464(b)
18:35-1.15	Exclusions from taxable gross income	14 N.J.R. 271(a)	R. 1982 d.164	14 N.J.R. 581(a)
18:35-1.16	All-savers interest exclusion	14 N.J.R. 332(a)	R. 1982 d.258	14 N.J.R. 921(b)
18:35-2	Debt liability and tax refunds and rebates	13 N.J.R. 940(a)	R. 1982 d.161	14 N.J.R. 474(b)
18:35-2.3, 2.4, 2.5, 2.7	Gross income tax refunds and debt setoff	14 N.J.R. 705(b)	R. 1982 d.479	15 N.J.R. 37(b)

(Title 18, Transmittal 16 dated January 14, 1981)

TITLE 19 SUBTITLES A-L—OTHER AGENCIES (Except Casino Control Commission)

5:90	Repealed: Urban Loan Authority rules	14 N.J.R. 558(a)	R. 1982 d.288	14 N.J.R. 983(a)
19:1-1.6	Debarment and suspension from contracting	14 N.J.R. 1050(a)	R. 1982 d.413	14 N.J.R. 1310(b)
19:1-5	Home improvement loan program	13 N.J.R. 312(b)	R. 1981 d.268	13 N.J.R. 529(c)
19:4-3.2	Meadowlands zoning exemptions	14 N.J.R. 231(b)	R. 1982 d.163	14 N.J.R. 581(b)
19:4-4.142	Variances and appeals	13 N.J.R. 529(d)	R. 1981 d.446	13 N.J.R. 847(d)
19:4-5.17	Meadowlands variances	13 N.J.R. 694(a)	R. 1982 d.1	14 N.J.R. 162(b)
19:4-6.25	Variances and appeals	13 N.J.R. 529(d)	R. 1981 d.446	13 N.J.R. 847(d)
19:4-6.26	Meadowlands variances	13 N.J.R. 694(a)	R. 1982 d.1	14 N.J.R. 162(b)
19:4-6.28	District zoning; change in zoning map	13 N.J.R. 624(a)	R. 1981 d.467	13 N.J.R. 895(c)
19:8-1.2	Speed limits on Garden State Parkway	14 N.J.R. 827(a)	R. 1982 d.325	14 N.J.R. 1101(a)
19:8-1.9	Autobus length allowable on Parkway	14 N.J.R. 333(a)	R. 1982 d.116	14 N.J.R. 581(c)
19:8-2.11	Garden State Arts Center	13 N.J.R. 247(e)	R. 1981 d.169	13 N.J.R. 378(a)
19:8-2.12	Emergency service	13 N.J.R. 165(b)	R. 1981 d.115	13 N.J.R. 315(a)
19:8-3.1	Tolls on Garden State Parkway	13 N.J.R. 248(a)	R. 1981 d.170	13 N.J.R. 378(b)
19:8-7.3	State Police motor vehicle accident reports	13 N.J.R. 531(a)	R. 1981 d.387	13 N.J.R. 780(a)
19:8-9	Off-premise outdoor advertising along Parkway	14 N.J.R. 901(a)	R. 1982 d.361	14 N.J.R. 1166(d)
19:9-1.9	Out-of-service school buses	13 N.J.R. 751(b)	R. 1981 d.520	14 N.J.R. 106(a)
19:9-1.9	Bus length on Turnpike	14 N.J.R. 1087(a)	R. 1982 d.448	14 N.J.R. 1464(c)
19:9-2.1	Hearing officer in rejected bidder appeals	14 N.J.R. 974(a)	R. 1982 d.446	14 N.J.R. 1464(d)
19:9-3.1	Towing rates	13 N.J.R. 49(b)	R. 1981 d.37	13 N.J.R. 165(c)
19:9-4.2	Fees for photographs and slides	14 N.J.R. 974(b)	R. 1982 d.447	14 N.J.R. 1464(e)
19:12	PERC: Negotiations and impasse procedures	Organizational	R. 1981 d.357	13 N.J.R. 625(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT CITATION	ADOPTION NOTICE (N.J.R. CITATION)
19:16	Firemen and Police: Negotiations	Organizational	R. 1981 d.357	13 N.J.R. 625(a)
19:25-8	Financial disclosure by legislative agents	13 N.J.R. 695(a)	R. 1981 d.471	13 N.J.R. 895(d)
19:25-8	Interpretive statement on disclosure	13 N.J.R. 695(a)	R. 1981 d.471	14 N.J.R. 392(a)
19:25-15	Public Financing of General Election for Governor	13 N.J.R. 49(a)	R. 1981 d.54	13 N.J.R. 248(b)
19:25-15.38, 15.39	Correction: Political action committees	13 N.J.R. 49(a)	R. 1981 d.54	15 N.J.R. 96(c)
19:25-19.1	Severability	13 N.J.R. 49(a)	R. 1981 d.54	13 N.J.R. 248(b)
19:30-2.1-2.3	Economic Development Authority fees	13 N.J.R. 248(c)	R. 1981 d.245	13 N.J.R. 465(e)
19:30-4.2	Targeting of authority assistance	13 N.J.R. 625(b)	R. 1981 d.457	13 N.J.R. 898(a)
19:30-4.4	EDA: Targeting of Authority assistance	13 N.J.R. 165(d)	R. 1981 d.168	13 N.J.R. 378(c)
19:30-5	Debarment of applicants and contractors	12 N.J.R. 356(a)	R. 1981 d.167	13 N.J.R. 378(d)

(Title 19, Transmittal 16 dated January 14, 1981)

TITLE 19 SUBTITLE K-CASINO CONTROL COMMISSION

19:40-1.3	Conflicting terms and conditions	14 N.J.R. 558(b)	R. 1982 d.254	14 N.J.R. 841(a)
19:41-4.3	Employee residency qualifications	14 N.J.R. 37(a)	R. 1982 d.63	14 N.J.R. 285(d)
19:41-7.14	Personal History Disclosure Form 2A	14 N.J.R. 380(b)	R. 1982 d.190	14 N.J.R. 664(b)
19:41-9.1, 9.4	Casino assessments	13 N.J.R. 531(b)	R. 1981 d.367	13 N.J.R. 709(a)
19:41-9.7	Hotel alcoholic beverage license fees	14 N.J.R. 1364(a)	R. 1983 d.80	15 N.J.R. 449(c)
19:41-9.9A	Junkets	Emergency	R. 1983 d.37	15 N.J.R. 257(a)
19:41-9.12, 9.13, 9.14, 9.16	Fixed fees and employee licensing	14 N.J.R. 38(a)	R. 1982 d.57	14 N.J.R. 237(e)
19:41-9.15	Hotel employee registration fee	14 N.J.R. 232(a)	R. 1982 d.162	14 N.J.R. 581(d)
19:41-9.19	Casino assessments	13 N.J.R. 531(b)	R. 1981 d.367	13 N.J.R. 709(a)
19:41-11.1, 11.2, 11.3	Casino licensee agreements	13 N.J.R. 626(a)	R. 1981 d.439	13 N.J.R. 847(e)
19:41-12.5	Casino assessments	13 N.J.R. 531(b)	R. 1981 d.367	13 N.J.R. 709(a)
19:42-4.1-4.5	Exclusion of persons: Hearings	14 N.J.R. 904(a)	R. 1982 d.359	14 N.J.R. 1167(a)
19:43-1.1, 1.2	Casino licensing requirements	13 N.J.R. 627(a)	R. 1981 d.440	13 N.J.R. 848(a)
19:43-1.3	Service industry applications	14 N.J.R. 827(b)	R. 1982 d.332	14 N.J.R. 1101(b)
19:43-1.8	Casino service industry licenses	12 N.J.R. 447(a)	R. 1981 d.273	13 N.J.R. 534(a)
19:43-1.8	Casino service industry licenses	12 N.J.R. 447(a)	R. 1981 d.273	13 N.J.R. 534(a)
19:44-17.10	Gaming school exterior advertising	13 N.J.R. 841(a)	R. 1982 d.21	14 N.J.R. 162(c)
19:45	Accounting and internal controls	13 N.J.R. 534(b)	R. 1981 d.437	13 N.J.R. 848(b)
19:45-1.1, 1.8, 1.9	Junkets	Emergency	R. 1983 d.37	15 N.J.R. 257(a)
19:45-1.3, 1.7	Correction: Annual audit	13 N.J.R. 47(c)	R. 1981 d.272	13 N.J.R. 628(a)
19:45-1.3, 1.8, 1.24, 1.44	Casino accounting and internal controls	13 N.J.R. 47(c)	R. 1981 d.272	13 N.J.R. 541(a)
19:45-1.3, 1.24	Internal control; patrons' cash deposits	14 N.J.R. 381(a)	R. 1982 d.189	14 N.J.R. 664(c)
19:45-1.12	Internal and gaming controls	13 N.J.R. 534(b)	R. 1982 d.206	14 N.J.R. 710(d)
19:45-1.15	Gaming plaques	14 N.J.R. 708(a)	R. 1982 d.329	14 N.J.R. 1101(c)
19:45-1.15, 1.34	Gaming control	13 N.J.R. 534(b)	R. 1982 d.171	14 N.J.R. 582(a)
19:45-1.46	Patron coupon redemption programs	14 N.J.R. 203(a)	R. 1982 d.170	14 N.J.R. 582(b)
19:45-1.46	Coupon redemption and complimentary cash programs	14 N.J.R. 559(a)	R. 1982 d.293	14 N.J.R. 983(b)
19:46-1.2	Gaming plaques	14 N.J.R. 708(a)	R. 1982 d.329	14 N.J.R. 1101(c)
19:46-1.3	Gaming chips	13 N.J.R. 534(b)	R. 1981 d.408	13 N.J.R. 780(b)
19:46-1.11, 1.26	Craps table and slot machine rules	13 N.J.R. 534(b)	R. 1981 d.388	13 N.J.R. 780(c)
19:46-1.33	Issuance and use of tokens	14 N.J.R. 569(a)	R. 1982 d.330	14 N.J.R. 1101(d)
19:47-1.2, 1.4	Craps wagering	13 N.J.R. 534(b)	R. 1981 d.388	13 N.J.R. 780(c)
19:47-1.6	"Double odds" option in craps	14 N.J.R. 382(a)	R. 1982 d.230	14 N.J.R. 838(e)
19:47-2	Blackjack play and wagering	14 N.J.R. 559(b)	R. 1982 d.255	14 N.J.R. 841(b)
19:47-2.5	Blackjack shuffle and cut of cards	14 N.J.R. 567	R. 1982 d.305	14 N.J.R. 991(a)
19:47-2.6	Correction: Blackjack dealing	14 N.J.R. 566	R. 1982 d.255	14 N.J.R. 983(c)
19:47-2.6, 2.8	Emergency Blackjack surrender revisions	Emergency	R. 1981 d.301	13 N.J.R. 629(a)
19:47-2.6, 2.8	Readopt Blackjack wagering changes	13 N.J.R. 534(b)	R. 1981 d.368	13 N.J.R. 709(b)
19:47-2.12	Blackjack play	13 N.J.R. 534(b)	R. 1981 d.388	13 N.J.R. 780(c)
19:47-2.13	Emergency Blackjack wagering	Emergency	R. 1981 d.301	13 N.J.R. 629(a)
19:47-2.13	Readopt Blackjack wagering	13 N.J.R. 534(b)	R. 1981 d.368	13 N.J.R. 709(b)
19:47-5.2	Roulette payout odds	13 N.J.R. 534(b)	R. 1981 d.388	13 N.J.R. 780(c)
19:47-5.7	Minimum and maximum wagering	13 N.J.R. 534(b)	R. 1981 d.368	13 N.J.R. 709(b)
19:47-5.7	Blackjack wagering	14 N.J.R. 559(b)	R. 1982 d.255	14 N.J.R. 841(b)
19:48-1.1, 1.4, 1.5, 1.8	Exclusion of persons: Hearings	14 N.J.R. 904(a)	R. 1982 d.359	14 N.J.R. 1167(a)
19:49	Junkets	Emergency	R. 1983 d.37	15 N.J.R. 257(a)
19:50-1.6	Alcoholic beverage control	13 N.J.R. 541(b)	R. 1981 d.438	13 N.J.R. 849(a)
19:51-1.1-1.4	Advertising	13 N.J.R. 542(a)	R. 1981 d.409	13 N.J.R. 780(d)
19:52-1.3	Nightly entertainment	13 N.J.R. 543(a)	R. 1981 d.369	13 N.J.R. 709(c)

(Title 19 Subtitle K, Transmittal 3 dated January 14, 1981)



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CONTENTS

(Continued From Front Cover)

OTHER AGENCIES

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Zoning change in Secaucus 532(a)

CASINO CONTROL COMMISSION

Readopt rules on Applications 532(b)

Readopt rules on Hearings 534(a)

Readopt Casino Hotel Alcoholic Beverage Control
rules 539(a)

RULE ADOPTIONS

OFFICE OF ADMINISTRATIVE LAW

Correction: Agency rulemaking 543(a)

CIVIL SERVICE

Hearings: Decision notification 543(b)

ENVIRONMENTAL PROTECTION

Readopted: Fisheries closures and advisories 543(c)

HEALTH

Repealed: Children's boarding home rules 544(a)

Retail food establishments; vending machines 544(b)

HUMAN SERVICES

GAM: Residential health care rates 550(a)

LAW AND PUBLIC SAFETY

In-State clinical training by foreign medical schools .. 550(b)

Board of Pharmacy fees 553(a)

Thoroughbred racing: License fees 553(b)

Harness racing: License fees 554(a)

TRANSPORTATION

Drawbridge use on Route 35 in Old Bridge-Sayerville . 554(b)

HIGHWAY AUTHORITY

Emergency service fees on Garden State Parkway 554(c)

EMERGENCY ADOPTION

TRANSPORTATION

Parking on Route 23 in Sussex County 555(a)

MISCELLANEOUS NOTICES

EDUCATION

Programs for preschool handicapped children 556(a)

INDEX OF ADOPTED RULES 557

Filing Deadlines

May 2 issue:

Proposals April 7

Adoptions April 18