

# NEW JERSEY REGISTER



The State's Official Monthly Rules Publication

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**VOLUME 9 • NUMBER 5**

May 5, 1977 • Indexed 9 N.J.R. 205-248

(Includes all rules filed through April 12)

## INDEX OF RULES IN THIS ISSUE

### AGRICULTURE

- Emergency rule on breeding swine ..... 9 N.J.R. 206(a)
- Fees for disease control program ..... 9 N.J.R. 206(b)
- Revise minimum milk prices ..... 9 N.J.R. 206(c)

### BANKING

- Opinion on call options ..... 9 N.J.R. 206(d)
- Proposed loan limitations ..... 9 N.J.R. 207(a)
- Revisions on required reserves ..... 9 N.J.R. 207(b)

### CIVIL SERVICE

- Revise local jurisdictions ..... 9 N.J.R. 207(c)
- Revise lateral title changes ..... 9 N.J.R. 208(a)
- Revise shift security overtime ..... 9 N.J.R. 209(a)

### COMMUNITY AFFAIRS

- Interpret building subcode ..... 9 N.J.R. 210(a)
- Proposed emergency subcode ..... 9 N.J.R. 210(b)
- Proposed urban loan procedures ..... 9 N.J.R. 210(c)
- Rule on fund certificate ..... 9 N.J.R. 211(a)
- Rules on local contract ..... 9 N.J.R. 212(a)

### EDUCATION

- Rules on seniors' transportation ..... 9 N.J.R. 212(b)

### ENVIRONMENTAL PROTECTION

- Proposed new Game Code ..... 9 N.J.R. 213(a)
- Proposed nuclear medicine rule ..... 9 N.J.R. 213(b)
- Notice on variances hearing ..... 9 N.J.R. 216(a)
- Notice of clean air hearing ..... 9 N.J.R. 217(a)
- Rules on Passaic Basin streams ..... 9 N.J.R. 217(b)
- Rules on petroleum discharge ..... 9 N.J.R. 217(c)
- Coastal facility review rules ..... 9 N.J.R. 218(a)
- Rule on stream encroachments ..... 9 N.J.R. 218(b)
- Amend Raritan Basin floodways ..... 9 N.J.R. 218(c)
- Amend Rahway River floodways ..... 9 N.J.R. 218(d)
- Revise Parks Bureau jurisdiction ..... 9 N.J.R. 218(e)
- Revise Island Beach Park permits ..... 9 N.J.R. 219(a)
- Rule on certification licenses ..... 9 N.J.R. 219(b)

### HEALTH

- Proposed cosmetic labeling rule ..... 9 N.J.R. 219(c)
- Proposed cosmetic package rule ..... 9 N.J.R. 219(d)
- Proposed need certificate revisions ..... 9 N.J.R. 220(a)
- Proposed ambulatory care changes ..... 9 N.J.R. 220(b)
- Notice on public health licensing ..... 9 N.J.R. 221(a)
- Adopt care facility review ..... 9 N.J.R. 221(b)
- Standards for hemophilia care ..... 9 N.J.R. 221(c)
- Rule on ambulatory care licensing ..... 9 N.J.R. 222(a)
- Local health services revised ..... 9 N.J.R. 222(b)

### HUMAN SERVICES

- Proposed welfare hearing changes ..... 9 N.J.R. 222(c)
- Proposed welfare loan revisions ..... 9 N.J.R. 222(d)
- Proposed fraudulent aid changes ..... 9 N.J.R. 223(a)
- Proposed WIN program changes ..... 9 N.J.R. 223(b)
- Proposed pharmacist consultant rules ..... 9 N.J.R. 224(a)
- Proposed pharmacist changes ..... 9 N.J.R. 225(a)
- Adopt drug services rules ..... 9 N.J.R. 237(a)
- Adopt day care services rules ..... 9 N.J.R. 238(a)
- Revise hospitalization costs ..... 9 N.J.R. 238(b)
- Revise unwed mother payments ..... 9 N.J.R. 238(c)
- Revise food stamp manual ..... 9 N.J.R. 238(d)
- Revise assistance standards ..... 9 N.J.R. 238(e)

### INSURANCE

- Revise auto insurance plan ..... 9 N.J.R. 239(a)

### LAW AND PUBLIC SAFETY

- Proposed temporary veterinary permits ..... 9 N.J.R. 239(b)

### TRANSPORTATION

- Proposed Route 171 left turns ..... 9 N.J.R. 239(c)
- Proposed Route 23 parking ..... 9 N.J.R. 240(a)
- Adopt U.S. 9, N.J. 29, 23 parking ..... 9 N.J.R. 240(b)
- Revise N.J. 57, 47, 27 parking ..... 9 N.J.R. 241(a)
- Revise U.S. 9, N.J. 47, 181 speeds ..... 9 N.J.R. 241(b)

(Continued on back page)

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Emergency Rule on Imported Breeding Swine

On March 25, 1977, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule, to be cited as N.J.A.C. 2:3-2.12, concerning imported breeding swine.

Full text of the adopted rule follows:

2:3-2.12 All imported breeding swine; not infected with pseudorabies

All imported breeding swine must come from a herd that has not been infected with pseudorabies in the past 60 days. Individuals must have been negative to a serum neutralization test within 30 days of entry conducted at a State or Federal laboratory.

An order adopting this rule was filed and became effective on March 29, 1977, as R.1977 d.108 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Adopt Fees for Disease Control Program

On March 25, 1977, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedural rule concerning fees for the bovine leukemia glycoprotein immunodiffusion test (BL-GID).

Full text of the adopted rule follows:

2:2-9.2 Bovine leukemia glycoprotein immunodiffusion test (BL-GID); fee

The fee for each sample submitted to the New Jersey State Department of Agriculture, Division of Animal

Health, and which is tested for bovine leukemia glycoprotein immunodiffusion (BL-GID) by the division, utilizing the bovine leukemia glycoprotein immunodiffusion test, shall be \$4.00.

An order adopting this rule was filed on March 29, 1977, as R.1977 d.109 (Exempt, Procedure Rule) to become effective on April 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Revisions on Minimum Milk Prices

On April 5, 1977, Woodson W. Moffett, Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions concerning minimum milk prices which delete the current text of N.J.A.C. 2:49-1.1(b) and adopt new text therein.

Full text of the revised rule follows:  
2:49-1.1(b) Effective May 1, 1977, minimum milk prices under Order 69-1 will be 38½ cents per quart, 72 cents per half-gallon, and \$1.38 per gallon. This amendment shall be effective from and after May 1, 1977.

An order adopting these revisions was filed on April 11, 1977, as R.1977 d.123 (Exempt, Procedure Rule) to become effective on May 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## BANKING

### THE COMMISSIONER

#### Notice of Advisory Opinion Concerning Covered Call Options

Take notice that, Roger F. Wagner, Acting Commissioner of Banking, has issued the following advisory opinion concerning covered call options:

## NEW JERSEY REGISTER

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

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*The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by the same Division. Subscription rates for this 31-volume, loose-leaf compendium of all State administrative rules are available on request, based on the Departmental coverage desired.*

#### ADVISORY OPINION 1-1977

In our examinations, the Department of Banking shall not consider the writing of covered call options as being intrinsically speculative and a qualified bank in exercising its fiduciary powers and responsibilities may write covered call options, provided (1) such transactions can reasonably be construed as a method of investment to achieve the desired objectives of the trust estate as set out in the trust instrument or where the institution may invest under the provisions of the "Prudent Investment Law", (2) such transactions are with one of the designated national securities exchanges whose plans regulating such transactions have been declared effective by the Securities and Exchange Commission, and, (3) the underlying securities are held by a bank qualified to issue option exchange escrow receipts.

The only purchase transaction that a qualified bank may enter into is a designated closing purchase transaction to terminate its writer's obligation. Such a closing transaction must be recognized and accepted by the Clearing Corporation as a closing purchase transaction.

Nothing herein is intended to change, alter, rescind or modify the powers and limitations conferred or imposed on qualified banks. Any institution exercising the noted powers does so at its own risk. The position taken by the department will not prevent its examiners from criticizing the administration of such accounts by an individual institution nor will it prevent appropriate classifications if indicated by our review.

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

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## BANKING

### DIVISION OF SAVINGS AND LOAN

#### ASSOCIATIONS

##### Proposed Revisions on Limitations And Excludable Loans

The Department of Banking, pursuant to authority of N.J.S.A. 17:12B-168, proposes to revise two of its rules concerning limitations and excludable loans regarding real estate loans and investments.

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

##### 3:27-5.1 Limitations

The amount of any real estate loan or investment by a State association for ["any one property", as that language is used in Section 168,] **any one property** containing [more than one "dwelling unit"] **one or more dwelling units** as defined in section 4 (Definitions) of this subchapter, shall not exceed \$60,000 per dwelling unit or an amount equal to 2½ per cent of a State association's assets, whichever is greater. The total amount owing to a State association upon all such loans and investments in excess of \$60,000 per dwelling unit shall not exceed 40 per cent of the aggregate amount owing to it on all of its mortgage loans at the time any such loan or investment in excess of \$60,000 per dwelling unit is made.

##### 3:27-5.3 Excludable loans

When the principal balance of any loan subject to the limitations of this section has been reduced by amortization or partial prepayment below \$60,000 per dwelling unit, the loan will be excluded when computing the 40 per cent limitation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

William B. Lewis  
Deputy Commissioner  
Savings and Loan Division  
Department of Banking  
Trenton, N.J. 08625

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

Clifford F. Blaze  
Deputy Commissioner  
Department of Banking

(b)

## BANKING

### DIVISION OF BANKING

#### Revisions on Required Reserves

On March 31, 1977, Roger F. Wagner, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-48, 17:9A-311 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 3:8-3.1(c)1. and 3:8-5.1 concerning required reserves, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 112(a).

An order adopting these revisions was filed on March 31, 1977, as R.1977 d.111 to become effective on April 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to Local Jurisdictions Personnel Manual on Departmental Hearings

On March 21, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Part 5-15, Departmental Hearing, of the Civil Service Local Jurisdictions Personnel Manual.

Full text of the revised rules follows:

##### PART 5-15 DEPARTMENTAL HEARING

Subpart 5-15.101 Departmental Hearing Under N.J.A.C. 4:1-5.15 When Disciplinary Action Arises From Indictment Or Criminal Complaint Lodged Against Classified Employees

**5-15.101a Purpose:**

This subpart further interprets N.J.A.C. 4:1-5.15(d) and applies to employees suspended, fined, demoted or removed pending the outcome of indictment or criminal complaint against them to be adjudicated in a court of law.

**5-15.101b Interpretation:**

Please note that N.J.A.C. 4:1-5.15 states:

a. In every disciplinary action involving a permanent employee where the contemplated penalty may be:

1. Suspension of more than five days at one time;
2. Suspensions or fines more than three times or for an aggregate of more than fifteen (15) days in one calendar year;
3. Demotion; or
4. Removal;

the employee shall have the right to a departmental hearing.

b. Such departmental hearings shall be commenced as soon as possible and not later than thirty (30) days after service of a copy of the charges.

**5-15.101c Criminal complaints or indictments:**

If a criminal complaint or indictment is brought against a classified employee a hearing by the department must still be held within 30 days\* unless the employee, in writing, waives the hearing pending the court's disposition of indictment or complaint.

\*Police officers are exempt from prompt departmental hearings if the conditions of N.J.S.A. 40A:14-149.1 are met.

An employee is not prohibited from appealing to the Civil Service Commission for a hearing prior to the disposition of indictment or complaint in court. However, it is the policy of the Civil Service Commission not to schedule such hearings until the criminal issues are disposed of by the Court.

**5-15.101d Departmental charges prior to disciplinary Action:**

When an appointing authority wishes to suspend, fine, remove or demote an employee solely because of an indictment or criminal complaint the Form CS-31A must charge the indictment or complaint itself and the wording therein. A suspension may be for an indefinite time and may extend beyond six months despite N.J.A.C. 4:1-16.7 (a)3, but may not go beyond the date of disposition of the indictment or criminal complaint.

**5-15.101e Departmental hearing:**

Suspension, fine, demotion or removal for indictment or criminal complaint is not mandatory, but if imposed the department must hold a hearing to show good cause why such action is appropriate.

(1) At this hearing the issue should not be the merits of the indictment or complaint but whether they warrant the findings that the public interest would best be served by the contemplated disciplinary action until disposition. Such considerations could include:

- a. Whether the indictment is related to the accused employee's performance of official duties, or
- b. Whether the penalty would inhibit the performance of fellow employees, or
- c. Any other reasonable contention by the appointing authority.

(2) Nevertheless, despite the above an appointing authority if it so decides, is not prohibited from conducting a hearing on the basis of charges and evidence which are related to the merits of the indictment or criminal complaint.

An order adopting these revisions was filed and became effective on March 24, 1977, as R.1977 d.105 (Exempt,

Procedure Rule). Take notice that these revisions are temporary rules, not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to State Service Personnel Manual Concerning Lateral Title Change

On March 21, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the Civil Service Personnel Manual (State Service) concerning lateral title change and departmental hearings.

Full text of the adopted revisions follows:

#### PART 15-2 LATERAL TITLE CHANGE

##### Subpart 15-2.101 Criteria For Retention Of Regular Appointment Status With Title Change

**15-2.101a Subject:**

This subpart provides criteria whereby an employee will retain regular appointment status when his/her title is changed either laterally or demotionally without a qualifying test.

**15-2.101b Policy:**

An employee with permanent status in a class title, who is being appointed to another class title with the same or lower evaluated job content as the title from which he/she is coming, and which includes a skill or skills not encompassed in the employee's present title, may retain RA status without a qualifying test, if proof is submitted that the employee has had RA status in a title which includes such a skill or skills or previously has passed a New Jersey Civil Service examination which includes testing for these skills at the level of the position to which he/she is being appointed.

**Example:**

An employee with RA status as a Senior Clerk Transcriber (A09) can be appointed to a position in the title, Senior Clerk Stenographer (A09) and retain RA status without a qualifying test in stenography if proof is submitted that the employee has had RA status in a title which involved the skill of stenography or if proof is submitted that he/she has passed a New Jersey Civil Service examination which included testing for this skill at the level of the position to which he/she is being appointed, Senior Clerk Stenographer.

Note: A currently valid Clerical Proficiency Certificate for stenography, typing or transcription issued by the Department of Civil Service will be acceptable for retention of permanent status when an employee who has qualified in the clerical skills is appointed to an entrance level title with the same or lower evaluated job content and such title requires stenography, typing or transcription skills.

**Example:**

An employee with RA status in the title, Audit Account Clerk (A05) can be appointed to a position in the title,

Clerk Typist (A05) and retain RA status if the employee has a currently valid Clerical Proficiency Certificate for typing issued by the Department of Civil Service.

#### PART 5-15 DEPARTMENTAL HEARING

##### Subpart 5-15.101 Departmental Hearing Under N.J.A.C. 4:1-5.15 When Disciplinary Action Arises From Indictment or Criminal Complaint Lodged Against Classified Employees

###### 5-15.101a Purpose:

This subpart further interprets N.J.A.C. 4:1-5.15(d) and applies to employees suspended, fined, demoted or removed pending the outcome of indictment or criminal complaint against them to be adjudicated in a court of law.

###### 5-15.101b Interpretation:

Please note that N.J.A.C. 4:1-5.15 states:

a. In every disciplinary action involving a permanent employee where the contemplated penalty may be:

1. Suspension of more than five days at one time;
2. Suspensions or fines more than three times or for an aggregate of more than fifteen (15) days in one calendar year;
3. Demotion; or
4. Removal;

the employee shall have the right to a departmental hearing.

b. Such departmental hearings shall be commenced as soon as possible and not later than thirty (30) days after service of a copy of the charges.

###### 5-15.101c Criminal Complaints or Indictments:

If a criminal complaint or indictment is brought against a classified employee a hearing by the department must still be held within 30 days\* unless the employee, in writing, waives the hearing pending the court's disposition of indictment or complaints.

\*Police officers are exempt from prompt departmental hearings if the conditions of N.J.S.A. 40A:14-149.1 are met.

An employee is not prohibited from appealing to the Civil Service Commission for a hearing prior to the disposition of indictment or complaint in court. However, it is the policy of the Civil Service Commission not to schedule such hearings until the criminal issues are disposed of by the Court.

###### 5-15.101d Departmental Charges Prior To Disciplinary Action:

When an appointing authority wishes to suspend, fine, remove or demote an employee solely because of an indictment or criminal complaint; the Form CS-31A must charge the indictment or complaint itself and the wording therein. A suspension may be for an indefinite time and may extend beyond six months despite N.J.A.C. 4:1-16.7(a)3, but may not go beyond the date of disposition of the indictment or criminal complaint.

###### 5-15.101e Departmental Hearing:

Suspension, fine, demotion or removal for indictment or criminal complaint is not mandatory, but if imposed the department must hold a hearing to show good cause why such action is appropriate.

(1) At this hearing the issue should not be the merits of the indictment or complaint but whether they warrant the findings that the public interest would best be served by the contemplated disciplinary action until disposition. Such considerations could include:

a. Whether the indictment is related to the accused employee's performance of official duties, or

b. Whether the penalty would inhibit the performance of fellow employees, or

c. Any other reasonable contention by the appointing authority.

(2) Nevertheless, despite the above an appointing authority if it so decides, is not prohibited from conducting a hearing on the basis of charges and evidence which are related to the merits of the indictment or criminal complaint.

An order adopting these revisions was filed on March 25, 1977, as R.1977 d.106 (Exempt, Procedural Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Revisions to State Service Personnel Manual Concerning Overlap Shift Security Overtime

On March 22, 1977, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to Subpart 7-4.102 of the Civil Service Personnel Manual (State Service) concerning overlap shift security overtime.

Full text of the adopted text follows:

##### Subpart 7-4.102 Overlap Shift Security Overtime

###### 7-4.102a Subject:

This subpart is an amendment to the Overtime Regulations (reprinted in 7-4.101) in reference to overtime worked on overlap shifts. This amendment was effective as of February 1, 1976.

###### 7-4.102b Provisions:

1. In recognition of the fact that Sergeants and Lieutenants at the respective institutions and Sergeants at the Clinton Reformatory for Women who have custodial responsibility during the full eight (8) hours of their shift, must be on duty for an additional period of approximately 15 minutes, on the average, each day while the counting of inmates is verified by the succeeding shift such individuals will be credited with one hour and 20 minutes (total—80 minutes) of overtime per week and will be paid for such time at the rate of time and one half.

2. To qualify to receive this overtime an individual must be on duty status during the week for which he/she may be so compensated. Those not on duty for any reason during the week will not receive this overtime. Those who are on duty during a portion of the week receive the overtime on a prorata basis for that time only.

3. The respective institutions will require that the Sergeants and Lieutenants not assigned to overlap shifts to be eligible under this policy will provide the institution with this amount of overtime each week.

Any other earned overtime shall only be as provided under the normal overtime regulations.

An order adopting these revisions was filed on March 31, 1977, as R.1977 d.112 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of Statte

(a)

## COMMUNITY AFFAIRS

### THE COMMISSIONER

#### Notice Concerning Interpretation Of Section 209.4 of Building Subcode

Take notice that, Patricia Q. Sheehan, Commissioner of Community Affairs, has issued the following interpretation of portions of Section 209.4 of the Building Subcode of the Uniform Construction Code:

Section 209.4 of the Building Subcode refers to buildings arranged for one and two-family dwelling units, including not more than five lodgers or boarders per family.

The commissioner has determined that this definition includes, by interpretation, all family day care homes, in which up to five children are cared for on a nonresidential basis.

This interpretation is effective upon publication in the New Jersey Register.

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

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Proposed Energy Subcode

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, proposes to adopt the Energy Subcode.

The department intends to promulgate regulations adopting by reference the American Society of Heating, Refrigerating and Air Conditioning Engineers, ASHRAE Standard 90-75: Energy Conservation in New Building Design.

A second public hearing on the proposed action will be held on Wednesday, May 25, 1977, at 10:30 A.M., at Rutgers University, Newark Campus, Conklin Hall, Room 100, 175 University Avenue, Newark, N.J. 07101.

Persons interested in testifying should call (609) 292-6364 to arrange for a time to speak. Written statements are to accompany the oral testimony and are to be submitted at the time of testimony. A time limit may be imposed upon each speaker in order to accommodate all speakers.

Interested persons may also present statements in writing relevant to the proposed action on or before June 10, 1977, to the Department of Community Affairs, Construction Code Enforcement Office, P.O. Box 2768, Trenton, N.J. 08625.

If adopted, ASHRAE Standard 90-75 will become effective on October 1, 1977, and will appear in Chapter 23, Title 5 of the New Jersey Administration Code.

The Department of Community Affairs, upon its own motion or at the instance of any interested party, may thereafter adopt this Energy Subcode substantially as proposed without further notice.

Patricia Q. Sheehan  
Commissioner  
Department of Community Affairs

(c)

## COMMUNITY AFFAIRS

### URBAN LOAN AUTHORITY

#### Proposed Adoption of Procedure Manual

The Urban Loan Authority in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27D-71 et seq., proposes to adopt its first procedure manual. Such manual, if adopted, may be cited as N.J.A.C. 5:90-1.1 et seq. in the new Subtitle I of Title 5 in the New Jersey Administrative Code.

The proposed manual concerns loan purposes, types of loans, how to apply for a loan, eligibility requirements, loan closing requirements, loan closing, loan administration, servicing agent, collection policy, advice of delinquencies, defaults, and so forth, changes in terms and conditions, status reporting requirements, accounts receivable and inventory collateral, application of funds, liquidation, conditions causing liquidation, assumption of administration by the ULA, judgment demand on guarantors, litigation by ULA, title to collateral acquired, compromise of debts, claims and judgments, consent of participating parties, sales of collateral or acquired property, distribution of collateral proceeds, lease of acquired property, conveyance of title, term sales, sales to borrowers and various exhibits.

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

Urban Loan Authority  
329 West State Street  
P.O. Box 2768  
Trenton, N.J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to: The Urban Loan Authority at the above address.

The Urban Loan Authority, upon its own motion or at the instance of any interested party, may thereafter adopt this manual substantially as proposed without further notice.

George G. Woody Jr.  
Executive Director  
Urban Loan Authority  
Department of Community Affairs

(a)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Emergency Rule on Certification of Funds and Accounting for Contracts

On April 12, 1977, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 52:27BB-1 et seq., 40A:11-3, 40A:11-15 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule concerning the certification of funds and accounting for contracts.

Full text of the adopted rule follows:

5:30-14.5 Certification of funds and accounting for contracts (single and multi-year and not coinciding with the fiscal year)

(a) If a contract or purchase is for \$2,500 or less and neither State law nor any State or local regulation requires its execution to be specifically authorized by formal action of the governing body, then the official or employee authorizing the contract or purchase shall ascertain that there are available sufficient uncommitted appropriations to provide for the payment, as required by N.J.S.A. 40A:4-57 and any other applicable requirement. The full amount of the contract shall be charged against the budget of the year in which the contract is awarded.

1. This responsibility shall be exercised in the following manner:

i. Preferably, by means of an encumbrance system which utilizes purchase order forms which must be signed as to availability of funds by the official or employee who maintains the financial records of the local unit; or

ii. By any other system of a less formal nature which provides reasonable safeguards against overcommitment of appropriations.

2. It shall be the responsibility of the governing body to see that such a system is established.

(b) If the contract or purchase provides for a total liability to the local unit of over \$2,500 or if governing body approval, by ordinance or resolution, is required to authorize its execution, then the governing body shall first ascertain, through the following procedure, that there are available sufficient legally appropriated funds for that purpose:

1. The chief financial officer or the local financial officer charged with the responsibility of maintaining the financial records of the local unit shall certify in writing to the governing body the availability or lack thereof of adequate funds for each contract which is pending approval by the governing body. Said certification shall designate specifically the line item appropriation(s) of the official budget to which the contract will be properly charged in accordance with the comptroller function, taking care that the same funds shall not be certified as available for more than one pending contract. Said officer shall be solely responsible for the accuracy of the certification.

2. No resolution or ordinance authorizing the entering into of any contract pursuant to N.J.S.A. 40A:11 or any other law for the expenditure of public funds to a vendor, contractor or other entrepreneur shall be enacted unless it shall recite that such a certificate showing availability

of funds has been provided. The resolution or ordinance shall specify the exact line item appropriation(s) or ordinance which shall be charged.

3. The certification of availability of funds shall be attached to the original copy of the resolution or ordinance and kept in the files of the municipal clerk, clerk of the board of chosen freeholders or secretary to the governing body.

4. Before certifying to the legality of any such resolution or ordinance, the local unit's attorney shall satisfy himself that the proper certificate of availability has been provided showing funds to be available.

(c) Methods of accounting for and certifying available funds for special situations are:

1. When a local unit is operating under a temporary budget, as provided for in N.J.S.A. 40A:4-19, it may enter into a contract for a period extending beyond the time period funded in the temporary budget, subject to the following:

i. The full cost of the contract for that fiscal year shall be certified against the temporary budget, which must contain sufficient appropriations therefor; or

ii. If the full cost of that year is not charged against the temporary budget, at least the prorated amount reflecting all liability to be incurred through March 31 must be charged and certified, and the contract must contain a clause making its continuation past such date subject to the appropriation of sufficient funds. Immediately after the final budget adoption, a certificate of available funds shall be prepared for the remaining balance and filed with the original ordinance or resolution.

2. Open end contracts: When a contract provides for certain goods or services to be provided upon request, up to an established maximum, and the local unit is not obligated to order, accept or pay for said goods or services except when it orders them, then the certification of available funds shall be as follows:

i. The full maximum amount covered by the contract may be charged against the budget at the time the contract is awarded, and the full amount shall be certified and encumbered; or

ii. No amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the financial officer and attached to the file copy of the purchase order or other such document. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds from the financial officer. Failure to do so, causing lack of funds authorized to meet the payment of the order, will result in the official issuing the purchase order being personally responsible.

3. Contracts up to 12 months not coinciding with fiscal year: When a contract is awarded for a period of up to 12 months not coinciding with the established fiscal year of the local unit, the following methods shall be followed for purposes of accounting and providing the certification of available funds:

i. If the contract is for a professional service or is essentially a single undertaking or project with one basic work product required, (such as, but not limited to, contracts for revaluation, codification, management studies and feasibility surveys) rather than being divisible into separate steps or actions which in themselves are independently acceptable as complete work products, then the full cost of the contract shall be chargeable to and certified against the budget or appropriation of the year in which the contract is awarded. This method may also,

at local option, be followed for contracts described in subparagraph ii. below;

ii. If the contract is not of the character described in subparagraph i. above, and provides for goods or services to be provided at separate intervals over the contract period, then the amounts for which liability is to be incurred shall be charged and certified to the two respective years' appropriations at the times, as appropriate, of:

(1) The contract being awarded (with respect to the amount from the first fiscal year);

(2) The adoption of the temporary budget (for the period at least through March 31); and

(3) The adoption of the final budget (for the remainder of the contract for the second fiscal year).

to law for periods in excess of 12 months shall be at the beginning of the fiscal year;

4. Multi-year contracts: Contracts entered into pursuant to law for periods in excess of twelve months shall be charged and certified as follows:

i. For construction and related services authorized by N.J.S.A. 40A:11-15(9), for professional services or single undertakings or projects with one, basic work product required, as described in N.J.A.C. 5:30-14.5(c)3.i., to the budget or appropriation in full at the time of contract award;

ii. For other contracts, to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment otherwise incurred, and subject to such requirements of this regulation as might apply with respect to temporary budgets, open end contracts or contracts not commencing at the beginning of the fiscal year.

iii. All multi-year leases and contracts except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utility Commissioners or construction contracts pursuant to N.J.S.A. 40A:11-15(9) shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation or contain an annual cancellation clause.

5. Advance award of contracts: No contract shall be awarded in one fiscal year if the date on which it properly takes effect falls in the next fiscal year unless the local unit's attorney rules that this action does not constitute the binding of a future governing body in an unlawful manner and unless the contract includes a provision making it subject to the availability and appropriation of sufficient funds in the year in which it takes effect.

6. Payment from proceeds: The general rule is that liabilities may not be incurred and payments may not be made without sufficient appropriation. (See N.J.S.A. 40A:4-57.) When a contractual liability may be incurred and a payment may lawfully be made without an appropriation, such as for professional services for liquidation or foreclosure of tax title liens as provided by N.J.S.A. 40:50-6, the certification of available funds should simply recite that fact and cite the statute. Contracts for services to be paid from savings generated or from State or Federal aid funds not yet received and appropriated are not permitted; an appropriation must be made at the outset.

7. Compliance with bidding requirements: While the Local Public Contracts Law permits contracts for any 12 month period, and for certain multi-year periods, for purposes of audit and compliance with the bidding requirement, the full face amount of the contract awarded, regardless of its length, shall determine whether the dol-

lar level above which competitive bidding is required has been attained.

(d) Any person knowingly failing to discharge the responsibilities enumerated above shall be subject to the misdemeanor penalties prescribed by N.J.S.A. 52:27BB-52 in addition to such other sanctions as may pertain.

An order adopting this rule was filed on April 12, 1977, as R.1977 d.127 (Exempt, Emergency Rule) to become effective on May 20, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## COMMUNITY AFFAIRS

### LOCAL FINANCE BOARD

#### Rules on Local Public Contracts

On April 12, 1977, the Local Finance Board in the Department of Community Affairs, pursuant to authority of N.J.S.A. 40A:11-37, 52:27BB-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 5:30-14.1 through 5:30-14.3, concerning local public contracts, substantially as proposed in the Notice published August 5, 1976, at 8 N.J.R. 371(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

An order adopting these rules was filed on April 12, 1977, as R.1977 d.128 to become effective on May 20, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rules on Senior Citizens' Transportation

On April 6, 1977, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, Chapter 5 of the Laws of 1977 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules concerning senior citizens' transportation, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 113(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

Full text of the adopted rules follows:

#### SUBCHAPTER 4. SENIOR CITIZENS' TRANSPORTATION

6:3-4.1 Use of school buses for the transportation of senior citizens' groups

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

"Contiguous district" means a district adjoining and adjacent to another district and sharing in some part a common boundary within the State of New Jersey. For a

regional school district, a contiguous school district shall be an adjoining and adjacent district which shares in some part a common boundary with the total regional district.

"Group" means ten or more persons consisting of senior citizens and their spouses.

"Senior citizens" mean those people of the State of New Jersey who are 60 years of age or older. Spouses of senior citizens may be less than 60 years of age.

(b) The board of education of any district may permit the use of school buses, owned or leased by the school district, for the purpose of transporting senior citizens' groups to and from events within the district furnishing the buses or in any district contiguous thereto. Such events shall include, but not be limited to, civic, social, cultural, educational, recreational, nutritional and health programs and activities.

(c) Such board of education shall adopt a policy covering the transportation of senior citizens' groups. Prior to the adoption of such policy, local boards of education, in cooperation with county superintendents of schools, shall consult with the county office of the Division on Aging, Department of Community Affairs. Such policy shall require groups seeking such use of school buses to pay all or part of any costs incurred by the district in permitting such use. The costs shall include but not be limited to the costs of fuel, driver salaries, insurance, and depreciation.

(d) The use of school buses by senior citizens' groups shall not interfere with the transportation of school pupils.

(e) Buses so used shall be operated only by a person having a valid bus driver's license approved by the New Jersey Division of Motor Vehicles.

(f) When school buses are used for the transportation of senior citizens' groups the "Out-of-Service" signs shall be displayed.

(g) School bus warning lamps shall not be used when transporting senior citizens' groups.

(h) School buses, when used to transport senior citizens' groups shall load and unload off the public roadway so as not to interfere with traffic.

(i) Boards of education using buses for the transportation of senior citizens' groups shall file proof of insurance coverage for such transportation with their county superintendents of schools. Such insurance must include liability for bodily injury or death in the following minimum amounts:

1. \$300,000 for one person;
2. \$500,000 for one accident.

An order adopting these rules was filed and became effective on April 13, 1977, as R.1977 d.129.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

##### Proposed 1977-1978 Game Code

The Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-

30 et seq., proposes to adopt the Game Code for the 1977-78 hunting and trapping season. Take notice that the 1977-78 Game Code will be treated, if adopted, as a temporary rule, not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

The proposed Code states when, under what circumstances, in what localities, by what means and in what amounts and numbers game birds, game animals and furbearing animals may be pursued, taken, killed or had in possession.

Copies of the 23 pages of full text of the proposed Game Code may be obtained from:

Division of Fish, Game and Shellfisheries  
P.O. Box 1809  
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held on June 14, 1977, at 8:00 P.M. in the State Museum Cultural Center Auditorium, West State Street, Trenton, New Jersey, at which time and place interested persons may present relevant oral or written statements regarding this proposed Game Code.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 14, 1977, to: The Fish and Game Council, Division of Fish, Game and Shellfisheries at the above address.

The Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt the Game Code substantially as proposed without further notice.

Russell A. Cookingham  
Director, Division of Fish, Game and Shellfisheries  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### COMMISSION ON RADIATION PROTECTION

#### Proposed Rules on Nuclear Medicine Technology

The Department of Environmental Protection and the Commission on Radiation Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 26:2D-1 et seq., propose to adopt new rules concerning nuclear medicine technology. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 020-77-04.

Full text of the proposed rules follows:

#### SUBCHAPTER 24. NUCLEAR MEDICINE TECHNOLOGY

##### 7:28-24.1 Scope

The regulations in this Subchapter establish radiation safety requirements for persons administering radiopharmaceuticals to humans for diagnostic or therapeutic purposes or performing diagnostic or therapeutic procedures requiring administration of radiopharmaceuticals or radioactive substances to humans.

##### 7:28-24.2 Definitions

"Act" means the Radiation Protection Act P.L. 1958, Chapter 116 as amended (N.J.S.A. 26:2D-1 et seq.).

"Approved school" means a school of nuclear medicine technology approved pursuant to this Subchapter included on a list published by the Department.

"Certificate" means a written authorization issued by the Department pursuant to this Subchapter.

"Direct supervision" means, for purposes of this Subchapter, physical presence by the supervising physician or certified nuclear medicine technologist, in the room where a procedure is being performed, for a sufficient period of time to prevent unnecessary radiation to the patient.

"Licensee" means any person who is licensed or recognized by the Department pursuant to this Chapter and the Act.

"Nuclear medicine technologist" means a person who performs technical procedures in the utilization of radionuclides or radiopharmaceuticals administered to humans.

"Physician" means an individual who upon having satisfied the requirements of the New Jersey State Board of Medical Examiners, has been issued a plenary license to practice medicine and surgery in this State.

"Radionuclide" means a radioactive element or a radioactive isotope.

"Radiopharmaceutical" means a radionuclide or radioactive compound designed and prepared for organ or body system administration.

Note: Definitions for other terms used in this Subchapter may be found in Subchapter 1 of this Chapter.

#### 7:28-24.3 Use of radionuclides and radiopharmaceuticals

(a) No owner or licensee shall cause, suffer, allow or permit any person to act as a nuclear medicine technologist unless such person has been issued a certificate as provided for by this Subchapter.

(b) No person shall cause, suffer, allow or permit the use or application of radionuclides or radiopharmaceuticals or otherwise engage in the practice of nuclear medicine technology without having first satisfied the certification requirements of this Subchapter.

(c) The certification requirements of this Subchapter shall not apply to a hospital resident or intern who is specializing in nuclear medicine or to students enrolled in and attending a school or college of medicine, osteopathy or nuclear medicine technology provided such students are acting under the direct supervision of a physician or a certified nuclear medicine technologist responsible to such physician.

(d) The certification requirements of this Subchapter shall not apply to hospital residents or interns involved in nuclear medicine procedures but not specializing therein provided that they are acting under the direct supervision of a physician or a certified nuclear medicine technologist responsible to such physician under special circumstances.

#### 7:28-24.4 Examination requirements

(a) In order to be eligible for admission to a certification examination, an applicant must:

1. Have satisfactorily completed a course of study in an approved school; or
2. For a period of five years from the effective date of this Subchapter become qualified in accordance with Sec-10 of this Subchapter.

#### 7:28-24.5 Certification requirements

(a) In order to become certified, an applicant shall be required to pass the certification examination given pursuant to this Subchapter, which may be written and, when deemed necessary by the Department, may include proficiency testing. The Department may waive the examination requirements for any applicant who has demonstrated competency by passing a National Registry Examination. All certification examinations must be approved by the Commission.

(b) A fee may be charged for each examination. The examination fee shall not be refunded. Application for the examinations shall be made on a form supplied by the Department which shall be filed, along with the examina-

tion fee, with the Department no later than midnight of the closing date for the examination.

(c) An applicant who fails to receive a passing grade on the initial examination will be permitted to retake the examination. If the examination is failed twice, evidence of formal study in an approved continuing education program, will be required before the applicant may again take the examination. The examination must be passed within three years of the first examination.

(d) Certificates issued by the Department pursuant to this Subchapter shall be displayed prominently in the work area utilized by the certified nuclear medicine technologist.

#### 7:28-24.6 Recertification requirements

(a) Certificates issued pursuant to this Subchapter shall be renewable on an bi-annual basis.

(b) A recertification examination must be taken every six years after the initial certification. A nuclear medicine technologist who fails to receive a passing grade on the recertification examination may retake the examination. If the recertification examination is failed twice, evidence of formal study in an approved continuing education program, will be required before the nuclear medicine technologist may again take the examination. The recertification examination must be passed within three years of the expiration of certification.

(c) The provisions of subsection (b) of this Section shall not apply to any certified nuclear medicine technologist who has submitted evidence of formal study in a continuing education program, approved by the Commission.

#### 7:28-24.7 Limited certification

(a) Any certification issued pursuant to this Subchapter may be conditional, as the Department deems appropriate, including, but not limited to, a condition limiting the scope of the nuclear medicine practice authorized by such certificate.

(b) The Department may issue temporary certifications to graduates of approved schools or to persons whose applications have been approved by the Commission pursuant to Section 10 of this Subchapter.

(c) No person shall cause, suffer, allow or permit the breach of any condition of any certification issued pursuant to this Subchapter.

#### 7:28-24.8 School approval

(a) The Commission may approve a school of nuclear medicine technology if it meets the essentials or equivalent of an accredited education program as established by the American Medical Association Council on Medical Education in collaboration with the Society of Nuclear Medicine, The American Society of Radiologic Technologists, American Society of Clinical Pathologists, and other collaborative organizations.

(b) A school of nuclear medicine technology, in order to become an approved school, must apply to the Department in writing on forms provided by the Department. All such applications will be reviewed by the Commission prior to final approval. A temporary approval may be issued by the Department while an application is under review.

#### 7:28-24.9 School curriculum and requirements

(a) An approved school must offer the following curriculum, as a minimum, for nuclear medicine technologists:

1. Basic anatomy, physiology, and pathology;
2. Intravenous injections;
3. Radiation physics and mathematics;
4. Instrumentation;
5. Radiation biology;
6. Radiation protection and radiation protection standards and codes;

7. Laboratory procedures and techniques, in vivo and vitro);

8. Clinical application of radionuclides, diagnostic and therapeutic;

9. Records and administrative procedures;

10. Medical ethics.

(b) In order to maintain approval, a school must:

1. Report in writing to the department the name and address of each new student enrolled within 30 days of such enrollment and (within 30 days the name and address of) each student who has successfully completed the course of study.

2. Limit the number of students enrolled so that the ratio of students to full time certified nuclear medicine technologists, to scanning equipment and to workload at the clinical facilities shall be reasonable.

3. Provide all students with a personal radiation monitoring service, such as dosimeter or badge, during their period of attendance. Student exposure to radiation shall not exceed the occupational limits prescribed by this Chapter. Students shall routinely be informed of their most recent exposure readings and an attempt shall be made to find the cause and prevent recurrence of exposure which is deemed to be unnecessary.

4. Issue to each candidate prior to admission a course catalog, bulletin, or other written statement which shall be dated, and include a description of the curriculum as a whole and the detailed courses offered, a listing of the faculty members with information regarding their qualifications, and information concerning amounts and terms for payment of any tuition or other fees or expenses to be incurred.

5. Insure that all students have on their person at all times while undergoing classroom or clinical training a readily identifiable uniform marking or coloration or identification name plates which indicates that they are students and not certified nuclear medicine technologist.

6. Must not assign students excessive night or weekend experience. All night and weekend experience must be assigned only under adequate supervision and when sufficient education benefit may be derived from such service. Student shall not be assigned unsupervised night or weekend experience during their entire period of training.

7:28-24.10 Consideration of experience or training in lieu of attendance at an approved school

(a) Any person who believes he is qualified for certification pursuant to this Subchapter based on training and/or experience in lieu of attendance at an approved school, may apply to the Department for approval to take the certification examination. The Department will submit all applications to Commission for review prior to approval.

(b) Admission to certification examinations pursuant to subsection (a) of this Section shall be permitted for a period of 3 years only from the effective date of this Subchapter.

(c) Minimum requirements for consideration under this Section shall include:

1. High school diploma or equivalent;

2. Two years of experience as a nuclear medicine technologist.

7:28-24.11 Nuclear medicine records

(a) A licensee, owner or registrant shall be responsible for recording such information as may be required as a condition of registration or licensing pursuant to this Chapter. Such information may include, but is not limited to, the name of nuclear medicine technologist utilizing radionuclides or radiopharmaceuticals.

(b) A nuclear medicine technologist shall be responsible for recording the radionuclide or radiopharmaceutical dose he or she administers, and recording his name.

7:28-24.12 Revocation; penalties

(a) The Department, in addition to any penalties authorized by the Act, may deny, suspend or revoke an application or certificate of a nuclear medicine technologist when the applicant or certified nuclear medicine technologist has:

1. Falsified or made misleading statements in the application for certification;

2. Has altered his certification;

3. Failed to keep or falsified any required records;

4. Failed to comply with any provision of the Act or any rules or regulations promulgated thereunder.

(b) The reasons for denial, suspension, revocation set forth in subsection (a) of this Section shall be considered violations of these rules and Act in addition to constituting grounds for denial, suspension or revocation.

7:28-24.13 Registration and licensing requirements

(a) The possession and use of radiopharmaceuticals are subject to the licensing requirements of Subchapter 5 (Licensing) of this Chapter.

(b) All owners of radiopharmaceuticals not subject to specific State licensing requirements, must register them in accordance with the requirements of Subchapter 4 (Registration) of this Chapter.

7:28-24.14 Responsibility of physician

(a) Only a physician who has lawfully obtained a Federal or New Jersey State license as per Subchapter 5 of this Chapter or is authorized under such a license, to own or possess or use radioactive substances, shall prescribe dosage, administer, or shall arrange for the administration of said substances to a human being or irradiate, or arrange for the irradiation of human beings by said substances.

(b) Any physician who arranges for the intentional human administration of, or irradiation by, radioactive substances shall be responsible for determining that only a certified nuclear medicine technologist or another qualified physician administers said radioactive substances.

(c) In addition, the physician must signify that he personally attests to the competency of the nuclear medicine technologist and must assume full responsibility for the intravenous injections by said technologist.

(d) A nuclear medicine technologist shall not apply or administer therapeutic doses of radionuclides or radiopharmaceuticals in any form to patients, although the actual material may be measured and prepared by the nuclear medicine technologist under the direction of a physician. The physician must personally determine the dose and administer the material to the patient.

(e) Only a physician who has lawfully obtained a Federal or New Jersey State license as per Subchapter 5 of this Chapter or who is authorized under such a license to own or possess or use radioactive substances, shall be permitted to supervise a nuclear medicine technologist. Such supervision shall require that such physician, acting within the limits specified in the laws under which he is authorized to use radioactive substances, shall determine that the administration of a radionuclide to a patient is appropriate and shall determine which radionuclide and what dosage level shall be used before such material is administered to the patient by the certified nuclear medicine technologist. Such supervision shall also require that only a physician shall receive the images and results of the examination performed after the administration of the radiopharmaceutical for the purpose of diagnostic interpretation. Such supervision shall not require that he oversee the certified nuclear medicine technologist in the measurement of doses, positioning of patients, operation of nuclear medicine instrumentation, injection of radionuclides or production and processing of images or test data.

7:28-24.15 Fees

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

7:28-24.16 Unethical conduct

(a) No nuclear medicine technologist or student shall engage in any unethical conduct. Such conduct may include, but is not limited to:

1. Engaging in the practice of nuclear medicine technology while in an intoxicated state or under the influence of narcotic or any drugs which impair consciousness, judgment or behavior;

2. Immoral conduct while engaged in the practice of nuclear medicine technology;

3. Willful falsification of records, or destruction or theft of property or records relating to the practice of nuclear medicine technology;

4. Failure to exercise due regard for the safety or life or health of the patient;

5. Unauthorized disclosure of information relating to a patient or a patient's records;

6. Discrimination in the practice of nuclear medicine technology against any person on account of race, religion, color or national origin.

7:28-24.17 Guidelines

The Department may from time to time publish guidelines and/or procedural rules to explain and implement various provisions of this Subchapter.

Written and/or oral testimony concerning the proposed rules will be received at a public hearing to be held July 13, 1977, commencing at 9:00 A.M. and continuing until the close of testimony at:

Health and Agriculture Auditorium  
John Fitch Plaza  
Trenton, New Jersey

Copies of the proposal and the basis therefor may be obtained from, and written testimony relating thereto will be accepted prior to July 29, 1977, by:

John R. Russo, Chief  
Bureau of Radiation Protection  
Department of Environmental Protection  
380 Scotch Road  
Trenton, New Jersey 08628

Copies of this notice, of the proposed regulations and of the basis and background document will be available for inspection during normal office hours until the close of the hearing record at:

Division of Environmental Quality  
Room 1108, Labor and Industry building  
John Fitch Plaza  
Trenton, New Jersey 08625

Bureau of Radiation Protection  
380 Scotch Road  
West Trenton, New Jersey 08628

Bureau of Air Pollution Control  
Metropolitan Field Office  
25 Route 22  
Springfield, New Jersey 07081

Bureau of Air Pollution Control  
Southern Field Office  
5635 Westfield Avenue  
Pennsauken, New Jersey 08110

The hearing will be held in accordance with provisions

of the Radiation Protection Act (N.J.S.A. 26:2D-1 et seq., L. 1958 c 116) as amended.

The Commission on Radiation Protection, upon its own motion, may adopt these rules substantially as proposed without further notice after the close of the hearing record.

David J. Bardin  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Notice of Public Hearing on Temporary Variances

Take notice that, the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., will hold a public hearing concerning the issuance of temporary variances from the provisions of N.J.A.C. 7:27-9.1 et seq., sulfur in fuel.

The purpose of this public hearing is to afford interested parties the opportunity to comment on the proposed extension of certain variances issued pursuant to N.J.A.C. 7:27-9.5, temporary variances, for an additional six month period from July 12, 1977, until January 12, 1978. The purpose of said extensions is to allow for completion of a comprehensive air quality study for the Metropolitan Philadelphia Air Quality Control Region. A comprehensive analysis of the New Jersey Intra-state Air Quality Control Region has been completed. These studies are necessary to evaluate permanent amendments to existing sulfur in fuel standards for southern New Jersey.

This document is known within the Department as Docket No. DEP 018-77-04.

Written and/or oral testimony concerning this proposal will be received at a public hearing to be held May 20, 1977, from 10:00 A.M. to conclusion of testimony at:

Salem County Court House  
Market Street  
Salem, New Jersey

Copies of the applicable regulations and the variances issued thereunder may be obtained from, and written testimony relating thereto will be accepted prior to May 20, 1977, by:

Herbert Wortreich, Chief  
Bureau of Air Pollution Control  
Department of Environmental Protection  
P.O. Box 2807  
Trenton, New Jersey 08625

Copies of this notice, of the applicable regulations, as well as the variances and background documents have been deposited and will be available for inspection during normal office hours until the closing of the hearing record at:

N.J. Bureau of Air Pollution Control  
Room 1108, Labor & Industry Building  
John Fitch Plaza  
Trenton, N.J. 08625

Department of Health  
Cape May Court House, N.J. 08210

Cumberland County Health Department  
County Complex  
800 East Commerce Avenue  
Bridgeton, N.J. 08302

Office of County Clerk  
Market Street  
Salem, N.J. 08079

This hearing is being held in accordance with the provisions of Air Pollution Control Act (1954) as amended by Chapter 106, P.L. 1967, N.J.S.A. 26:2C-1 et seq., and Title 40, Section 51.4 of the Code of Federal Regulations as a revision to the New Jersey State Implementation Plan to meet National Ambient Air Quality Standards.

This Notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### CLEAN AIR COUNCIL

#### Notice of Public Hearing on Clean Air

Take notice that, the Clean Air Council of the Department of Environmental Protection will hold a public hearing pursuant to authority of N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 26:2C-3.3 on June 2 and June 16, 1977, on the question: "How Can New Jersey Grow While Attaining and Maintaining Clean Air Standards?" This Notice is known within the Department of Environmental Protection as Docket No. DEP 016-77-03.

Comments may address specific issues including, but not limited to, the following:

1. Where should new facilities (industrial, commercial, residential, transportation) be located?
2. How should new facility locations and expansions be controlled?
3. Are new land use controls essential?
4. Should the EPA Class II Ambient Air Quality Designation for significant deterioration purposes apply to New Jersey?
5. What changes will be needed in the Bureau of Air Pollution Control in DEP's Division of Environmental Quality.
6. What other factors, concerns, approaches and solutions are pertinent to the main question?

N.J.S.A. 26:2C-3.3(h) requires the Council to hold public hearings at least once a year, and to report its recommendations based thereon to the Commissioner of Environmental Protection.

The first hearing will be Thursday, June 2, 1977 from 9:00 A.M. to 4:30 P.M. at:

Mt. Laurel Hilton  
Mt. Laurel, New Jersey

A second session will be on Thursday, June 16, 1977, from 9:00 A.M. to 4:30 P.M. at:

Kean College  
Room J-100, Hutchinson Hall  
Union, New Jersey

Written comments may be submitted to, and speaking time arranged with, Patrick Zigrand, Bureau of Air Pollution Control, P.O. Box 2807, Trenton, N.J. 08625, (609) 292-6721.

The record will be closed at the end of the hearing. This notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Rules on Stream Encroachment Applications In Central Passaic Basin

On March 25, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:1-26 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:21-7.1 et seq. and known within the Department of Environmental Protection as Docket No. DEP 023-76-10, concerning stream encroachment applications in the Central Passaic Basin, substantially as proposed in the Notice published November 4, 1976, at 8 N.J.R. 507(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

An order adopting these rules was filed and became effective on March 25, 1977, as R.1977 d.107.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Rules on Discharge of Petroleum And Other Hazardous Substances

On March 31, 1977, Rocco D. Ricci, Deputy Commissioner of Environmental Protection, pursuant to authority of P.L. 1976 c. 141 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:1E-1.1 et seq. and known within the Department of Environmental Protection as Docket No. DEP 004-77-01, concerning the discharge of petroleum and other hazardous substances, substantially as proposed in the Notice published February 10, 1977 at 9 N.J.R. 68(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The Department of Environmental Protection has not adopted the proposed sections on the rating of cleanup organizations and the planning and construction requirements for the prevention and containment of spills. Such proposed Sections are still being reviewed by the Department of Environmental Protection. Also, the adopted definition of hazardous substance does not include LNG or radioactive substances.

The Department of Environmental Protection requests that interested persons submit comments on this definition issue on or before June 1, 1977, and then a final decision will be made on such a definition.

An order adopting these rules was filed and became effective on March 31, 1977, as R.1977 d.115.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

**ENVIRONMENTAL PROTECTION  
THE COMMISSIONER**

**Rules and Regulations under the  
Coastal Area Facility Review Act**

On April 1, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:19-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:7D-2.1 et seq., and known within the Department of Environmental Protection as Docket No. DEP 005-76-03, concerning the Coastal Area Facility Review Act, substantially as proposed in the Notice published April 8, 1976, at 8 N.J.R. 176(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Copies of full text of the rules will be available to New Jersey Administrative Code subscribers from the Division of Administrative Procedure in advance of the normal update for Title 7 of the Code—upon request to the Division of Administrative Procedure.

The new rules will automatically be included as part of the update mailing of Title 7 in September, 1977 to all other Code subscribers.

An order adopting these rules was filed and became effective on April 5, 1977, as R.1977 d.121.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

**ENVIRONMENTAL PROTECTION  
THE COMMISSIONER**

**Adopt Rule on Determining  
Stream Encroachment Lines**

On April 21, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 7:13-2.1 and known within the Department of Environmental Protection as Docket No. DEP 011-76-04, concerning the determining of stream encroachment lines, as proposed in the Notice published June 10, 1976, at 8 N.J.R. 277(a).

An order adopting this rule was filed and became effective on April 21, 1977, as R.1977 d.142.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

**ENVIRONMENTAL PROTECTION  
THE COMMISSIONER**

**Amendments Concerning Delineated  
Floodways in the Raritan Basin**

On April 21, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11 concerning delineated floodways in the Raritan Basin, as proposed in the Notice published November 4, 1976, at 8 N.J.R. 508(a).

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 001-76-02.

An order adopting these amendments was filed and became effective on April 21, 1977, as R.1977 d.143.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

**ENVIRONMENTAL PROTECTION  
THE COMMISSIONER**

**Amendments on Delineated  
Floodways in the Rahway River**

On April 21, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.11 concerning delineated floodways in the Rahway River, as proposed in the Notice published January 6, 1977, at 9 N.J.R. 13(b).

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 030-76-12.

An order adopting these amendments was filed and became effective on April 21, 1977, as R.1977 d.144.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

**ENVIRONMENTAL PROTECTION  
THE COMMISSIONER**

**Revisions on Lands, Waters and Facilities  
Under Jurisdiction of the Bureau of Parks**

On April 21, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1-26(3) and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to various Sections in Subchapter 7, Chapter 2, Title 7 of the New Jersey Administrative Code concerning lands, waters and facilities under the jurisdiction of the

Bureau of Parks, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 114(d).

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 008-77-02.

An order adopting these revisions was filed and became effective on April 21, 1977, as R.1977 d.145.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Revisions Concerning Special Permits at Island Beach State Park

On April 21, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1-26(3) and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 7:2-16.2(e), 7:2-16.5 and 7:2-16.6 concerning special permits at Island Beach State Park, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 116(a).

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 007-77-02.

An order adopting these revisions was filed and became effective on April 21, 1977, as R.1977 d.146.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Rule on Shellfish License Revocation Schedule

On April 21, 1977, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 50:2-6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 7:25-1.6 and known within the Department of Environmental Protection as Docket No. DEP 010-77-02, concerning shellfish license revocation schedules, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 118(a).

An order adopting this rule was filed and became effective on April 21, 1977, as R.1977 d.147.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Rule on Cosmetic Product Identity Labeling

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-18.1c, proposes to adopt a new rule concerning cosmetic product identity labeling.

Full text of the proposed rule follows:

8:21-1.28 Cosmetic product identity labeling

(a) The principal display panel of a cosmetic in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of:

1. The common or usual name of the cosmetic; or

2. An appropriately descriptive name or, when the nature of the cosmetic is obvious, a fanciful name understood by the public to identify such cosmetic; or

3. An appropriate illustration or vignette representing the intended cosmetic use.

(c) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

Donald J. Foley  
Chief, Drug, Device and Cosmetic Program  
1911 Princeton Ave.  
Trenton, N.J. 08648

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(d)

## HEALTH

### THE COMMISSIONER

#### Proposed Rule on Cosmetic Package Principal Display Panel

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-18.1c, proposes to adopt a new rule concerning cosmetic package principal display panels.

Full text of the proposed rule follows:

8:21-1.27 Cosmetic package principal display panel

(a) The term "principal display panel" as it applies to cosmetics in package form and as used in this part,

means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents of all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

1. In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

2. In the case of a cylindrical or nearly cylindrical container, 40 per cent of the product of the height of the container times the circumference; and

3. In the case of any other shape of container, 40 per cent of the total surface of the container: Provided, however, that where such container presents an obvious "principal display panel" such as the top of a triangular or circular package, the area shall consist of the entire top surface.

(b) In determining the area of the principal display panel, exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 per cent of the circumference which is most likely to be displayed, presented, shown or examined under customary conditions of display for retail sale.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

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

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions in Guidelines and Criteria for Submissions of Applications For Certificates of Need

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt revisions to some of the rules concerning guidelines and criteria for submissions of applications for certificates of need. The proposed revisions concern the

deletion of the current text of N.J.A.C. 8:33-1.5(h)4. and 5. and the adoption of new text therein, plus the proposed adoption of a new rule to be cited as N.J.A.C. 8:33-2.5(b).

Full text of the proposed new rules follows:

8:33-1.5(h)4. Any proposed change in the scope and/or cost of an approved project which results in an increase of less than ten per cent over the original total project cost shall require a change of cost/scope review and shall follow the administrative review process outlined in this subchapter. Under no circumstances shall an approved certificate of need receive more than one administrative review for proposed changes involving cost and/or scope.

8:33-1.5(h)5. Any proposed change in the scope and/or cost of an approved project which results in an increase of ten per cent or more over the original total project cost shall require a full review. Any subsequent proposed changes involving cost and/or scope, regardless of the resultant percentage increase, shall require a full review.

8:33-2.5(b) After final action has been taken by the Health Care Administration Board on a certificate of need application, the Department of Health will not accept for review a resubmission of such application until 90 days after the Health Care Administration Board action or until new facts have developed which indicate that a need has recently developed for such service in the area to be served, whichever occurs first. The determination relating to the acceptability of the new facts will be made by the Department of Health.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

Leonard D. Dileo  
Director, Health Resources Development Service  
Department of Health  
P.O. Box 1540  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions to Standards for Licensure of Ambulatory Care Facilities

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to revise several rules concerning the standards for licensure of ambulatory care facilities.

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

8:43A-1.15(a)7. Blood pressure determination [routinely initiated at age three and repeated annually thereafter];

- 8:43A-1.35(a)1. One month following initial prescription:  
i. Interview for teaching and instructional purposes and for assessing complaints.  
2. Six months following initial prescription:  
i. Interview for assessing complaints and complete pelvic examination.]

**8:43A-1.35(a)1. One to three months following initial prescription:**

1. Interview for teaching, instruction, and to assess complaints. Blood pressure and weight shall be checked and menstrual history shall be reviewed.
2. The patient shall be seen at least every six months thereafter, for an interview and to assess complaints, and shall be given a yearly examination as in paragraph 1. above.

**8:43A-1.35(d)1. One month following initial instruction:**

Interview for assessing complaints and review of menstrual calendar for previous six months. Correction of rhythm schedule.]

**8:43A-1.35(d)1. One month following initial instruction:**

1. Interview for instruction and assessing complaints.
2. At least every six months thereafter.
  - i. Interview for review of menstrual calendar and temperature charts.

8:43A-1.43(a)[ . . . [The medical record of the patient's hospital course shall be available at the patient's post partum visit.]

A summary of the patient's hospital course, including data on the labor and delivery or a copy of the labor and delivery record, shall be available at the patient's post partum visit.

8:43A-1.43(b)2. Laboratory tests including hematocrit, complete urinalysis, repeat Papanicolaou smear if more than nine months have elapsed since the last Papanicolaou smear.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

Wanda Schorn  
Coordinator  
Standards and Special Studies  
Department of Health  
John Fitch Plaza  
Trenton, N.J. 08625

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

Dr. Joanne E. Finley  
Commissioner  
Department of Health

**(a)**

## HEALTH

### THE COMMISSIONER

#### Notice on Adopted Rules on Licensure Of Persons for Certain Public Health Positions

Take notice that, the adopted rules concerning licensure of persons for certain public health positions (See: R.1977 d.102 at 9 N.J.R. 173(a) in the April 7, 1977 issue of the

New Jersey Register) were intended to include the current text of N.J.A.C. 8:7-1.4, Board of examiners for licensure of persons for public health positions. However, this rule on the board of examiners will be now cited as N.J.A.C. 8:7-1.4.

As stated in the Notice of Proposal, the former text in N.J.A.C. 8:7-1.1 through 8:7-1.3 is deleted and replaced with the new text of R.1977 d.102, including the rule on the board of examiners as indicated above.

This Notice is published as a matter of public information.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(b)**

## HEALTH

### THE COMMISSIONER

#### Adopt Policies for Planning and Certificate of Need Reviews of Health Care Facilities and Services

On April 19, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted the policy manual for planning and certificate of need reviews of health care facilities and services, to be cited as N.J.A.C. 8:43E-1.1 et seq., substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 79(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting this manual was filed and became effective on April 21, 1977, as R.1977 d.138.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

**(c)**

## HEALTH

### THE COMMISSIONER

#### Standards and General Criteria for Planning and Certification of Need For Regional Hemophilia Care Centers

On April 19, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted standards and general criteria for planning and certification of need for regional hemophilia care centers, to be cited as N.J.A.C. 8:33-4.1 et seq., substantially as proposed in the Notice published February 10, 1977, at 9 N.J.R. 79(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

An order adopting these rules was filed and became effective on April 21, 1977, as R.1977 d.139.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Rule on Standards for Licensure of Ambulatory Care Facilities and Health Maintenance Organizations

On April 19, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 8:43A-1.68, concerning standards for licensure of ambulatory care facilities and health maintenance organizations, as proposed in the Notice published February 10, 1977, at 9 N.J.R. 80(a).

An order adopting this rule was filed and became effective on April 21, 1977, as R.1977 d.140.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Emergency Revisions in Implementation Of the Local Health Services Act

On April 19, 1977, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:3A2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions concerning the implementation of the Local Health Services Act. The revisions concern the deletion in their entirety of the current text of N.J.A.C. 8:53-1.1(c) and (d) and the adoption of new text therein.

Full text of the adopted revisions follows:

8:53-1.1 (c) Participation as a member of the county health department shall be effected by resolution of the municipal board of health.

(d) Municipal boards of health participating in any existing county health agency on April 1, 1976, shall be continued as members of the county health department until April 1, 1978. Subsequent to April 1, 1978, such participating municipalities may, by resolution, continue as members of the county health department, or may by resolution, declare its intent to establish its own local health agency or join with one or more municipalities in establishing a local health agency meeting "standards of performance".

An order adopting these revisions was filed and became effective on April 21, 1977, as R.1977 d.141 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions on Fair Hearing Decisions

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise N.J.A.C. 10:81-6.13(d) concerning the replacement of fair hearing FYI distribution with monthly synopses of fair hearing decisions.

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

10:81-6.13(d) The State Division of Public Welfare will arrange publication of [summary editions] a synopsis of all decisions [edited by deletions to insure confidentiality] which will be forwarded to each county welfare [board] agency and all persons who receive this Division's circular letters. [and will be available for inspection at the welfare board, upon request by the public for a period of one year] Copies of fair hearing decisions, edited to insure client confidentiality, will be available for perusal at the Division office for a period of one year and for distribution to anyone requesting a copy at the cost of printing and handling.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

Division of Public Welfare  
Box 1627  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(d)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions Concerning Exemption of Personal Loans

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise a portion of the rules concerning the exemption of personal loans from consideration as resources when determining eligibility for public assistance in the Assistance Standards Handbook.

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

10:82-3.2(b)10. Loans:

[7.] i. Loans for specific purposes:

(1) Loans and grants made to members of an eligible unit for scholarships or for other conditions which preclude

their use for meeting current living costs and which are held and used in accordance with the conditions of the loan are exempt. Examples are:

(a) Loans made by the Farmers Home Administration, United States Department of Agriculture, under Title III of the Economic Opportunity Act, and loans made by the Farmers Home Administration under provisions in Title V of the Housing Act of 1949, as amended; and

(b) Loans or grants to any undergraduate student for education purposes made or ensured under any program administered by the Commissioner of Education, United States Department of Health, Education and Welfare; and

(c) Other educational grants and scholarships to eligible AFDC children (see N.J.A.C. 10:82-2.4(c)).

ii. Personal loans are exempt when such loans are evidenced by a document, signed by the client and the lender, which states the amount of the loan and terms of repayment.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

G. Thomas Ritti  
Director  
Division of Public Welfare  
P.O. Box 1627  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions for Reports on Cases Involving Fraudulent Receipt of Assistance

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise the rule concerning reports on cases involving fraudulent receipt of assistance.

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

10:81-7.44 Reports on cases involving fraudulent receipt of assistance

(a) In [every] cases where the county welfare agency [initiates] has completed an investigation based upon a belief that fraud has been committed, a[n initial] report (Form PA-33, Investigation initiation sheet) shall be routed through the CWA director to the assistance investigations unit of the Division of Public Welfare. The form shall be completed when the county welfare agency determines that no fraud exists, when the case is disposed of through administrative action, or when the case is forwarded to the County Prosecutor.

(b) Upon disposition of the case [through (1) administrative action, (2) dismissal by the County Prosecutor, (3) dismissal by the Grand Jury, (4) court action] by law enforcement officials (county prosecutor or municipal

court), a subsequent report (Form PA-34, Investigation disposition sheet) shall be completed and routed through the CWA director to the assistance investigations unit of the Division of Public Welfare.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

Director  
Division of Public Welfare  
Box 1627  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Public Assistance Manual Concerning WIN Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt revisions to several Sections in the Public Assistance Manual concerning WIN registration procedures.

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

10:81-2.8(a)1. If an individual claims exemption due to incapacity, he/she shall be given form WP-125, general basic medical exam, to be completed by a physician or licensed or certified psychologist of his/her choice and returned to the CW[B]A for payment. The initial PA-401 form shall reflect that the individual is temporarily exempt.

i. If the completed form WP-125 indicates that the individual will be incapacitated for at least 90 days, the client shall be referred to the Division of Vocational Rehabilitation Services by means of form IM-2, Referral to vocational rehabilitation.

ii. Upon receipt of a completed WP-125, a "supplement to initial" PA-401 is to be completed indicating only the new status of the individual previously reported in the temporary exempt category on the "initial" PA-401.

10:81-2.8(a)2.i. All non-exempt applicants shall be referred [after sufficient data has been obtained to determine that the applicant is in fact eligible for AFDC benefits. Referral will, therefore, be the last step in the validation process. However, validation will not be completed until confirmation of WIN registration is received by the CWB.] to ES immediately upon determination that they are in all other respects presumptively eligible for AFDC benefits. While the initial presumptive eligibility (P.E.) check will be issued at the same time as the referral to ES, subsequent P.E. and regular assistance checks will be contingent upon evidence of the client's WIN registration or of "good cause" for failure to register.

10:81-2.8(a)7.iii. Submit to the IM supervisor a list of all mandatory cases for which registration is not returned within [3] eight working days; and

10:81-3.18(b)2.ii. (2) Incapacitated: When verified that a physical or mental impairment as determined by a physician or licensed/certified psychologist or by the Bureau of Medical Affairs, either by itself or in conjunction with age, prevents the individual from engaging in employment and/or training, and such incapacity is expected to exist for a continuing period of at least [three] six months.

(a) Uncomplicated pregnancy, of itself, shall not be considered incapacitating; however, any claim to complications shall be verified in writing by a physician or licensed or certified psychologist by use of form WP-125, Basic WIN medical examination.

10:81-3.18(g)6. If an individual becomes exempt after refusing to participate in the WIN program, the sanctions as specified in paragraph 2. of this subsection shall be discontinued and the individual's needs immediately reinstated in the grant.

10:81-3.18(i) [The IM worker shall notify ES/WIN within 3 working days whenever a WIN registrant obtains full unsubsidized employment subsequent to registration for WIN, as well as when a registrant terminates such employment. Form IM-6, WIN Job and Income Information, shall be used for this purpose.] The WIN employment and grant reduction record is to be completed whenever a WIN registrant:

1. Acquires or terminates full or part-time employment;
2. When a registrant's AFDC grant is reduced as a result of an increase in earned income;
3. When an individual's AFDC grant is reduced as a result of the imposition of a WIN sanction or the refusal by an AFDC recipient, subsequent to case validation, to register for WIN.
4. The IM worker shall send the original of this form to ES/WIN within three working days of the change in the registrant's status or grant as cited above; a copy shall be placed in the client's case record.

10:81-3.18[(j)1.ii.](i)4.i. When [this form] the WIN employment and grant reduction record is precipitated by the receipt from the ES/WIN of a WIN status change notice (MA5-97) advising that a WIN registrant has obtained employment, the reason for the grant reduction may be obtained from the attached MA5-97 form. Please note that, if upon receipt of form MA5-97 from ES/WIN a previous WIN [Grant Reduction Notice] employment and grant reduction record was completed and transmitted for the employment indicated on the MA5-97, it is not necessary to complete another [DYFS 7-29 form] WIN employment and grant reduction record.

Editor's Note: The text of N.J.A.C. 10:81-3.18(j) is to be deleted in its entirety and the current text of 10:81-3.18(k) is to be now cited as 10:81-3.18(j).

10:81-5.9 Registration for WIN program in AFDC

(a) The IM worker shall reevaluate each eligible unit member's registration status through appropriate completion of form PA-401. A check mark shall be placed in the appropriate box identifying it as a "replacement review".

(b) For persons who were previously exempt and now must register, the IM worker will complete and transmit to ES/WIN Part A of form R-1. If a person was previously registered as a volunteer, [the IM worker will also complete Part A of form DR-1 (See Section 3417.2

d(1)] a letter shall be sent by the CWA to such individual advising that he/she is now a mandatory WIN registrant and, as a result, is subject to appropriate WIN sanctions. The letter shall also state the reason for loss of exempt status.

(c) For persons who were previously required to register but are now exempt, [the IM worker will complete and transmit to ES/WIN Part A of form DR-1. The IM worker will explain that such persons may volunteer for WIN and, if the individual chooses to do so, the IM worker will also complete Part A of form R-1 and refer the client to ES/WIN for registration as a volunteer] the CWA shall send a letter advising that he/she is now a voluntary registrant and that he/she may withdraw such registration at any time without adversely affecting his/her assistance payments, provided WIN status does not change in a way which would again require WIN registration. The letter shall also state the reason for his/her change to voluntary status.

(e) The letter notifying the client of a change in WIN status will be completed in triplicate: the original mailed to the client, copy #1 forwarded to the appropriate WIN sponsor (ES/WIN), and copy #2 attached to the WIN registration record (MA5-95) located in the county welfare agency's central WIN file.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

Director  
Division of Public Welfare  
Box 1627  
Trenton, N.J. 08625

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rules on Consultant Pharmacist Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules concerning consultant pharmacist services.

Full text of the proposed rules follows:

#### SUBCHAPTER 4. CONSULTANT PHARMACIST SERVICES

##### 10:51-4.1 Scope of services

All services required of a consultant pharmacist in long term care medical facilities, (that is, SNF, infirmary section of home for the aged, or public medical institution), as stipulated in Federal and State statutes, rules and regulations, including (but not limited to), those listed herein shall be provided.

##### 10:51-4.2 Definition of consultant pharmacist

The term "consultant pharmacist" shall mean a pharmacist licensed by the New Jersey State Board of Pharmacy,

and who meets the qualifications in Subchapter 2 of this Chapter.

#### 10:51-4.3 Qualifications

(a) Qualifications include the following:

1. Registered pharmacist holding a current valid license from the New Jersey State Board of Pharmacy.

2. Having at least one year's experience in the practice of institutional pharmacy. This requirement shall become effective one year from the effective date of the other requirements herein.

3. Can, upon request from the Director of the New Jersey Health Services Program or his designee, produce evidence of having annually successfully completed training and/or educational programs pertaining to the practice of institutional pharmacy, acceptable by Council of Pharmaceutical Continuing Education.

#### 10:51-4.4 Responsibilities

(a) In cooperation with the long term care facility, the consultant pharmacist:

1. Shall assure that all drugs are dispensed, and in cooperation with the Director of Nursing, shall assure all drugs are administered in compliance with all State and Federal laws.

2. Shall establish and monitor the implementation of written policies and procedures, through the Pharmaceutical Services Committee (Pharmacy and Therapeutics Committee), to insure the safe use, storage, integrity, administration, control and accountability of drugs.

3. Shall assure that drug records are in order and an account of all controlled substances is maintained and reconciled.

4. Shall assure that patient's medication records are accurate, up to date, and that these records indicate that medications are administered in accordance with physicians' orders and established stop order policies.

5. Shall assure that drugs, biologicals, laboratory tests, special dietary requirements and foods, used or administered concomitantly with other medication to the same patient are monitored for potential adverse reactions, allergies, drug interactions, contraindications, rationality, drug evaluation, and laboratory test modifications and that the physician is advised promptly of any recommended changes.

6. Shall review the drug regimen (for example, dosage form, route of administration, time of administration), of each patient at least monthly, and report any irregularities pertaining to medications to the attending physician, Medical Director or Director of Nursing, as appropriate.

i. Irregularities in the administration of medications are also reported promptly to the Director of Nursing.

7. Shall report in writing at least quarterly to the Pharmaceutical Services Committee (Pharmacy and Therapeutics Committee), on the status of the facility's pharmaceutical services and staff performance as related to pharmaceutical services. This report shall include, but not be limited to, a summary of the review of each patient's drug regimen and clinical record and the consultant pharmacist's findings and recommendations.

8. Shall assure there is maintained and available upon request from the Director of the New Jersey Health Services Program or his designee, documented records of the disposition, disposal or destruction of unused or discontinued drugs.

9. Shall serve as an active member of the Pharmaceutical Services Committee (Pharmacy and Therapeutics Committee), Infection Control Committee and Utilization Review Committee of the facility.

10. Shall provide, and document, in-service programs for the complete nursing staff. This training shall include, but not be limited to, registered nurses, licensed practical nurses, aides and shall be given at least quarterly.

11. Shall devote a sufficient number of hours to carry out these responsibilities, maintain a written record of activities, findings and recommendations.

12. These are minimum responsibilities and should not be construed as establishing a limit on the services of the consultant pharmacist.

#### 10:51-4.5 Basis of payment

(a) Reimbursement for consultant pharmacist services shall be the lower of the following:

1. Five cents per patient day; or

2. The fee received by the consultant pharmacist for services provided to non-Medicaid patients in long term care facilities.

Note: Each Medicaid approved long term care facility receives an appropriate amount of money each month to cover this cost and is responsible for reimbursement to the consultant pharmacist.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions Concerning Pharmaceutical Services

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the rules concerning pharmaceutical services by deleting in its entirety the current text of Subchapter 1 in Chapter 51 of Title 10 in the New Jersey Administrative Code and adopting new text therein.

Full text of the proposed new rules follows:

#### SUBCHAPTER 1. PHARMACEUTICAL SERVICES

##### 10:51-1.1 Introduction

This Subchapter provides information to providers of pharmaceutical services to Medicaid eligibles who are not patients/residents in long-term care facilities. Refer to Chapter 63 of this Title for regulations concerning provision of services to Medicaid recipients in long-term care facilities.

(Continued on Page 28)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, covering all rules adopted through April 21. It is adjusted the month following that in

which a mailing of update pages has been completed.

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

## RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. CITATION</u>		<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
<b>AGRICULTURE — TITLE 2</b>			
2:2-9.2	Bovine leukemia glycoprotein immunodiffusion test (BL-G1D); fee	R.1977 d.109	9 N.J.R. 206(b)
2:3-2.12	Imported breeding swine; not infected with pseudorabies	R.1977 d.108	9 N.J.R. 206(a)
2:17-6.1(d)5.	Revisions on tomato transplants	R.1977 d.87	9 N.J.R. 158(a)
2:17-7.1	Pepper transplants	R.1977 d.88	9 N.J.R. 158(b)
2:34-1.1	Revisions on breeder award levels	R.1976 d.379	9 N.J.R. 2(a)
2:48 through 2:53	Revised rules of Division of Dairy Industry	R.1976 d.359	8 N.J.R. 542(c)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.31	9 N.J.R. 110(b)
2:49-1.1(b)	Revised minimum milk prices	R.1977 d.123	9 N.J.R. 206(c)
2:54-3.9	Rule on handling of milk in N.Y.-N.J. marketing area	R.1977 d.97	9 N.J.R. 159(a)
2:85-1.1 et seq.	Farmland preservation demonstration project	R.1977 d.20	9 N.J.R. 62(b)
2:85-1.1 et seq.	Ratify prior adoption of rules on farmland preservation	R.1977 d.33	9 N.J.R. 110(c)
(Rules in the Administrative Code for Title 2 include all adoptions prior to Nov. 15, 1976—Transmittal Sheet No. 9.)			
<b>BANKING — TITLE 3</b>			
3:1-1.1	Revised interest rates	R.1976 d.404	9 N.J.R. 4(a)
3:8-3.1(c)1.	Revisions on required reserves	R.1977 d.111	9 N.J.R. 207(b)
3:8-5.1	Revisions on required reserves	R.1977 d.111	9 N.J.R. 207(b)
3:11-3.1	Revisions on small business investment co.	R.1976 d.416	9 N.J.R. 4(b)
3:11-3.1 et seq.	Revisions on small business investment companies	R.1977 d.23	9 N.J.R. 112(c)
(Rules in the Administrative Code for Title 3 include all adoptions prior to Nov. 16, 1976—Transmittal Sheet No. 8.)			
<b>CIVIL SERVICE — TITLE 4</b>			
(Rules in the Administrative Code for Title 4 include all adoptions prior to Nov. 16, 1976—Transmittal Sheet No. 9.)			
<b>COMMUNITY AFFAIRS — TITLE 5</b>			
5:30-8.9	Unbudgeted school aid refunds per P.L. 1977, c.15	R.1977 d.81	9 N.J.R. 165(a)
5:30-14.1 to 14.3	Rules on local public contracts	R.1977 d.128	9 N.J.R. 212(a)
5:30-14.4	Change order procedures for local public contracts	R.1977 d.82	9 N.J.R. 166(a)
5:30-14.5	Certification of funds and accounting for contracts	R.1977 d.127	9 N.J.R. 211(a)
5:30-15.1	Procedures for municipalities to exceed caps	R.1976 d.384	9 N.J.R. 10(a)
5:80-1.1 et seq.	Rules on increase rent or carrying charges; increase income limits	R.1977 d.71	9 N.J.R. 164(c)
(Rules in the Administrative Code for Title 5 include all adoptions prior to Nov. 22, 1976—Transmittal Sheet No. 7.)			
<b>EDUCATION — TITLE 6</b>			
6:3-2.1	Revised definition of parent	R.1977 d.68	9 N.J.R. 167(a)
6:3-2.5(d)	Revisions on access to pupil records	R.1977 d.68	9 N.J.R. 167(a)
6:3-3.1 et seq.	Rules on withdrawal from limited purpose regional school districts	R.1976 d.286	8 N.J.R. 458(a)
6:3-4.1	Use of school buses for transportation of senior citizens' groups	R.1977 d.129	9 N.J.R. 212(b)
6:11-3.12	Revisions on athletic coaches	R.1977 d.70	9 N.J.R. 167(c)
6:11-4.1	Repeal rule on regular certificate	R.1977 d.6	9 N.J.R. 68(a)
6:11-4.6	Revisions on two-month certificates	R.1977 d.26	9 N.J.R. 114(a)

6:11-8.8	Amendments on bilingual bicultural education	R.1976 d.289	8 N.J.R. 459(b)
6:11-8.9	Amendments on teaching English as a second language	R.1976 d.288	8 N.J.R. 459(a)
6:11-12.24	Teacher-coordinator of cooperative vocational-technical program	R.1976 d.294	8 N.J.R. 459(c)
6:20-7.1 et seq.	Rules on debarment in contract administration	R.1976 d.388	9 N.J.R. 13(a)
6:21-1.3(a)	Revised definition of remote from the schoolhouse	R.1976 d.342	8 N.J.R. 546(b)
6:21-6.24(f)	Amendment on identification and warning lamps	R.1976 d.387	9 N.J.R. 12(c)
6:21-19.1	School bus warning lamps (strobe)	R.1976 d.386	9 N.J.R. 12(b)
6:24-1.1 et seq.	Revised rules on controversies and disputes	R.1976 d.308	8 N.J.R. 505(b)
6:26-3.1 et seq.	Approved public elementary summer schools	R.1976 d.365	8 N.J.R. 546(c)
6:27-3.1 et seq.	Revisions on approved secondary school summer sessions	R.1976 d.366	8 N.J.R. 546(d)
6:27-3.1	Revisions on approved secondary school summer sessions	R.1977 d.28	9 N.J.R. 114(c)
6:29-6.3	Amendments on athletics personnel	R.1977 d.69	9 N.J.R. 167(b)
6:39-1.2(g)	Revisions on dissemination of information	R.1977 d.27	9 N.J.R. 114(b)

(Rules in the Administrative Code for Title 6 include all adoptions prior to Aug. 13, 1976—Transmittal Sheet No. 8.)

## ENVIRONMENTAL PROTECTION — TITLE 7

7:1-5.1 et seq.	Debarment, suspension and disqualification from contracting	R.1977 d.20	9 N.J.R. 62(b)
7:1D-1.1 et seq.	Farmland preservation demonstration project	R.1976 d.318	8 N.J.R. 510(c)
7:1E-1.1 et seq.	Discharge of petroleum and other hazardous substances	R.1977 d.115	9 N.J.R. 217(c)
7:2-7.5 et seq.	Revisions on lands, waters and facilities under jurisdiction of Bureau of Parks	R.1977 d.145	9 N.J.R. 218(e)
7:2-16.2(e) et seq.	Revisions on special permits at Island Beach State Park	R.1977 d.146	9 N.J.R. 219(a)
7:7A-1.13(a)	Extend wetlands order to Middlesex and Monmouth Counties	R.1976 d.364	8 N.J.R. 548(c)
7:7D-2.1 et seq.	CAFRA rules	R.1977 d.121	9 N.J.R. 218(a)
7:9-4.6, 4.7, 4.9	Revise surface water quality standards	R.1976 d.349	8 N.J.R. 548(a)
7:12-1.1 et seq.	Revisions on condemnation of certain shellfish beds	R.1977 d.74	9 N.J.R. 169(b)
7:12-1.3(a)39.	Revised rules on condemnation of shellfish beds	R.1976 d.372	8 N.J.R. 548(b)
7:12-1.3(a)39.	Revisions on condemnation of certain shellfish beds	R.1977 d.73	9 N.J.R. 169(a)
7:13-1.11(d)9.	Amendment on delineated floodways in Raritan Basin	R.1976 d.317	8 N.J.R. 510(b)
7:13-1.11	Amendments; delineated floodways in Raritan Basin	R.1977 d.143	9 N.J.R. 218(c)
7:13-1.11	Amendment; delineated floodways in the Rahway River	R.1977 d.144	9 N.J.R. 218(d)
7:13-2.1	Determining stream encroachment lines	R.1977 d.142	9 N.J.R. 218(b)
7:21-7.1 et seq.	Stream encroachment applications in the Central Passaic Basin	R.1977 d.107	9 N.J.R. 217(b)
7:25-1.6	Shellfish license revocation schedule	R.1977 d.147	9 N.J.R. 219(b)
7:25-7.12	Restricted access to Lake Musconetcong	R.1976 d.348	8 N.J.R. 547(c)
7:25-11.2 through 7:25-11.4	Criteria for possession of endangered wildlife	R.1977 d.39	9 N.J.R. 118(c)
7:25-12.1	Revisions in preservation of seaclam resources	R.1976 d.427	9 N.J.R. 77(b)
7:25-13.1	Marking of leased tidal grounds in the Delaware River and Bay	R.1977 d.16	9 N.J.R. 78(a)
7:26-2.5, 2.13, 3.4	Revision on sanitary landfills	R.1976 d.303	8 N.J.R. 509(a)
7:26-4.1 et seq.	Revised fees of the Bureau of Solid Waste Management	R.1976 d.327	8 N.J.R. 510(d)
7:27-6.1 et seq.	Revisions on air pollution control	R.1977 d.95	9 N.J.R. 170(c)
7:27-15.4	Emergency revisions in automobile air pollution controls	R.1977 d.1	9 N.J.R. 77(c)
Temporary	Amendments to 1976 Game Code limiting lead pellet shotgun shells	R.1976 d.307	8 N.J.R. 509(b)
Temporary	1977 Fish Code	R.1976 d.316	8 N.J.R. 510(a)
Temporary	Amend 1976-1977 Game Code concerning muskrat trapping	R.1977 d.85	9 N.J.R. 170(a)
Temporary	Extension of commercial shooting preserve season	R.1977 d.86	9 N.J.R. 170(b)

(Rules in the Administrative Code for Title 7 include all adoptions prior to Sept. 27, 1976—Transmittal Sheet No. 7.)

## HEALTH — TITLE 8

8:7-1.1 et seq.	Revisions on licensure of persons for certain public health positions	R.1977 d.102	9 N.J.R. 173(a)
8:22-1.13	Revisions on occupancy limits in campgrounds	R.1977 d.22	9 N.J.R. 81(b)
8:30-12.2(f)	Amendments on fire detection systems in nursing homes	R.1976 d.420	8 N.J.R. 118(d)
8:31-6.1	Determination of health care facilities	R.1977 d.43	9 N.J.R. 119(a)
8:31-9.1 et seq.	Standards for planning computerized axial tomography units	R.1977 d.44	9 N.J.R. 120(a)
8:31-16.16	Patient origin studies data	R.1977 d.45	9 N.J.R. 120(b)
8:31-22.1	Revisions on doctors' offices owned and/or sponsored by and serving health care facilities	R.1977 d.46	9 N.J.R. 120(c)
8:31-23.1(a)	Revisions on parking garages of health care facilities	R.1977 d.47	9 N.J.R. 120(d)
8:31-24.1(a)	Revisions in construction of interns, residents and nurses housing	R.1977 d.48	9 N.J.R. 120(e)
8:31A-10.4	Rule on distribution of net worth or surplus	R.1977 d.49	9 N.J.R. 120(b)
8:33-4.1 et seq.	Standards and criteria; Regional hemophilia care centers	R.1977 d.139	9 N.J.R. 221(c)
8:31-26.1	Ownership or operation of health care facilities	R.1977 d.21	9 N.J.R. 81(a)
8:37-12.13(d)	Amendments on fire detection systems for intermediate care	R.1976 d.417	9 N.J.R. 18(a)
8:42-2.1	Revised definition of food service supervisory or dietary assistant	R.1976 d.356	8 N.J.R. 550(d)
8:43A-1.10(r)	Amendments on fire detection system in hospitals	R.1976 d.419	9 N.J.R. 18(c)

8:43A-1.67	Rules on emergency and disaster procedures	R.1977 d.50	9 N.J.R. 121(a)
8:43A-1.68	Standards for licensure of ambulatory care facilities and health maintenance organizations	R.1977 d.140	9 N.J.R. 222(a)
8:43A-1.66(g)	Revisions concerning ambulatory care facilities	R.1976 d.357	8 N.J.R. 551(a)
8:43B-3.2(a)	Amendments concerning fire protection and safety	R.1977 d.51	9 N.J.R. 121(b)
8:43B-3.2(i)	Rules on facilities providing family practice	R.1976 d.358	8 N.J.R. 551(b)
8:43B-8.3(d)	Revisions on maternal and newborn services	R.1977 d.92	9 N.J.R. 172(c)
8:43E-1.1 et seq.	Policy manual for planning and certificate of need reviews of health care facilities	R.1977 d.138	9 N.J.R. 221(b)
8:53-1.1	Revisions in implementation of Local Health Services Act	R.1977 d.141	9 N.J.R. 222(b)
8:53-1.1 et seq.	Rules on implementing the Local Health Services Act	R.1977 d.91	9 N.J.R. 172(b)
8:65-9.1 et seq.	Delete and mark subchapter Reserved	R.1976 d.376	9 N.J.R. 17(b)
8:65-10.1(a)4.	Addition of prazepam as a controlled dangerous substance	R.1977 d.101	9 N.J.R. 172(d)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.355	8 N.J.R. 550(c)
Temporary	Revision to 1977 Hospital Rate Review Guidelines	R.1976 d.418	9 N.J.R. 18(b)
Temporary	1976-1977 State Medical Facilities Plan	R.1977 d.103	9 N.J.R. 173(b)

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

### HIGHER EDUCATION — TITLE 9

9:1-1.18(c)	Standards for courses offered in secondary schools	R.1976 d.389	9 N.J.R. 19(a)
9:4-3.20	Revisions on spacing of purchase order	R.1977 d.15	9 N.J.R. 81(d)
9:4-3.24	Delete and Reserve section	R.1977 d.15	9 N.J.R. 81(d)
9:9-1.3	Revisions on loan amounts	R.1976 d.385	9 N.J.R. 18(e)
9:9-1.21 et seq.	Revisions to policies and procedures concerning student loans	R.1977 d.104	9 N.J.R. 173(c)

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

### HUMAN SERVICES — TITLE 10

10:49-1.18	Debarment, suspension and disqualification of providers in Medicaid	R.1977 d.64	9 N.J.R. 176(b)
10:49-1.25	Revisions on temporary fees reduction regarding Medicaid	R.1977 d.12	9 N.J.R. 91(a)
10:49-1.31	Procedures for involuntary transfer of patients	R.1977 d.62	9 N.J.R. 126(e)
10:49-1.33	New Jersey Medicaid Formulary	R.1977 d.36	9 N.J.R. 125(c)
10:49-9.1 et seq.	Shared health care facilities	R.1977 d.65	9 N.J.R. 176(c)
10:51-1.4, 1.5	Revisions on Federally required prescription information	R.1976 d.414	9 N.J.R. 23(f)
10:51-1.7	Revisions to various Manual concerning elimination of certain prior authorization requirements	R.1977 d.38	9 N.J.R. 125(d)
10:51-1.10(d)	Revisions on pharmacy dispensing fees	R.1977 d.11	9 N.J.R. 90(c)
10:51-3.1 et seq.	Pharmaceutical services for recipients in Medicaid approved long-term facilities	R.1977 d.132	9 N.J.R. 237(a)
10:59-1.9(c)	Ownership of durable medical equipment	R.1977 d.14	9 N.J.R. 91(b)
10:63-4.1 et seq.	Rules on medical day care services	R.1977 d.133	9 N.J.R. 238(a)
10:63-5.1 et seq.	Rules on interim billing procedures	R.1977 d.133	9 N.J.R. 238(a)
10:66-1.13(d)	List of allowable mental health treatment services	R.1977 d.67	9 N.J.R. 176(d)
10:81-2.2, 3.8	Revisions concerning pregnant women	R.1976 d.408	9 N.J.R. 23(c)
10:81-7.40 et seq.	Revisions on fraudulent receipt of assistance	R.1977 d.9	9 N.J.R. 90(b)
10:82-1.2(c)2	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(a)
10:82-1.3(a)2.	Revision concerning eligible unit	R.1976 d.407	9 N.J.R. 23(b)
10:82-1.4	Disregard of scholarships and grants for eligible persons attending school or college	R.1977 d.75	9 N.J.R. 177(a)
10:82-2.15, 2.16	Recoupment of overpayments	R.1977 d.55	9 N.J.R. 125(e)
10:82-2.19	Institutionalized child returning temporarily to home	R.1976 d.409	9 N.J.R. 23(d)
10:82-3.2	Revisions on exempt resources	R.1977 d.56	9 N.J.R. 126(a)
10:82-4.2	Revisions on self-employed	R.1976 d.410	9 N.J.R. 23(e)
10:82-4.6	Revisions on value of home produce	R.1977 d.56	9 N.J.R. 126(a)
10:82-4.11(c)	Revisions on earned income	R.1977 d.137	9 N.J.R. 238(e)
10:82-4.12	Revisions on determination of household size	R.1976 d.406	9 N.J.R. 23(c)
10:82-5.8	Revisions on payments to homes for unwed mothers	R.1977 d.135	9 N.J.R. 238(c)
10:82-5.11	Revisions on expenses incident to training	R.1976 d.405	9 N.J.R. 22(b)
10:85-3.1(a), 10:85-5.21(f)	Revisions on hospitalization costs in the General Assistance Program	R.1977 d.134	9 N.J.R. 238(b)
10:87-3.18(a)2.	Revisions to Food Stamp Manual and work registration exemptions	R.1977 d.136	9 N.J.R. 238(d)
10:87-4.8 and 4.9	Revision on food stamp eligibility	R.1977 d.58	9 N.J.R. 126(c)
10:87-6.41(a)	Revisions on repayment of food stamp overissuances	R.1977 d.59	9 N.J.R. 126(d)
10:94-4.31(a)	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:94-4.41	Amendment on eligible persons	R.1977 d.57	9 N.J.R. 126(b)
10:122-2.3	Revisions for child care licensing	R.1977 d.24	9 N.J.R. 125(b)

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

## INSURANCE — TITLE 11

11:1-5.3	Withdrawal of rule on surcharge	R.1977 d.17	9 N.J.R. 93(a)
11:1-7.1 et seq.	Service and placement fees	R.1976 d.266	8 N.J.R. 422(b)
11:1-8.1 et seq.	Property-casualty agents	R.1976 d.267	8 N.J.R. 423(a)
11:1-12.1 et seq.	Corporate and partnership licensee requirements	R.1976 d.412	9 N.J.R. 24(b)
11:3-1.25	Revisions on New Jersey Automobile Insurance Plan Manuals	R.1977 d.114	9 N.J.R. 239(a)
11:3-8.1(b), 8.1(e)	Revisions on nonrenewals	R.1976 d.413	9 N.J.R. 24(c)
11:3-8.1(e)11.	Revision on consent to nonrenewal of private passenger auto coverage	R.1977 d.100	9 N.J.R. 178(b)
11:3-8.1(g)	Rule on consent to nonrenewal of private passenger auto coverage	R.1976 d.328	8 N.J.R. 516(e)
11:3-10.4	Revisions on auto physical damage claims	R.1976 d.371	8 N.J.R. 559(c)
11:4-11.1 et seq.	Rules on life insurance solicitations	R.1976 d.329	8 N.J.R. 517(a)
11:5-1.10(b)	Revisions on salesmen's commissions	R.1976 d.254	8 N.J.R. 422(a)
11:5-1.15(a)	Amendment on advertising rules	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.15(e)	Area advertising	R.1976 d.276	8 N.J.R. 482(a)
11:5-1.16(b)	Amendment on prohibited advertising practice	R.1977 d.84	9 N.J.R. 178(a)
11:5-1.25(a)	Revisions on sales of interstate properties	R.1976 d.275	8 N.J.R. 516(d)
11:5-1.25(h)	Amendments on sales of interstate properties	R.1977 d.35	9 N.J.R. 127(b)
11:5-1.32	Revisions on rental location operations	R.1977 d.83	9 N.J.R. 177(d)
Temporary	Rule on final hospital payment rates; cost review	R.1977 d.18	9 N.J.R. 93(b)

(Rules in the Administrative Code for Title 11 include all adoptions prior to August 13, 1976—Transmittal Sheet No. 7.)

## LABOR AND INDUSTRY — TITLE 12

(Rules in the Administrative Code for Title 12 include all adoptions prior to Oct. 25, 1976—Transmittal Sheet No. 6.)

## LAW AND PUBLIC SAFETY — TITLE 13

13:27-3.4	Revisions on licensing	R.1976 d.423	9 N.J.R. 41(b)
13:28-1.3 et seq.	Revisions to rules of Board of Beauty Culture	R.1977 d.34	9 N.J.R. 129(a)
13:30-8.2	Additional dental hygiene functions	R.1976 d.353	8 N.J.R. 561(a)
13:30-8.3	Rule on use of general anesthesia by dentists	R.1976 d.367	8 N.J.R. 561(b)
13:30-8.4	Announcement of practice in special area of dentistry	R.1976 d.370	8 N.J.R. 562(a)
13:30-8.5	Complaint review procedure	R.1976 d.422	9 N.J.R. 41(a)
13:31-1.10	Rule on electrical contracting	R.1976 d.369	8 N.J.R. 563(a)
13:33-1.13(c)	Rule on candidates' review of examination	R.1977 d.99	9 N.J.R. 186(b)
13:33-1.25	Revisions on temporary addresses	R.1977 d.42	9 N.J.R. 129(b)
13:35-8.24	Rule concerning fee schedules	R.1977 d.7	9 N.J.R. 94(c)
13:37-1.1	Revised definition of professional nursing	R.1976 d.368	8 N.J.R. 575(a)
13:37-6.2	Amendments on intravenous therapy	R.1977 d.66	9 N.J.R. 179(b)
13:37-9.6	Waivered practical nurses licensure by examination	R.1976 d.411	9 N.J.R. 26(c)
13:43-1.1 et seq.	Delete and reserve chapter	R.1977 d.98	9 N.J.R. 186(a)
13:43-1.1 et seq.	Revisions concerning shorthand reporters	R.1977 d.98	9 N.J.R. 186(a)
13:43A-1.1 et seq.	Rules on shorthand reporting	R.1977 d.98	9 N.J.R. 186(a)
13:45-1.1 et seq.	Revisions on procedures on administrative complaints	R.1977 d.93	9 N.J.R. 184(a)
13:45A-2.1 et seq.	Revisions on motor vehicle advertising rules	R.1976 d.362	8 N.J.R. 563(b)
13:47E-2.1	Retention of public or certified weighing records	R.1976 d.421	9 N.J.R. 26(d)
13:57-1.1 et seq.	Rules on uniform crime reporting systems	R.1976 d.397	9 N.J.R. 26(b)
13:70-4.1	Revisions to harness and thoroughbred racing rules	R.1977 d.8	9 N.J.R. 94(d)
13:71-7.1, 7.13	Revisions to harness and thoroughbred racing rules	R.1977 d.8	9 N.J.R. 94(d)

(Rules in the Administrative Code for Title 13 include all adoptions prior to Nov. 8, 1976—Transmittal Sheet No. 8.)

## PUBLIC UTILITIES — TITLE 14

14:5-7.1 et seq.	Delete entire text of Subchapter	R.1977 d.37	9 N.J.R. 139(a)
14:5-7.1 et seq.	Delete rules on electrical inspection authorities	R.1977 d.37	9 N.J.R. 139(a)

(Rules in the Administrative Code for Title 14 include all adoptions prior to Aug. 13, 1976—Transmittal Sheet No. 6.)

## STATE — TITLE 15

15:10-3.1 et seq.	Rules on all election district maps	R.1976 d.375	9 N.J.R. 42(b)
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(Rules in the Administrative Code for Title 15 include all adoptions prior to Nov. 15, 1976—Transmittal Sheet No. 8.)

## TRANSPORTATION — TITLE 16

16:28-1.33	Revised speed zones on Route 41	R.1976 d.380	9 N.J.R. 42(c)
16:28-1.49	Revised speed zones on parts of Route 35	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.66	Revised speed zones on Route 175	R.1976 d.380	9 N.J.R. 42(c)
16:28-1.126	Revised speed zones on parts of Route 47	R.1977 d.120	9 N.J.R. 241(b)
16:28-1.132	Revised speed zones on parts of Route 47	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.133, 1.134	Delete and mark Reserved	R.1976 d.351	8 N.J.R. 582(a)
16:28-1.166 and 1.167	Revised speed zones on parts of Route U.S. 9 and N.J. 181	R.1977 d.120	9 N.J.R. 241(b)
16:28-3.102	Revisions on restricted parking on parts of Route U.S. 9	R.1977 d.119	9 N.J.R. 241(a)
16:28-3.123	Restricted parking on parts of Routes 24, U.S. 202 and 27	R.1976 d.352	8 N.J.R. 582(b)
through 16:28-3.127			
16:28-3.128	Restricted parking on Routes 82, 28 and U.S. 9	R.1976 d.382	9 N.J.R. 43(a)
through 16:28-3.130			
16:28-3.135, 3.136	Restricted parking on various State highways	R.1977 d.2	9 N.J.R. 99(a)
26:28-3.137	Restricted parking on Route 166	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.138	Restricted parking on Route 28	R.1977 d.77	9 N.J.R. 190(b)
16:28-3.139	Restricted parking along Routes 173, 24, U.S. 202 and U.S. 71	R.1977 d.80	9 N.J.R. 190(e)
through 16:28-3.142			
16:28-3.143 through	Restricted parking on parts of Routes U.S. 9 and N.J. 29 and 23	R.1977 d.118	9 N.J.R. 240(b)
16:28-3.145			
16:28-3.146 through	Restricted parking on parts of Routes 57, 47 and 27	R.1977 d.119	9 N.J.R. 241(a)
16:28-3.148			
16:28-4.3	Repeal rule on one-way traffic on parts of Route 79	R.1977 d.76	9 N.J.R. 190(a)
16:28-6.14	No left turns on Route 35 in Matawan Township	R.1976 d.381	9 N.J.R. 42(d)
16:28-6.15	Left turns on parts of Route 171	R.1977 d.3	9 N.J.R. 99(b)
16:28-3.131	Restricted parking on various State highways	R.1977 d.4	9 N.J.R. 99(c)
through 16:38-3.134			
16:28-11.1	Drawbridge use on Route 52	R.1977 d.5	9 N.J.R. 99(d)
16:28-12.1 et seq.	No right turns on red signal on various State roads	R.1977 d.10	9 N.J.R. 100(a)
16:28-12.16(a)5.	Amendment on no-right turns on red on parts of Route 23	R.1977 d.79	9 N.J.R. 190(d)
16:28-13.1	Limited access prohibition on parts of Route 208	R.1977 d.78	9 N.J.R. 190(c)
16:28-14.1	Speed limits on State highways under construction or repair	R.1977 d.60	9 N.J.R. 142(a)
16:41-8.4, 8.6	Revised general restrictions	R.1976 d.350	8 N.J.R. 581(b)
16:55-1.1 et seq.	Revised rules on aeronautical activities	R.1977 d.52	9 N.J.R. 141(a)

(Rules in the Administrative Code for Title 16 include all adoptions prior to Nov. 8, 1976—Transmittal Sheet No. 7.)

## TREASURY-GENERAL — TITLE 17

17:1-1.18	Revisions on general administration	R.1977 d.32	9 N.J.R. 147(c)
17:1-1.21	Rules for pensioners' group health insurance plan	R.1976 d.338	8 N.J.R. 586(b)
17:1-10.1 et seq.	Rules on the State prescription drug program	R.1977 d.117	9 N.J.R. 243(a)
17:3-6.25	Medical examinations regarding Teachers' Pension and Annuity Fund	R.1977 d.96	9 N.J.R. 200(a)
17:8-2.14	Amendments on full monthly payments	R.1977 d.61	9 N.J.R. 148(a)
17:12-6.1 et seq.	Rules on bid and performance bonds	R.1976 d.377	9 N.J.R. 47(a)
17:12-6.4	Informalities in bidding	R.1977 d.40	9 N.J.R. 147(d)
17:12-6.5	Automatic rejection of bids	R.1977 d.41	9 N.J.R. 147(e)
17:13-1.1 through	Repeal current text in its entirety	R.1977 d.122	9 N.J.R. 244(a)
17:13-7.1			
17:16-5.4	Revised demand group; classification of funds	R.1977 d.124	9 N.J.R. 244(b)
17:16-5.5	Revised temporary reserve group; classification of funds	R.1977 d.13	9 N.J.R. 100(d)
17:16-7.4	Revised rule on legal papers	R.1976 d.401	9 N.J.R. 46(a)
17:16-8.2	Revised rule on legal papers	R.1976 d.402	9 N.J.R. 46(b)
17:16-32.8(b)5.	Revisions on valuation of units; Common Pension Fund A	R.1977 d.125	9 N.J.R. 244(c)
17:16-36.8(b)	Revisions on valuation of units; Common Pension Fund B	R.1977 d.126	9 N.J.R. 244(d)
17:26-1.1 et seq.	Interim rules for processing damage claims under the Spill Compensation and Control Act	R.1977 d.116	9 N.J.R. 241(d)

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

## TREASURY-TAXATION — TITLE 18

18:12-7.1 et seq.	Instructions on homestead tax rebate claims	R.1976 d.333	8 N.J.R. 582(c)
18:12-7.1 et seq.	Revisions on assessors, collectors and county tax board secretaries	R.1977 d.130	9 N.J.R. 245(a)
18:12-7.11	Extension of filing date	R.1976 d.339	8 N.J.R. 586(c)
18:12-7.11	Revisions on extension of filing date; homestead rebates	R.1977 d.90	9 N.J.R. 199(b)
18:12A-1.16(h), (i)	Amendments on tax assessment lists and duplicates (EDP)	R.1977 d.131	9 N.J.R. 245(b)
18:24-9.12 et seq.	Revisions to rules on Sales and Use Tax Act	R.1977 d.29	9 N.J.R. 147(b)
18:30-2.1 et seq.	Revisions for capital gains and unearned income tax	R.1976 d.399	9 N.J.R. 49(a)
18:30-15.13	Delete and mark Reserved	R.1976 d.398	9 N.J.R. 48(b)
18:30-15.13	New rule on information furnished at source	R.1976 d.400	9 N.J.R. 48(c)
18:35-1.1	Summer payment plan; gross income tax	R.1976 d.415	9 N.J.R. 52(a)
18:35-1.2	Clergymen and gross income tax	R.1976 d.424	9 N.J.R. 52(b)
18:35-1.3	Declaration of 1976 estimated tax	R.1976 d.425	9 N.J.R. 52(c)
18:35-1.5	Information furnished at source payers other than interest	R.1977 d.19	9 N.J.R. 101(a)
18:35-1.6	Treatment of capital gains and losses pursuant to P.L. 1976, c.47	R.1977 d.94	9 N.J.R. 199(c)

(Rules in the Administrative Code for Title 18 include all adoptions prior to Aug. 13, 1976—Transmittal Sheet No. 7.)

## OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revised rules of Mortgage Finance Agency	R.1977 d.53	9 N.J.R. 152(a)
19:6-1.2 et seq.	Revisions concerning District Building Code	R.1977 d.25	9 N.J.R. 150(a)
19:8-1.1	Revised definitions concerning motorcycles	R.1977 d.113	9 N.J.R. 246(a)
19:8-1.9	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:8-1.9(b)3.	Revisions on use of motorcycles on the Parkway	R.1977 d.113	9 N.J.R. 246(a)
19:8-3.1	Extend time limit on motorcycle rules	R.1976 d.340	8 N.J.R. 587(a)
19:9-1.1 et seq.	Revisions on control of traffic on the Turnpike	R.1977 d.63	9 N.J.R. 203(a)
19:25-15.1 et seq.	Rules on public financing of general elections for Governor	R.1977 d.72	9 N.J.R. 201(a)

(Rules in the Administrative Code for Title 19 include all adoptions prior to Nov. 1, 1976—Transmittal Sheet No. 7.)

(Continued from Page 21)

#### 10:51-1.2 Covered pharmaceutical services

(a) Covered pharmaceutical services include:

1. Prescribed drugs, legend and nonlegend, as herein defined;
2. Contraceptive devices and contraceptive supplies (that is, diaphragms, jellies and rubber prophylactics);
3. Diabetic testing materials (that is, Clinitest, Testape);
4. Hypodermic syringes and/or needles.

(b) All the above services must be provided within the scope of the Program policies and procedures and billed to the Hospital Service Plan of New Jersey (Blue Cross of New Jersey), on the prescription claim form (MC-6), or other approved billing methods.

1. All other medical or pharmaceutical supplies, durable or nondurable, will be payable through the Prudential Insurance Company of America as services for medical supplies and equipment. Claim forms and information concerning the provisions of these supplies will be furnished to pharmacies by Prudential. Pharmacies not already approved as Medical Suppliers may apply by contacting the Assistant Director, Medical Care Administration, Division of Medical Assistance and Health Services, P.O. Box 2486, Trenton, New Jersey 08625 or Prudential Insurance Company, P.O. Box 1900, Millville, New Jersey 08332.

2. Exception: Long term care Medicaid eligible recipients do not fall within the scope of this Chapter. In order to service this population, a separate agreement of service must be obtained from New Jersey Medicaid Program by writing to Chief, Pharmaceutical Services, Division of Medical Assistance and Health Services, P.O. Box 2486, Trenton, New Jersey 08625.

#### 10:51-1.3 Definitions

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

"Eligible prescribers" mean all practitioners licensed or authorized by the State of New Jersey to prescribe drugs and medicines (physicians, dentists or podiatrists, within the scope of his license and practice). Out-of-state practitioners may prescribe in this Program as herein outlined if they meet the same requirements in their State.

"Eligible pharmacies in New Jersey" mean all pharmacies located in New Jersey and operating under a valid retail permit from the Board of Pharmacy of the State of New Jersey, having filed an application and agreement with the State Department of Human Services shall be eligible to participate in the New Jersey Medicaid Program upon acceptance of said agreement by the State Department of Human Services.

Note: Upon sale or other change of ownership of an approved pharmacy, the agreement is automatically terminated. The new owner(s) must apply to the Division of Medical Assistance and Health Services and execute a new agreement in order to participate in the New Jersey Medicaid Program.

"Eligible pharmacies out of State" mean licensed pharmacies in another State may participate providing they abide by all policies and procedures that apply to New Jersey pharmacies.

"Responsibilities of eligible providers" mean participating pharmacies must provide complete prescription services, including compounding and prescription refill services when allowable. Prescriptions must be dispensed in compliance with all currently existing Federal and State laws, based on sound professional judgment.

#### 10:51-1.4 General policies

(a) The pharmacy shall not advertise in any media or solicit covered persons in the Program through signs or displays indicating that the pharmacy accepts or dispenses eligible prescriptions except as specifically approved by the Division of Medical Assistance and Health Services.

(b) Properly identified representatives of the Division may inspect the written prescriptions and may audit all records pertaining to prescriptions provided to covered persons and where deemed necessary, for the purpose of complying with Federal regulations to determine a provider's "usual and customary charges to the public", the representatives may inspect private sector prescriptions for the following information only:

1. Drug name;
2. Quantity dispensed;
3. Price;
4. Prescription number (for reference purposes only);
5. Date dispensed.

(c) Information pertaining to patient name and prescriber will remain confidential within the limits of the law.

#### 10:51-1.5 Drug policies

(a) The choice of prescription drugs remains at the discretion of the prescriber; but, payment will not be made for certain drugs under specific conditions.

(b) When prescribing a trade-name multi-source drug product listed in Section I of the New Jersey Medicaid Formulary for which a designated chemically equivalent name in corresponding dosage form and strength is listed in Section II of the Formulary, the prescriber must indicate either "Formulary Alternate Permitted" or "Dispense as Written" (may be abbreviated "FAP" or "DAW"), on each written or telephoned prescription.

(c) When the prescriber indicates "Formulary Alternate Permitted" or "FAP", the pharmacy provider shall dispense an alternate product listed for the designated chemically equivalent name, and will be reimbursed based on the average wholesale price for that product. When the prescriber indicates "Dispense as Written" or "DAW", the pharmacy provider shall follow those instructions and will be reimbursed accordingly.

(d) When the drug product is prescribed by its non-proprietary or generic name, the pharmacy provider shall dispense the least expensive, therapeutically effective product available.

(e) When prescribing a trade name multi-source drug product for which a Maximum Allowable Cost (MAC) limitation has been established by the Pharmaceutical Reimbursement Board, Department of Health, Education and Welfare, "limitation shall not apply in any case where a physician certifies in his own handwriting that in his medical judgment a specific brand is medically necessary for a particular patient". In this instance the physician must write "Brand Necessary" or "Dispense as Written" in his own handwriting, on each written or telephone prescription.

(f) The quantity of medication prescribed should provide a sufficient amount of medication necessary for the duration of the illness or an amount sufficient to cover the interval between visits, but may not exceed a 60-day supply. Any drug used continuously (that is, daily, three times daily, every other day, and so forth), for 14 days or more is considered to be a sustaining drug or maintenance medication and should be prescribed in sufficient quantities to treat the patient for up to 60 days.

1. Exceptions:

i. Oral contraceptives may be prescribed up to a supply for three ovulatory cycles.

ii. Vitamin and vitamin/mineral combinations may be prescribed and dispensed in quantities up to a 100-day supply.

iii. Hypodermic syringes and/or needles may be prescribed and dispensed in quantities up to a 100-day supply.

(g) Dosage and directions for use must be indicated on all original prescriptions. Prescriptions written and dispensed with nonspecific directions, such as "PRN", "as directed", or "ad lib", and so forth, are not eligible for payment. Prescriptions written for topical preparations, aerosol inhalers and Nitroglycerin are exceptions to this regulation since the dosage cannot be related to number of days supply of medication. In such situations, the pharmacist must enter the letters "N/A" (not applicable) in the "DAYS SUPPLY" space on the Prescription Claim Form (MC-6). For all oral medication and injectibles, the number of days the medication should last, based on the prescriber's directions for use, must be entered in the "DAYS SUPPLY" space on the prescription claim form (MC-6).

(h) Telephone orders from the prescriber for original prescriptions, in accordance with all applicable Federal and State laws and regulations, will be permitted.

1. For drugs listed in the New Jersey Medicaid Formulary, the prescriber must indicate either "Formulary Alternate Permitted" (FAP) or "Dispense as Written" (DAW), for each prescription transmitted and the pharmacist shall transpose this information onto the written prescription.

2. When a physician chooses to certify "Brand Necessary" or "Dispense as Written" on a MAC listed drug product, he must submit a written prescription order to the pharmacist, containing the certification within seven days of the date of the telephone order. The prescriptions must be retained by the pharmacist as the original prescription. Failure to comply will result in the claim for that prescription to be reduced to the MAC reimbursement level.

(i) Changes or additions to the original prescription, when approved by the practitioner, must be clearly indicated and initialed by the dispensing pharmacist. After the prescription claim form is submitted for payment, no changes on the original prescription can be made (that is, dosage, quantities, number of refills, and so forth).

(j) When medication is prescribed by its nonproprietary or generic name, the pharmacy provider shall dispense the least expensive, therapeutically effective product available.

(k) The pharmacist must initiate, complete and submit prescription claim form (MC-6) to Blue Cross of New Jersey for payment of an allowable refill. The following instructions apply for allowable refills:

1. Refill instructions must be indicated by the prescriber on the original prescription. Prescriptions without such instructions are not refillable and are not eligible for payment;

2. Prescription refills will be limited to two times within a six-month period if so indicated by the prescriber on the original prescription.

i. Exceptions:

(1) Oral contraceptives originally prescribed for a three ovulatory cycle supply may be refilled two times within a nine-month period;

(2) Vitamin and vitamin/mineral combinations originally prescribed for a 100-day supply may be refilled two times within one year.

3. Refill instructions indicating "refill prn" or indicating more than two refills will be honored for payment only up to the limits imposed in paragraph 2 above.

4. Payments will not be allowed for telephone authorized refills.

5. Prescription refills shall not be dispensed until a reasonable quantity (approximately 75 per cent) of the medication originally dispensed or refilled could have been consumed in accordance with the practitioner's written directions for use.

i. Exceptions: When medication has been destroyed (for example, broken container) the pharmacist may refill the prescription; but, a note of explanation for the early refill must be stapled to the prescription claim form (MC-6).

10:51-1.6 Services requiring prior authorization

(a) The following therapeutic classes and dosage forms require prior authorization obtained by the prescribing practitioner from the local medical assistance unit. If the request is approved, an authorization number will be provided and must appear on the prescriber's original or valid transcribed prescription. The pharmacist must check the box in the space provided on the prescription claim form (MC-6), identifying a prior-authorized item, and enter the authorization number in the proper space in this area.

1. Antiobesics and anorexics;

2. Preventive drugs listed in Appendix A, Section 209, when not available through listed Distributing Stations.

3. Injectable drugs as follows:

i. Gammaglobulin when not available from the Department of Health or other agencies;

ii. Drugs to be administered to a patient by other than the prescriber or an employee of the prescriber. Written prescription must include the statement, "Medicaid Authorized".

4. Protein replacement products, such as (but not limited to) Probona, Portogen, Neo Mullsoy.

5. Methadone when not prescribed for use in drug detoxification or for addiction maintenance.

10:51-1.7 Pharmaceutical services not eligible for payment

(a) The following classes of prescription drugs will not be honored for payment:

1. Drugs for which adequate literature, that is, package inserts, and so forth, and price catalogues are not readily available;

2. Experimental drugs;

3. Telephone ordered refills;

4. Drugs directly furnished by practitioner;

5. Preventive drugs and biologicals provided without charge through programs of other public or voluntary agencies (that is, New Jersey State Department of Health, New Jersey Heart Association, and so forth). (See Appendix A, Section 209).

i. Exceptions include instances where preventive drugs are not available at the listed distributing stations and prior authorization to provide these items is obtained from the local medical assistance unit.

6. Medications prescribed for use by hospital inpatients;

7. Nonlegend drugs not listed in Appendix B or C;

8. Prescriptions written and dispensed with nonspecific directions;

9. Food supplements, milk modifiers, infant formula and therapeutic diets;

i. Exception: Protein replacements.

10. Methadone or any prescriptions containing Methadone, that is, tablets, capsules, liquid, injectibles or pow-

der, when used for drug detoxification or addiction maintenance.

11. Drugs for which final orders have been published by the Food and Drug Administration, withdrawing the approval of their new drug application (NDA);

12. Injectable drugs.

i. Exceptions:

(1) Parenteral FDA approved anti-neoplastic drugs

(2) Gammaglobulin when not available from the Department of Health or other agency. Prior authorization must be obtained by the prescriber.

(3) Drugs to be administered to a patient by other than the prescriber or an employee of the prescriber. Prescriber must obtain prior authorization and the written prescription must include the statement, "Medicaid Authorized".

(4) Insulin.

#### 10:51-1.8 Payment regulations for prescribed drugs

(a) Direct (vendor) payment will be made to participating pharmacies by Blue Cross of New Jersey on behalf of the New Jersey Medicaid Program upon receipt of a properly completed prescription claim form (MC-6), as shown in Subchapter 2 of this Chapter.

(b) Only one prescription may be submitted on each prescription claim form (MC-6).

#### 10:51-1.9 Basis of payment

(a) Legend drugs rules are:

1. Payment for "legend" drugs (those drugs bearing the legend "Federal Law Prohibits Dispensing Without a Prescription"), and contraceptive diaphragms will be based upon "maximum allowable cost" as herein defined.

2. "Maximum allowable cost" is defined as:

i. The "maximum allowable cost" (MAC) price published by the Pharmaceutical Reimbursement Board of the Department of Health, Education and Welfare for listed "multi-source" drugs; or

ii. The listed average wholesale price (AWP), as so designated for the most frequently purchased package size in the current Drug Topics Red Book (published by Medical Economics Co., Oradell, N.J. 07649), and supplements and price changes listed by the same publisher in Drug Topics Magazine or the designated prices listed in this Subchapter. In the case of unlisted or undesignated AWP "costs" or typographical errors, the known correct price will be used as maximum cost . . . \*whichever is lower.

(1) Maximum cost for each eligible prescription claim not covered by this Subchapter shall be subject to the following fiscal conditions based upon six categories determined from the previous year's total prescription volume as determined by the Division, for each participating pharmacy. The categories shall be adjusted annually.

(2) In order to determine a provider's total prescription volume, which shall include all prescriptions filled, both new and refill, for private, Medicaid and other third party recipients, for the previous calendar year: pharmacies will be required to submit in writing, a report certifying to their prescription volume, annually. Failure to meet this requirement will result in the provider being placed in the maximum discount category (Category VI), for the period of noncompliance.

Note: Those pharmacy providers who have participated in the Program for less than one year will have their volume projected over the entire calendar year to determine the appropriate category for next year.

3. Category I: Pharmacies whose total prescription volume in the previous calendar year was not more than 14,999 prescriptions.

i. Pharmacies placed in this category will receive maximum cost reimbursement for legend prescription claims at average wholesale price (AWP) as defined above.

4. Category II: Pharmacies whose total prescription volume in the previous year was in excess of 15,000 prescriptions but did not exceed 19,999 prescriptions.

i. Pharmacies placed in this category will receive maximum cost reimbursement for legend prescription claims at average wholesale price (AWP) as defined above less two per cent of such cost.

ii. The calculated amount will be automatically deducted from each prescription claim in the reimbursement processing procedure.

5. Category III: Pharmacies whose total prescription volume in the previous calendar year was 20,000 prescriptions but did not exceed 29,999 prescriptions.

i. Pharmacies placed in this category will receive maximum cost reimbursement for legend prescription claims at average wholesale price (AWP) as defined above less three per cent of such cost.

ii. The calculated amount will be automatically deducted from each prescription claim in the reimbursement processing procedure.

6. Category IV: Pharmacies whose total prescription volume in the previous calendar year was 30,000 prescriptions but did not exceed 39,999 prescriptions.

i. Pharmacies placed in this category will receive maximum cost reimbursement for legend prescription claims at average wholesale price (AWP) as defined above less four per cent of such cost.

ii. The calculated amount will be automatically deducted from each prescription claim in the reimbursement processing procedure.

7. Category V: Pharmacies whose total prescription volume for the previous calendar year was 40,000 prescriptions but did not exceed 49,999 prescriptions.

i. Pharmacies placed in this category will receive maximum cost reimbursement for legend prescription claims at average wholesale price (AWP) as defined above less five per cent of such cost.

ii. The calculated amount will be automatically deducted from each prescription claim in the reimbursement processing procedure.

8. Category VI: Pharmacies whose total prescription volume in the previous calendar year was 50,000 prescriptions or more.

i. Pharmacies placed in this category will receive maximum cost reimbursement for legend prescription claims at average wholesale price (AWP), as defined above less six per cent of such cost.

ii. The calculated amount will be automatically deducted from each prescription claim in the reimbursement processing procedure.

\*Note: If the published MAC prices as defined in paragraph 2.i. above is higher than the price which would be paid under paragraph 2.ii. above, then paragraph 2.ii. will apply.

9. Pharmacies with retail permits not servicing Medicaid eligible recipients in long-term care facilities:

The "dispensing fee" for legend drugs provided under the New Jersey Health Services Program as outlined in this Manual shall be \$2.05. In addition, if the pharmacy provider has a 24-hour per day, 365 days per year, available prescription service and has made this service known to the public and so certified to the Division of Medical Assistance and Health Services by completing Form FD-70, ten cents (10¢) may be added, making the dispensing fee \$2.15.

10. The maximum charge to the New Jersey Medicaid Program for a legend drug, including the charge for the cost of medication and the dispensing fee, may not exceed the lowest of the following:

- i. "Cost plus dispensing fee" as outlined herein; or,
- ii. Usual and customary and/or posted or advertised charges; or,
- iii. Other third-party prescription plan charges, when contracts or agreements to participate have been entered into subsequent to the adoption of this regulation.

(b) Any prescription containing two or more ingredients, in usually accepted therapeutic dosage and mixed by the pharmacist at the time of dispensing is a compounded prescription.

1. The ingredient "cost" of a compounded prescription shall be the sum of the "cost", as defined in Subsection (a) of this Section, of all the ingredients.

i. Exception: The pharmacy may charge up to \$.25 for any ingredient whose "cost" as defined in subsection (a) of this Section is less than \$.25.

2. The "dispensing fee" for a compounded prescription shall be as allowed in subsection (a) of this Section.

3. The maximum charge for a compounded prescription shall not exceed the limits set forth in subsection (a) of this Section.

(c) The only nonlegend drug products which may be billed to the New Jersey Medicaid Program are:

1. Those items listed in Appendix B and C;
2. Contraceptive materials listed in Appendix B;
3. Diabetic testing material listed in Appendix B;
4. General nonlegend drugs as listed in Appendix B;
5. Hypodermic syringes and/or needles as listed in Appendix C;

6. The maximum charge to the New Jersey Medicaid Program for these products may not exceed the lower of the following:

- i. Manufacturers suggested selling price to the consumer.
- ii. The usual retail price charged to other persons in the community.

#### APPENDIX A

##### Preventive Drugs and Biologicals

Preventive drugs and biological products listed below, provided by the New Jersey State Department of Health, may be obtained from the listed Biological Distributing Stations without charge by authorized persons for New Jersey residents who need to be spared the cost of the material.

##### Preventive Biologicals

- Smallpox Vaccine
- Pertussis-Diphtheriae-Tetanus (Adsorbed)
- Typhoid Vaccine
- Tetanus & Diphtheria Toxoid (Adult)
- Tetanus & Diphtheria Toxoid (Pediatric)

##### Preventive Drugs

- Isoniazid (INH)
- Para-Amino-Salicylic Acid (PAS),  
Amino Salicylic Acid, or  
Derivatives and combinations thereof.

The following biologicals are available to physicians and to local boards of health as outlined:

1. Trivalent Oral Poliomyelitis Vaccine—Measles Vaccine

Available only to child health conferences, pediatric clinics, and similar agencies serving groups of needy children.

##### 2. Duck Embryo Rabies Vaccine—Human

This vaccine is available only at the Distributing Stations indicated by an asterisk (\*).

##### 3. Anti-Rabies Serum

This serum may be procured upon request from the State Department of Health, Area Code 609: 292-5570.

##### 4. Gammaglobulin

German Measles—20cc for women exposed in the first trimester of pregnancy may be procured upon request from the State Department of Health, Area Code 609: 292-5570.

Measles—not more than 2cc per individual for modification and prevention. This material is supplied by the American Red Cross.

#### 209.1 Distributing Stations

##### ATLANTIC COUNTY

Board of Health  
2314 Pacific Avenue  
Atlantic City, New Jersey 08401

District Health Office  
1200 Harding Highway  
Mays Landing, New Jersey 08330

##### BERGEN COUNTY

Bergen Pines County Hospital  
Paramus, New Jersey 07652

Hackensack Hospital—Hospital Place  
Hackensack, New Jersey 07601  
Englewood Hospital  
Englewood, New Jersey 07631

Holy Name Hospital  
718 Teaneck Road  
Teaneck, New Jersey 07666

Board of Health, Health Center  
10 Beaver Avenue  
North Arlington, New Jersey 07032

##### BURLINGTON COUNTY

Burlington County Health Dept.  
Raphael Meadow Health Center  
Woodland Road  
Mt. Holly, New Jersey 08060

Board of Health  
254 West Union Street  
Burlington, New Jersey 08016

##### CAMDEN COUNTY

East Camden Health Center  
2631 Federal Street  
Camden, New Jersey 08105

District State Health Office  
89 Haddon Avenue  
Haddonfield, New Jersey 08035

##### CUMBERLAND COUNTY

Cumberland County Health Dept.  
800 East Commerce Street  
Bridgeton, New Jersey 08302

##### ESSEX COUNTY

Board of Health  
94 William Street  
Newark, New Jersey 07102

(Essex - continued)

Board of Health  
143 New Street  
East Orange, New Jersey 07017

Board of Health  
65 Chestnut Street  
Montclair, New Jersey 07042

Dept. of Health and Environmental Control  
Municipal Building  
Irvington, New Jersey 07111

Board of Health, Town Hall  
Maplewood, New Jersey 07040

Board of Health  
Box 310 City Hall  
Bloomfield, New Jersey 07003

Board of Health, Town Hall  
29 North Day Street  
Orange, New Jersey 07050

Board of Health, Town Hall  
Nutley, New Jersey 07110

Board of Health  
66 Main Street  
West Orange, New Jersey 07052

Board of Health  
383 Washington Avenue  
Belleville, New Jersey 07109

HUDSON COUNTY  
Dept. of Health  
6028 Broadway  
West New York, New Jersey 07093

Health Department  
Town of Kearny Health Center  
645 Kearny Avenue  
Kearny, New Jersey 07032

Board of Health  
5th Floor, Health Service Building  
Medical Center  
Jersey City, New Jersey 07304

Bayonne Hospital & Dispensary  
Bayonne, New Jersey 07002

MERCER COUNTY  
Board of Health, City Hall  
Trenton, New Jersey 08608

Board of Health, City Hall  
Princeton, New Jersey 08540

MIDDLESEX COUNTY  
Health Dept., City Hall  
76 Bayard Street  
New Brunswick, New Jersey 08901

Board of Health  
800 St. George Avenue  
Woodbridge, New Jersey 07095

Board of Health  
44 Market Street  
Perth Amboy, New Jersey 08861

MONMOUTH COUNTY  
Board of Health  
913 Sewall Avenue  
Asbury Park, New Jersey 07712

Howell Township Health Dept.  
P.O. Box 530  
Howell, New Jersey 07731

Board of Health, Garfield Court  
Long Branch, New Jersey 07740

Board of Health, Municipal Building  
Red Bank, New Jersey 07701

Middletown Township Board of Health  
78 Kings Highway  
Middletown, New Jersey 07740

MORRIS COUNTY  
Board of Health  
29 Ann Street  
Morristown, New Jersey 07960

Pequanneck Township Health Dept.  
530 Turnpike  
Pompton Plains, New Jersey 07444

Parsippany-Troy Hills Health Dept.  
1001 Parsippany Boulevard  
Parsippany, New Jersey 07054

Board of Health, Municipal Building  
Dover, New Jersey 07801

Board of Health, Municipal Building  
Morris County  
Madison, New Jersey 07940

OCEAN COUNTY  
Board of Health, City Hall  
Lakewood, New Jersey 08701

Ocean County Health Dept.  
C.N. 2191  
Toms River, New Jersey 08753

SOMERSET COUNTY  
Somerset Hospital  
Somerville, New Jersey 08876

SUSSEX COUNTY  
Sussex County Health Department  
P.O. Box 98  
Newton, New Jersey 07860

UNION COUNTY  
Board of Health, City Hall  
Plainfield, New Jersey

Health Department Laboratory  
City Hall  
Elizabeth, New Jersey 07201

Board of Health, Municipal Building  
Cranford, New Jersey 07016

Board of Health  
71 Summit Avenue  
Summit, New Jersey 07901

Rahway Memorial Hospital  
Rahway, New Jersey 07065

Board of Health  
Municipal Building, Friberger Park  
Union, New Jersey 07083

WARREN COUNTY  
Warren Hospital  
Phillipsburg, New Jersey 08865

## APPENDIX B

### Instructions for use

This revision replaces all previously issued Non-Legend Drug Appendix B, (New Jersey Medicaid Program), and should be placed in Chapter II of the New Jersey Medicaid Pharmacy Manual.

The listing is divided into contraceptive materials, which are then listed in alphabetical order, insulin and diabetic testing material and general non-legend drugs.

All diaphragms, because they are "legend" drugs and are priced at cost plus dispensing fee, are listed together in the "D" section. However, all other listed items are to be priced at no higher than usual or customary selling price including sheath contraceptives which are generally listed under "prophylactics" (rubber).

All non-legend preparations are coded according to the NDC and must be priced only in accordance with the sizes listed, without dispensing fee, at the usual and customary selling price. All items, other than insulin have a reporting unit of "each" (package) and only one such unit is allowable per claim.

Insulin may be dispensed in multiple vials, in accordance with "days' supply" regulations. The appropriate NDC number should be entered, as listed in Appendix B, on the claim. The multiple metric quantity should be listed in the "quantity dispensed" space on the claim form. For example, four vials of a particular Insulin are reported as 40cc in the "quantity dispensed" area and the NDC listed for the given strength is entered.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

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

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

Ann Klein  
Commissioner  
Department of Human Services

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Rules on Pharmaceutical Services For Recipients in Medicaid-Approved Long-Term Care Facilities

On April 11, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:51-3.1 et seq., concerning pharmaceutical services for recipients in Medicaid-approved long-term care facilities, substantially as proposed in the Notice published January 6, 1977, at 9 N.J.R. 19(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Human Services.

A summary of the 11 more pertinent, substantive changes follows:

1. 10:51-3.1 Introduction  
et seq. All references to New Jersey Health Services Program changed to New Jersey Medicaid Program.

2. 10:51-3.3 Pharmacies out-of-State  
Delete: ["Eligible pharmacies Out of State" mean licensed pharmacies in another state may participate providing they abide by all policies and procedures that apply to New Jersey pharmacies".]

Add: **Out of State pharmacies are not eligible for participation as providers of services covered by this Chapter.**

3. 10:51-3.4(b) General policies  
Add: **5. Date dispensed.**

4. 10:51-3.5(a) 3.  
Addition: When the prescriber indicates "Formulary alternate permitted" the pharmacy provider shall dispense an alternate product listed (as defined in Section 208.2 of Chapter II of the Pharmaceutical Services Manual), based on the average wholesale price for that product. When the prescriber indicates "Dispense as Written" or "DAW", the pharmacy provider shall follow those instructions and will be reimbursed accordingly.

5. 10:51-3.5(d)2.  
Delete: [with]  
Add: **Will**

6. 10:51-3.5(f)  
Addition: When medication is prescribed by its non-proprietary or generic name, the pharmacy provider shall dispense the least expensive, therapeutically effective product available. (See Section 403.)

7. 10:51-3.9 Basis of payment  
Delete: [i. Medicaid patient days per month up to 74,999  
ii. Medicaid patient days per month 75,000-89,999: Capitation fees as defined in this Section less four per cent.  
iii. Medicaid patient days per month 90,000-209,999: Capitation fees as defined in this Section less six per cent.  
iv. Medicaid patient days per month 210,000-239,999: Capitation fees as defined in this Section, less ten per cent.  
v. Medicaid patient days per month 240,000-299,999: Capitation fees as defined in this Section less 14 per cent.  
vi. Medicaid patient days per month 300,000 and over: Capitation fees as defined in this Section less 20 per cent.]

8. 10:51-3.9 Section 407.5 is to be reserved and, therefore, not to be included at this time.

9. 10:51-3.10 Billing instructions  
3. Capitation fees  
Addition:  
i. A payment for the number of Medicaid patient days, based on previous months' experience, multiplied by the appropriate capitation fee for the applicable drug distribution system, as designated in Section 407.2 of this Manual, shall be sent to the designated pharmacy provider.

10. 10:51-3.11(a) Provider agreements  
Deletion: In order to become eligible for reimbursement for pharmaceutical services to Medicaid recipients in long-term care facilities, the provider will execute a special agreement with the New Jersey Medicaid program [for each type of drug distribution system to be used. If more than one type of drug distribution system is to be used by a single provider, in more than one long-term care facility, multiple agreements will be necessary].

Note: [These] **This** special agreement[s] [are] is in addition to the regular provider application agreement which must be filed to become an approved Medicaid provider (except where the provider services Medicaid recipients in long-term care facilities only).

11. 10:51-3.11(b)

If more than one system is used in a single facility, capitation reimbursement will be at the lowest established rate in that facility. Provider applications/agreements may be obtained by writing to:

Pharmacy Relations Department  
Blue Cross of New Jersey  
33 Washington Street  
Newark, New Jersey 07102

Addition: **Note: The provider must notify Medicaid in writing within five days of termination of an agreement to service a long-term care facility.**

An order adopting these rules was filed on April 18, 1977 as R.1977 d.132 to become effective on July 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## HUMAN SERVICES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Adopt Rules for Medical Day Care Services And Interim Billing Procedures

On April 11, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:63-4.1 et seq. and 10:63-5.1 et seq., concerning medical day care services and interim billing procedures, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 123(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these rules was filed on April 18, 1977, as R.1977 d.133 to become effective on May 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions to General Assistance Manual Concerning Hospitalization Costs

On April 19, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:85-3.1(a)i. and 10:85-5.2(f)1. concerning hospitalization costs in the General Assistance Program Manual, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 123(c).

An order adopting these revisions was filed on April 21, 1977, as R.1977 d.134 to become effective on June 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions Concerning Payments to Homes for Unwed Mothers

On April 19, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:82-5.8 concerning payments to homes for unwed mothers, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 124(a).

An order adopting these revisions was filed on April 21, 1977, as R.1977 d.135 to become effective on June 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions of Food Stamp Manual And Work Registration Exemptions

On April 19, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 10:87-3.18(a)2. concerning work registration exemptions in the Food Stamp Manual, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 124(b).

An order adopting these revisions was filed on April 21, 1977, as R.1977 d.136 to become effective on June 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(e)

## HUMAN SERVICES

### DIVISION OF PUBLIC WELFARE

#### Revisions to Assistance Standards Handbook Concerning Earned Income And Division of Youth and Family Services

On April 14, 1977, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency revisions concerning earned income and the Division of Youth and Family Services in the Assistance Standards Handbook.

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

10:82-4.11(c) The basic monthly rates for foster care as established by the Division of Youth and Family Services are as follows:

1. Child under 6 years: \$[100] 110 per month;
2. 6 through 10 years: [106] 116 per month;
3. 11 through 14 years: [113] 125 per month;
4. 15 years and over: [123] 135 per month.

An order adopting these revisions was filed and became effective on April 21, 1977, as R.1977 d.137 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### THE COMMISSIONER

#### Revisions to Automobile Insurance Plan

On March 31, 1977, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:29A-1 et seq., 17:29D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the Automobile Insurance Plan, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 127(a), with only inconsequential structural or language changes, in the opinion of the Department of Insurance.

Take notice that, these revised rules will be cited as N.J.A.C. 11:3-1.25, rather than the citations previously proposed.

Full text of the revised rule follows:

11:3-1.25 New Jersey Automobile Insurance Plan Manuals

(a) Notwithstanding any other requirements of this Chapter to the contrary, any New Jersey Insurance Plan Manuals filed with the Department of Insurance shall provide the following:

1. Except as indicated below, physical damage coverage shall be available only to the following types of nonfleet motor vehicles as defined in Rule 1 of the Physical Damage Supplement I:

- i. Private passenger;
- ii. Light commercial;
- iii. Motorcycles; and
- iv. Recreational trailers, excluding trailers used as residences.

Note: A fleet, for the purposes of this rule, shall include any risk consisting of five or more vehicles of the types listed above.

2. Physical damage coverage shall also be available to all motor vehicles of the private passenger, station wagon or van or mini-bus type owned by or operated on behalf of a nonprofit entity used for social services to transport, without charge, the elderly or handicapped, subject to the following exclusions. (Vehicles listed shall not be eligible for physical damage coverage under this paragraph):

- i. Vehicles with a seating capacity in excess of 20;
- ii. Vehicles in a fleet owned by or operated on behalf of a political subdivision;
- iii. Any emergency type vehicle.

3. An entity claiming nonprofit status shall, upon request of the assigned carrier, submit proof of registration as a nonprofit entity with the New Jersey Department of State. This subsection revision shall be effective immediately.

4. All other than private passenger insureds placed through the Plan shall be subject to the rules, rates, surcharges, minimum premiums and classifications filed on behalf of all companies subscribing to this Plan by the Automobile Insurance Plans Service Office.

An order adopting this revised rule was filed and became effective on March 31, 1977, as R.1977 d.114.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BOARD OF VETERINARY

#### MEDICAL EXAMINERS

#### Proposed Rule on Temporary Permits

George E. Boyle, Secretary of the Board of Veterinary Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:16-1 et seq., proposes to adopt a new rule concerning temporary permits.

Full text of the proposed new rule follows:

13:44-2.9 Temporary permits

Where a lawfully qualified veterinarian of another state has failed the New Jersey State Board examination, such failure may be grounds for denying the issuance of a temporary permit to such applicant to take charge temporarily of the practice of a lawfully qualified veterinarian of this State during his/her absence from such practice, as provided for in N.J.S.A. 45:16-9.7.

Interested persons may present statements or comments in writing relevant to the proposed action on or before May 31, 1977, to:

Board of Veterinary Medical Examiners  
1100 Raymond Boulevard, Room 324  
Newark, New Jersey 07102

The Board of Veterinary Medical Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

George E. Boyle  
Secretary, Board of Veterinary  
Medical Examiners  
Department of Law and Public Safety

(c)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions in No Left Turns On Parts of Route 171

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6, proposes to revise the rule concerning no left turns along portions of Route 171 in Middlesex County. The proposed revisions concern the deletion of the current text of N.J.A.C. 16:28-6.15 in its entirety and the adoption of new text therein.

Full text of the proposed new rule follows:

16:28-6.15 Route 171 in the Township of North Brunswick, Middlesex County

(a) In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on the certain parts of State Highway Route 171 described herein below are regulated as follows:

1. No left turns, 8:00 A.M. to 6:00 P.M., Monday through Friday, North on Route 171 to West Laurel Place.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Alan Sagner  
Commissioner  
Department of Transportation

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Proposed Revisions in Restricted Parking On Parts of Route 23

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt revisions to N.J.A.C. 16:28-3.70 concerning restricted parking on parts of Route 23 in Essex County. The proposed revisions concern the deletion in its entirety of the current text of N.J.A.C. 16:28-3.70 and the adoption of new text therein.

Full text of the proposed new rules follows:

16:28-3.70 Route 23 in Cedar Grove Township, Essex County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 23 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139:

1. No stopping or standing:

i. Along the northbound side of Route 23:

(1) From the Verona Borough-Cedar Grove Township corporate line, to the center line of East Bradford Avenue;

(2) From a point 230 feet north of the center line of Cedar Street, to the center line of Bowden Road;

(3) From the center line of Peckmantown Road to the Little Falls Township-Cedar Grove Township corporate line.

ii. Along the southbound side of Route 23:

(1) From the Little Falls Township-Cedar Grove Township corporate line, to the center line of Brunswick Road;

(2) From a point 650 feet south of the center line of Grove Avenue, to a point 850 feet south of the center line of Grove Avenue;

(3) From the center line of Church Street, to a point 300 feet south of the center line of Church Street;

(4) From the center line of West Bradford Avenue to a point 100 feet south of the center line of West Bradford Avenue;

(5) From the center line of Sweetwood Drive to the Verona Borough-Cedar Grove Township corporate line.

2. No stopping or standing between the hours of 4:00 P.M. and 6:00 P.M.; Monday through Friday:

i. Along the northbound side of Route 23:

(1) From a point 105 feet north of the center line of East Bradford Avenue to a point 230 feet north of the center line of Cedar Street;

(2) From a point 105 feet north of the center line of Bowden Road to a point 120 feet south of the center line of Peckmantown Road.

3. No stopping or standing between the hours of 7:00 P.M. and 9:00 A.M., Monday through Friday, along the southbound side of Route 23:

i. From the center line of Brunswick Road to a point 650 feet south of the center line of Grove Avenue;

ii. From a point 850 feet south of the center line of Grove Avenue to a point 120 feet north of the center line of Church Street;

iii. From a point 300 feet south of the center line of Church Street to a point 120 feet north of the center line of West Bradford Avenue;

iv. From a point 100 feet south of the center line of West Bradford Avenue to the center line of Sweetwood Drive.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

Michael Miller  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Ave.  
Trenton, N.J. 08625

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

Alan Sagner  
Commissioner  
Department of Transportation

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Rules on Restricted Parking on Parts of Routes U.S. 9 and N.J. 29 and 23

On April 4, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-3.143 through 16:28-3.145, concerning restricted parking on parts of Routes U.S. 9 and N.J. 29 and 23, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 139(b).

An order adopting these rules was filed and became effective on April 4, 1977, as R.1977 d.118.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TRANSPORTATION

### THE COMMISSIONER

#### Revisions on Restricted Parking on Parts Of Routes U.S. 9, N.J. 57, 47 and 27

On April 4, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-133.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-3.102 concerning restricted parking on parts of Route U.S. 9 and adopted new rules, to be cited as N.J.A.C. 16:28-3.146 through 16:28-3.148, concerning restricted parking on parts of Routes 57, 47 and 27, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 139(c).

An order adopting these revisions was filed and became effective on April 4, 1977, as R.1977 d.119.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Revisions on Speed Zones on Portions of Routes U.S. 9, N.J. 47 and 181

On April 4, 1977, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 16:28-1.126 concerning speed zones on parts of Route 47 as well as new rules, to be cited as N.J.A.C. 16:28-1.166 and 16:28-1.167, concerning speed zones on parts of Route U.S. 9 and N.J. 181, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 140(a).

An order adopting these revisions was filed and became effective on April 4, 1977, as R.1977 d.120.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF BUILDINGS AND CONSTRUCTION

#### Notice of Recodification of Rules on Debarment, Suspension And Disqualification of Person(s)

Take notice that, the rules on debarment, suspension and disqualification of person(s), currently cited as N.J.A.C. 17:13-8.1 et seq. within Subtitle B, Purchase and Property, of Title 17 in the New Jersey Administrative Code, have been recodified as N.J.A.C. 17:19-3.1 et seq. and will now appear in Subtitle E, Buildings and Construction of Title 17 in the Administrative Code.

No changes in the substantive text of such rules have been made; only the citation changes are affected by this recodification.

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

(d)

## TREASURY

### OFFICE OF THE TREASURER

#### Interim Rules for Processing Of Damage Claims Pursuant to the Spill Compensation and Control Act

On April 1, 1977, Clifford A. Goldman, State Treasurer, pursuant to authority of P.L. 1976, c.141 and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency, interim rules for the processing of damage claims pursuant to the Spill Compensation and Control Act.

Full text of the adopted rules follows:

#### CHAPTER 26. GENERAL PROVISIONS

#### SUBCHAPTER 1. INTERIM RULES FOR THE PROCES- SING OF DAMAGE CLAIMS PUR- SUANT TO THE SPILL COMPEN- SATION AND CONTROL ACT

##### Scope of rules:

These interim rules are adopted by the Department of the Treasury pursuant to P.L. 1976, c. 141 and shall apply to the processing of all claims for damages as the result of a discharge of a hazardous substance.

##### 17:26-1.2 Definitions

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

"Administrator" means the official in the Department of the Treasury in charge of the damage claims functions assigned to Treasury by P.L. 1976, c. 141.

"Board" means the Board of Arbitration.

"Claim" means a claim filed with the administrator or his designee for recovery from the fund for damages to real estate or personal property or loss of income directly or indirectly as a result of a discharge of oil.

"Claimant" means the person or persons filing a claim with the administrator or his designee for damages to be paid out of the fund as the result of the discharge of a hazardous substance.

"Department" means the Department of the Treasury.

"Discharge" means a discharge of a hazardous substance as defined by the New Jersey Department of Environmental Protection pursuant to P.L. 1976, c. 141, § 3j.

"Discharger" means any person, including a third party, who concedes liability or is determined pursuant to P.L. 1976, c. 141, to be liable for a discharge.

"Fund" means the New Jersey Spill Compensation Fund established pursuant to P.L. 1976, c. 141.

"Person" means any individual, partnership, corporation, or other profit-oriented organization, or other property owning organization or unit of State or local government.

"Personal property" means tangible property of all types other than real estate and shall include any right, title or interest in or to such tangible property.

"Real estate" means real property or any right, title or interest in or to real property and shall include easements of all types.

#### 17:26-1.3 Delegation

The administrator may delegate administrative, supervisory or investigatory authority to members of his staff and enter into contracts where appropriate for carrying out the requirements of P.L. 1976, c. 141, including, but not limited to the performance of claims adjustment services.

#### 17:26-1.4 Claims

Any person claiming to have suffered damage to real estate or personal property or loss of income or tax revenue as the result of a discharge of a hazardous substance may submit a claim for any such damages to the administrator; provided said person has actually suffered such damage or loss. No claims on behalf of a subrogee or assignee may be filed with the administrator or processed by the administrator.

#### 17:26-1.5 Time for filing

Claims must be submitted to the administrator not later than one year after the date of discovery of damage, nor later than six years after the occurrence of the discharge causing the damage.

#### 17:26-1.6 Form of claims

(a) Claims shall be submitted in such form and contain such information as the administrator may prescribe from time to time.

(b) The claimant may submit information and materials including the reports of experts, photographs and other demonstrative evidence in addition to the information and materials required or suggested by the administrator's claim form. The administrator or a Board of Arbitration may require additional information and material from a claimant at any time prior to payment of a claim to aid it in determining the identity of the discharger, the cause of the discharge, the validity of the damage claim or the amount of the damage. The administrator and the Board of Arbitration may refuse to process a claim if the claimant refuses to supply the administrator or the Board with such information or materials in the claimant's possession or subject to the claimant's control as the administrator or the Board finds necessary to process the claim.

(c) All damages shall be stated in their entirety in a single application. However, prior to any award of damages from the fund for any claim, or the recovery of reimbursement to the fund from the discharger or the responsible party, or the agreement to a settlement by a claimant and discharger or other responsible party, whichever occurs first, such claim may be amended by the claimant as to the nature or extent of the damage, the cause of the damage or the amount of the claim.

#### 17:26-1.7 Waiver of claims not presented

Damages not included in a claim at the time a settlement is concluded or an award of damages from the fund is made shall be deemed waived.

#### 17:26-1.8 Filing and docketing claims

(a) The administrator shall keep a separate file for each claim submitted, containing a copy of all the materials and documents relating to it. However, in the case of multiple claims for damages caused by a common

single discharge, the administrator may keep a master file containing materials and documents common to all claims, without filing copies thereof in each separate claim file. If the administrator elects to keep a master file, the fact of its existence shall be noted in each separate claim file.

(b) The administrator shall keep a "docket sheet" in each claim file which shall be kept current and shall indicate thereon each document received or action taken with regard to the claim, with the date and nature thereof. The "docket sheet" shall also show the amount of any award paid from the fund upon any claim and the date of such award.

#### 17:26-1.9 Initial processing of claims; cases involving a known discharger or alleged discharger

(a) Rules on notice to party alleged to have caused the discharge are:

1. Upon receipt of a claim, the administrator shall notify the person alleged by the claimant to have caused the discharge, by mailing a notice of claim, a copy of the claim, and, where appropriate, a copy of any supporting documents or materials, by registered or certified mail, return receipt requested, to such person.

2. If the administrator has reason to believe that someone other than the person alleged by the claimant caused the discharge, the administrator shall mail a notice of claim, a copy of the claim and, where appropriate, a copy of any supporting documents or materials, by registered or certified mail, return receipt requested, to such person.

(b) Rules on settlement procedure are:

1. The administrator or his designee shall attempt to arrange a settlement between the claimant and the discharger or alleged discharger.

2. If the alleged discharger concedes liability and said discharger and claimant agree to a settlement, the administrator shall place in claimant's file a statement describing said settlement and in writing notify the claimant and discharger that, pursuant to P.L. 1976, c. 141, said settlement constitutes a waiver of all recourse against the fund by the claimant, regardless of any communications or understanding between or among the claimant, discharger, and/or the administrator.

(c) In cases where the claimant has not set forth the name of a person alleged to have caused the discharge and the administrator cannot determine the source of the discharge, the administrator or his designee shall attempt to arrange a settlement of the claim against the fund. The administrator may enter into a settlement with the claimant subject to whatever terms the administrator deems appropriate and in accordance with Section 11. of this Subchapter.

#### 17:26-1.10 Convening a board of arbitration

(a) If a settlement cannot be achieved pursuant to Section 9. of this Subchapter and a claimant directly presents a claim to the fund for payment for damages and/or clean-up and removal, the administrator may convene a Board of Arbitration to determine the validity or amount of the claim, and the administrator shall convene a board to make such a determination if the alleged discharger or other person contests in writing the validity or amount of said claim.

(b) When a claimant directly presents a claim to the fund for payment subsequent to the conclusion of unsuccessful settlement negotiations, the administrator shall provide notice of said claim to any dischargers or alleged dischargers or other alleged responsible party and

also provide some more general form of notice as may be appropriate. No payment from the fund may be made to a claimant until at least 20 days after said notice has been provided; and if the administrator determines to convene a Board or is required to convene a Board pursuant to subsection (a) of this Section, no payment may be made except in accordance with the determination of said Board and the requirements of subsection (i) of this Section.

(c) To convene a Board, the administrator shall first provide a notice in writing to the claimant, any alleged discharger, any other alleged responsible party, and any other person who, pursuant to this Section, has contested the validity or amount of a claim which has been directly presented to the fund for payment that he is convening a Board to determine the validity and amount of the claim.

(d) When the administrator convenes a Board, after providing the required notice, the administrator may, at his discretion, convene a Board consisting of either three individuals or one neutral individual. A three member board shall consist of an individual selected by the alleged discharger within 30 days after receiving notice that a Board will be convened, an individual selected by the claimant within 30 days after receiving notice that a Board will be convened, and an individual selected by the first two arbitrators (hereinafter referred to as the neutral arbitrator) to serve as chairman. If the first two arbitrators cannot agree upon the selection of a neutral arbitrator, the administrator shall request the American Arbitration Association to use its procedures to select a neutral arbitrator. If the source of the discharge is unknown or liability is not conceded, the administrator shall request the American Arbitration Association to use its procedures to select the neutral arbitrator and the arbitrator normally selected by the absent or unknown person. If a party fails to select an arbitrator within 30 days from the date the party receives notice that a Board will be convened, the administrator shall request the American Arbitration Association to use its procedures to select that arbitrator and said arbitrator and the other arbitrator shall select the neutral arbitrator.

(e) A Board shall employ fair arbitration procedures, consistent with generally accepted arbitration procedures for similar arbitrations and as approved in advance by the administrator; and said procedures shall afford the right of counsel to each person appearing before the Board.

(f) The administrator may convene a single board to hear and determine all claims arising from or related to a common discharge.

(g) All decisions of the Board shall be in writing with notification to all appropriate parties, and shall be rendered within 60 calendar days of the final appointment of the Board unless the parties otherwise agree in writing to an extension.

(h) Determinations made by the Board shall be final. Any action for judicial review shall be filed in the Appellate Division of the Superior Court within 30 days of the filing of the decision with the administrator.

(i) No sooner than 30 days after the determination of the arbitrators, nor more than 60 days thereafter, the arbitrators shall certify all claims settled or arbitrated to the administrator who, in turn, shall certify the amount of the award and the name of the claimant to the Treasurer who shall pay the award from the fund; provided however, that all payments from the fund shall be con-

ditioned upon the administrator acquiring by subrogation all rights of the claimant to recovery of clean-up costs and damages from the discharger or other responsible party, and provided further, that the claimant has not received any compensation for said damages or clean-up costs pursuant to any other State or Federal law. In any case in which the person responsible for the discharge seeks judicial review, "reasonable" attorneys' fees and costs shall be awarded to the claimant if the decision of the Board is affirmed.

#### 17:26-1.11 Payments from the fund

(a) Payments from the fund for clean-up costs and damages pursuant to the determination of a Board of Arbitration shall be made in accordance with N.J.A.C. 17:26-1.10(i).

(b) The administrator shall make payments from the fund pursuant to a settlement between a claimant and the fund, as provided by N.J.A.C. 17:26-9.1(c), only if the administrator acquires by subrogation all rights of the claimant to recovery of clean-up costs and damages from the discharger or other responsible party, and only if the claimant has not received any compensation for said damages or clean-up costs pursuant to any other State or Federal law.

(c) The administrator shall disburse sums from the fund to the Department of Environmental Protection (DEP) for DEP costs incurred in the removal of discharged hazardous substances.

(d) The administrator, pursuant to Legislative appropriation, shall disburse from the fund, as necessary, sums to the Department and to DEP for the general administration of the fund, the Boards, equipment and personnel costs, and may disburse sums, as appropriated by the Legislature, for appropriate research and demonstration programs.

#### 17:26-1.12 Effective date

These rules shall become effective immediately.

An order adopting these rules was filed and became effective on April 1, 1977, as R.1977 d.116 (Exempt, Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Adopt Rules on State Prescription Drug Program

On March 30, 1977, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 17:1-10.1 et seq., concerning the State prescription drug program, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 142(c).

An order adopting these rules was filed and became effective on April 1, 1977, as R.1977 d.117.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF BUILDING AND CONSTRUCTION

#### Repeal of the Rules of the Office of Architecture, Engineering and Construction

On March 30, 1977, S. Leonard DiDonato, Director of the Division of Building and Construction in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:27-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which repealed in its entirety the current text of Subchapters 1 through 7 of Chapter 13 in Title 17 of the New Jersey Administrative Code concerning the rules of the Office of Architecture, Engineering and Construction. Such Subchapters will be marked as Reserved.

An order repealing such rules was filed and became effective on April 5, 1977, as R.1977 d.122 (Exempt Emergency Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Revisions to Demand Group Concerning Classification of Funds

On March 31, 1977, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to the rule of the State Investment Council concerning the demand group and classification of funds.

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

- 17:16-5.4 Demand group
- (a) The demand group shall include:
1. Emergency Services Fund;
  2. Escheat Reserve Fund—Unclaimed Bank Deposits;
  3. Higher Education Assistance Fund;
  4. Motor Vehicle Liability Security Fund;
  5. Motor Vehicle Security Responsibility Fund;
  6. New Jersey Insurance Development Fund;
  7. New Jersey Spill Compensation Fund;
  - [7.] 8. Outstanding Checks Account;
  9. Real Estate Guaranty Fund;
  - [8.] 10. State Disability Benefits Fund;
  - [9.] 11. Unclaimed Personal Property Trust Fund;
  - [10.] 12. Unemployment Compensation Auxiliary Fund;
  - [11.] 13. Unsatisfied Claim and Judgment Fund;
  - [12.] 14. Workmen's Compensation Security Fund—Mutual;
  - [13.] 15. Workmen's Compensation Security Fund—Stock.

An order adopting these revisions was filed and became

effective on April 11, 1977, as R.1977 d.124 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Revisions on Valuation of Units Concerning Common Pension Fund A

On March 31, 1977, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to a portion of the rule of the State Investment Council concerning the valuation of units regarding Common Pension Fund A.

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

17:16-32.8(b)5. Adjustments to income in the amount of [\$10,000] \$50,000 or more in any one month shall be adjusted according to the participant's holdings as of the month in which the error occurred. Adjustments under [[\$10,000] \$50,000] shall be included in the current month's income.

An order adopting these revisions was filed and became effective on April 11, 1977, as R.1977 d.125 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Revisions on Valuation of Units Concerning Common Pension Fund B

On March 31, 1977, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to portions of a rule of the State Investment Council concerning valuation of units regarding Common Pension Fund B.

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

17:16-36.8(b)5. Adjustments to income in the amount of [\$10,000] \$50,000 or more in any one month shall be adjusted according to the participants' holdings as of the month in which the error occurred.

6. Adjustments under [[\$10,000] \$50,000] shall be included in the current month's income.

An order adopting these revisions was filed and became effective on April 11, 1977, as R.1977 d.126 (Exempt, Procedure Rule).

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Revisions for Assessors, Collectors And County Tax Board Secretaries

On April 13, 1977, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1976, c. 72, and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to various Sections in Subchapter 7, Chapter 12 of Title 18 in the New Jersey Administrative Code concerning assessors, collectors and county tax board secretaries, as proposed in the Notice published March 10, 1977, at 9 N.J.R. 143(a).

An order adopting these revisions was filed and became effective on April 14, 1977, as R.1977 d.130.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF TAXATION

#### Amendments in Tax Assessment Lists and Duplicates; EDP

On April 13, 1977, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:3-14 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments, to be cited as N.J.A.C. 18:12A-1.16(h) and (i), concerning County Boards of Taxation and tax assessment lists and duplicates (EDP), as proposed in the Notice published March 10, 1977, at 9 N.J.R. 146(a).

An order adopting these amendments was filed and became effective on April 14, 1977, as R.1977 d.131.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

## (Other Agencies)

(c)

## ELECTION LAW ENFORCEMENT COMMISSION

#### Proposed Amendments for Public Financing Of Elections for Office of Governor

Lewis B. Thurston III, Executive Director of the Election Law Enforcement Commission, pursuant to authority of N.J.S.A. 19:44A-6(b) and 19:44A-38, proposes to adopt amendments to the Commission's rules concerning the public financing of elections for the Office of Governor.

Full text of the proposed rules follows:

#### 19:25-15.35 Post-election contributions; post-election payment of expenses

(a) Any person or political committee, otherwise eligible to make political contributions, may make a lawful contribution or contributions in aid or furtherance of the candidacy of a candidate in the general election after the date of such election, which together with all other contributions by such contributor with respect to such candidacy in such election do not in the aggregate exceed \$600.00.

(b) Every payment of expenditures made by the candidate, his campaign committee, the state committee or any county or municipal committee after the date of the general election (except as otherwise specifically provided by the Act or these regulations, for example, compliance costs) shall be deemed to be expenditures within the meaning of Section 7 of the Act and, as to county and municipal committees, within the meaning of the limitations of Section 29(e) of the Act.

(c) All post-election expenditures to raise funds for the purpose of paying expenditures of a candidate relating to the general election shall be deemed to be expenditures within the meaning of Section 7 of the Act. In the case of testimonial affairs or other fund-raising efforts undertaken in part to raise funds to pay for general election expenditures of such candidate, the portion of the fund-raising expenditures which bears the same proportion to all of the fund-raising expenditures as the proceeds of such fund-raising used to pay off said expenditures of the candidate bear to the total of all proceeds shall be deemed to be expenditures of the candidate within the meaning of Section 7 of the Act.

#### 19:25-15.36 Payment of primary expenses after date of primary

No person or political committee shall make any contribution or contributions to a candidate, his primary election campaign treasurer or to any other person or committee on behalf of the winner of the primary election for the office of Governor in the aggregate in excess of \$600.00 after the date of the primary election for the purpose of paying off primary election expenses of such winning candidate, provided, however, that the foregoing provision shall not be applicable in the case of a winning candidate who has elected not to receive public funding. All such contributions shall be reported in the regular 15-day post-election report or the subsequent 60-day reports with respect to such primary. Such contributions shall not be deemed to be contributions to the candidate in the general election for any purpose, including the \$600.00 contribution limit. Nothing herein contained shall be construed to permit expenditures before or after the date of a primary election by the state committee, county committees or municipal committees of any political party with respect to the primary election expenses of the winner of a primary election for the office of Governor or of any other primary election candidate.

#### 19:25-15.37 Repayment of public or other funds

All monies received by a qualified candidate from the fund for general election campaign expenses remaining after the liquidation of all lawful obligations with respect to that election shall be repaid into the fund not later than six months after the date of such general election. All monies other than monies received by a qualified candidate from the fund for general election campaign expenses used by the candidate to obtain matching funds and remaining available to any qualified candidate after the liquidation

of all obligations shall also be paid into the fund not later than six months after the date of such general election; provided, however, that nothing herein contained shall require any candidate to pay into the fund a total amount of monies in excess of the total amount of monies received by such qualified candidate from the fund.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

Election Law Enforcement Commission  
National State Bank Building  
Suite 1114  
Trenton, N.J. 08605

The Election Law Enforcement Commission, upon its own motion or at the instance of any interested party, may thereafter adopt these amendments substantially as proposed without further notice.

Lewis B. Thurston III  
Executive Director  
Election Law Enforcement Commission

(a)

## HIGHWAY AUTHORITY

### GARDEN STATE PARKWAY

#### Revisions Governing Motorcycles On the Garden State Parkway

On March 31, 1977, F. Joseph Carragher, executive director of the Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted revisions to N.J.A.C. 19:8-1.1 and 19:8-1.9(b)3. concerning the use of motorcycles on the Garden State Parkway, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 151(a), with only inconsequential structural or language changes, in the opinion of the New Jersey Highway Authority.

An order adopting these revisions was filed on March 31, 1977, as R.1977 d.113 to become effective on April 1, 1977.

G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(b)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Various Revisions to Port Authority Rules

On January 26, 1977, and February 23, 1977, the committee on operations of the Port Authority of New York and New Jersey adopted revisions to several of its rules.

Full text of the adopted revisions follows:

Resolved, that the Schedule of Charges for the Use of Public Landing Area, Public Passenger Ramp and Apron Area, Public Cargo Ramp and Apron Area and Public Aircraft Parking and Storage Areas at Kennedy Inter-

national Airport, adopted by the Committee, at its meeting on January 5, 1950 (appearing at page 21 of the Committee minutes of that date), is amended, be and the same is hereby amended, effective March, 1977, by amending the first paragraph of Section 1 thereof by deleting "\$.45" and substituting "\$.50" therefor.

Resolved, that the resolution of this Committee, adopted on July 12, 1951 (appearing at pages 43 and 44 of the Committee minutes of that date), defining the public areas and air terminal highways at Newark International Airport and approving the map thereof, as subsequently amended, be and the same is hereby amended, effective March 1, 1977, by deleting the first paragraph thereof and substituting in lieu thereof the following:

"Resolved, that the Port Authority of New York and New Jersey hereby designates as the public landing areas, public aircraft and parking and storage areas, public vehicular parking areas, and air terminal highways delineated as such upon the map entitled 'The Port Authority of New York and New Jersey - Newark International Airport - Map of Public Areas and Air Terminal Highways', dated March 1, 1977, which map shall be filed with the Secretary; and be it further"

the said resolution in all other respects to continue in full force and effect; and be it further

Resolved, that the Committee hereby establishes a speed limit of 30 miles per hour on the newly designated air terminal highways.

Resolved, that the resolution of this Committee establishing rates for the public vehicular parking area at the Port Authority Bus Terminal, adopted on January 31, 1962 (appearing at page 24 of the Committee Minutes of that date), as subsequently amended, be and the same is hereby amended to read as follows, effective March 1, 1977:

"Resolved, that the following schedule of rates, which rates include 6% New York City parking tax, be and the same hereby is established for the public vehicular parking area at the Port Authority Bus Terminal:

Up to 1 hour	\$2.25
2 hours	3.25
4 hours	3.75
10 hours	4.00
11 hours	4.50
12 hours	5.00
13 hours	5.50
24 hours	6.00
Over 24 hours	.50 for each hour or part to a maximum of \$6.00 for each 24-hour period;

and be it further

Resolved, that the Committee hereby approve salary ranges for Kinney Systems, Inc.'s managerial employees to a maximum of \$14,000 for the manager and \$12,500 for the assistant manager.

Resolved, that the resolution establishing fees for parking vehicles on public vehicular parking areas at Port Authority Air Terminals, adopted by the Board, at its meeting on March 11, 1948 (appearing at pages 90 et seq. of the Official minutes of that date), as subsequently amended, be and the same is hereby amended, effective May 1, 1977, by revising the section relative to LaGuardia Airport, as follows:

Parking Garage:	\$1.00 for first hour or part \$ .50 per hour or part thereafter \$7.00 maximum to 24 hours \$1.00 per 3 hours or part thereafter \$7.00 maximum each 24 hours
All other Lots:	\$1.00 for first hour or part \$ .50 per hour or part thereafter \$5.00 maximum to 24 hours \$1.00 per 4 hours or part thereafter \$5.00 maximum each 24 hours
Meters:	\$ .25 per ¼ hour (interim rate) \$ .50 per ½ hour (permanent rate)

Resolved, that the Schedule of Charges for Use of Public Vehicular Parking Areas at Kennedy International Airport, be and the same is hereby revised, effective May 1, 1977, to provide for the following rates:

Premium	\$1.00 for first hour or part
Pan Am Rooftop: (Lot 6)	\$ .50 per hour or part thereafter
Intermediate Central Terminal Area: (except Lot 6)	\$1.00 for first hour or part \$ .50 per hour or part thereafter \$4.00 maximum to 16 hours \$1.00 per four hours or part thereafter \$6.00 maximum each 24 hours
Remote Reduced Rate	\$3.00 for first 24 hours or part
Long Term: (Lots 8 and 9)	\$1.50 per 12 hours or part thereafter

Resolved, that the resolution establishing fees for parking vehicles on Public Vehicular Parking Areas at Port Authority Air Terminals, adopted by the Board, at its meeting on March 11, 1948 (appearing at page 90 et seq. of the Official Minutes of that date), as subsequently amended, be and the same is hereby amended, effective May 1, 1977, by revising the section relative to Newark International Airport as follows:

Premium	\$1.00 for first hour or part
"Hourly" Lots:	\$ .50 per hour or part thereafter
Intermediate "Daily" Lots:	\$1.00 for first hour or part \$ .50 per hour or part thereafter \$4.00 maximum to 20 hours \$1.00 per 4 hours or part thereafter \$5.00 maximum each 24 hours
Remote Reduced Rate	
Long Term: (Lots D, 1 & 3)	\$1.00 for first hour or part \$ .50 per hour or part thereafter \$3.00 maximum to 24 hours \$1.00 per eight hours or part thereafter \$3.00 maximum each 24 hours

Resolved, that the "FMC Schedule No. PA-9 Naming Rules and Regulations Applying at Port Authority Marine Terminals and Rates and Charges Applicable For the Use of Public Areas at Port Authority Marine Terminals" adopted by the Committee, at its meeting on February 3, 1966, (appearing at page 3 et seq. of the Committee minutes of that date) as amended, be and the same is hereby amended, effective July 1, 1977, by revising Section G to increase the per passenger charges therein by \$.44 per passenger.

An order adopting these revisions was filed on March 30, 1977, as R.1977 d.110 (Exempt, Exempt Agency).  
G. Duncan Fletcher  
Director of Administrative Procedure  
Department of State

(a)

## TURNPIKE AUTHORITY

### Proposed Rules on Inspection And Obtaining of Authority Records

The Turnpike Authority, pursuant to authority of N.J. S.A. 27:23-1 et seq., proposes to adopt regulations concerning the inspection and obtaining of Authority records.

Full text of the proposed regulations follows:

#### SUBCHAPTER 4. INSPECTION AND OBTAINING OF TURNPIKE AUTHORITY RECORDS

##### 19:9-4.1 General provisions

(a) All Authority records which are required by law or regulation to be made, maintained, or kept on file shall be available to any individual during regular business hours for the purpose of inspection or hand copying.

(b) Except as otherwise specified herein, copies of such records may be obtained by written request accompanied by a check or money order, made payable to the Turnpike Authority, in accordance with the following fee schedule:

1. Documents up to 8½ by 13 inches, per page ... \$ .50;
2. Documents larger than 8½ by 13 inches,  
per page ..... \$ 1.00;
3. Drawings, maps and plan sheets, per page ... \$ 1.00;
4. Microfilm, per page or sheet ..... \$ 1.00.

(c) No payment may be required when the request is made by the United States, the State of New Jersey or any agency or political subdivision thereof; individuals or firms doing work or performing services for the Authority; organizations or associations of which the Authority is a member; and organizations exchanging information with the Authority on a reciprocal basis.

(d) Records in connection with a claim against the Authority, its agents, servants or employees, will be furnished only in accordance with New Jersey court rules.

##### 19:9-4.2 Photographs; slides

(a) Any individual requesting photographs or slides of the New Jersey Turnpike or any facility located thereon shall make written request to the Director of Public Information of the Authority in accordance with the following fee schedule:

1. Photographs up to 8 by 10 inches, black and  
white glossy, per picture ..... \$ 3.00;
2. Photographs 8 by 10 inches, color glossy,  
per picture ..... \$ 6.00;
3. Slides, 35 millimeter, per slide ..... \$ 1.00.

(b) Photographs of the Turnpike roadway, structures and/or appurtenances will be taken upon written request, addressed to the Director of Public Information. Requests must specify the exact location of the site, accompanied by a brief description of the item to be photographed. All requests shall be accompanied by a check or money order, made payable to the Authority, in accordance with the following fee schedule:

1. Photographs, 8 by 10 black and white single weight glossy, per picture .....\$10.00;
2. Photographs, 11 by 14 black and white glossy, per picture .....\$15.00;
3. For a 4 by 5 contact black and white print same size as the original negative (glossy single weight), an additional fee, per print of .....\$ 5.00.

(c) If the Authority, in its judgment, determines that the interests of law enforcement, public safety or welfare so require no copy of the requested photograph will be made or furnished to the applicant. In such event, the applicant will be so informed and the fee accompanying the request will be returned.

**19:9-4.3 Bid documents**

Copies of bid documents for contractors and vendors bidding on work, services or materials shall be obtained at fees established by the Authority and published in the advertisement for receipt of bids.

**19:9-4.5 New Jersey State Police reports**

(a) Copies of New Jersey State Police accident reports of Troop D on the New Jersey Turnpike may be obtained by written request to the following:

Commanding Officer, Troop D  
State Police  
P.O. Box 1121  
New Brunswick, N.J. 08903

1. Requests must be made by mail. Reports will not be furnished to anyone applying in person.

(b) All requests must be accompanied by a check or money order, made payable to the Authority, in accordance with the following schedule:

1. One-to-three page report .....\$10.00;
2. Each additional page .....\$ 2.00;
3. Over six pages ..... no additional fee.

(c) No payment is required when the request is made by a law enforcement agency of the United States, the State of New Jersey or any political subdivision thereof.

(d) Criminal reports, statements, photographs and other evidential reports, if any, attached to accident reports will be furnished only in accordance with New Jersey court rules.

(e) In the event that the Commanding Officer, Troop D, in his discretion, determines that the interests of law enforcement and public safety require that the requested report not be furnished, the applicant will be so informed and the fee accompanying the request will be returned. The report will be furnished only in accordance with New Jersey court ruling.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 25, 1977, to:

William J. Flanagan  
Executive Director  
Turnpike Authority  
New Brunswick, N.J. 08903

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

William J. Flanagan  
Executive Director  
Turnpike Authority

## INDEX FOR THIS ISSUE

(Continued from front cover)

**TREASURY**

- Recodify debarment rules ..... 9 N.J.R. 241(c)
- Adopt spill compensation rules ..... 9 N.J.R. 241(d)
- Adopt prescription drug rules ..... 9 N.J.R. 243(a)
- Repeal building engineering rules ..... 9 N.J.R. 244(a)
- Revisions in investment funds ..... 9 N.J.R. 244(b)
- Revise Pension Fund A ..... 9 N.J.R. 244(c)
- Revise Pension Fund B ..... 9 N.J.R. 244(d)
- Revisions for tax assessors ..... 9 N.J.R. 245(a)
- Amend tax assessment lists ..... 9 N.J.R. 245(b)

**OTHER AGENCIES**

**ELECTION LAW ENFORCEMENT COMMISSION**

- Proposed governor election financing ..... 9 N.J.R. 245(c)

**HIGHWAY AUTHORITY**

- Garden State motorcycle changes ..... 9 N.J.R. 246(a)

**PORT AUTHORITY OF NEW YORK AND NEW JERSEY**

- Revised various rules ..... 9 N.J.R. 246(b)

**TURNPIKE AUTHORITY**

- Proposed rules on records inspection ..... 9 N.J.R. 247(a)

•  
Administrative CODE INTERIM INDEX..... Page 22  
•

Next RULES FILING DEADLINE .... May 25

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

**36 MORE ASSESSORS "QUALIFIED"**

State Director of Taxation Sidney Glaser announced that 36 people in 18 counties passed the recent municipal tax assessor qualification examination. One hundred and twelve took the six-hour exam at three locations across three State.

It was offered in accordance with the Assessor Certification and Tenure Act which requires that anyone taking office as a tax assessor on and after July 1, 1971 hold a Tax Assessor Certificate.

"Purpose of the assessor certification law is to promote professional administration of the property tax through training and examination, and to assure that tenure in office as tax assessor is awarded to qualified persons", Glaser said.

The examination, offered in March and September, covers property tax law, farmland assessment, tax exemptions and deductions, sales ratio and equalization programs and the three approaches to valuation of real property.