

**CHAPTER 57B****HEPATITIS INOCULATION FUND****Authority**

N.J.S.A. 26:4-100.13.

**Source and Effective Date**

R.2006 d.92, effective January 31, 2006.  
See: 37 N.J.R. 3172(a), 38 N.J.R. 1319(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 57B, Hepatitis Inoculation Fund, expires on July 30, 2013. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 57B, Hepatitis Inoculation Fund, was adopted as R.1995 d.207, effective April 17, 1995. See: 27 N.J.R. 28(a), 27 N.J.R. 1615(b). Pursuant to Executive Order No. 66(1978), Chapter 57B expired on April 17, 2000.

Chapter 57B, Hepatitis Inoculation Fund, was adopted as new rules by R.2000 d.328, effective August 7, 2000. See: 32 N.J.R. 425(a), 32 N.J.R. 2896(a).

Chapter 57B, Hepatitis Inoculation Fund, was readopted as R.2006 d.92, effective January 31, 2006. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 57B, Hepatitis Inoculation Fund, was scheduled to expire on July 30, 2011. See: 43 N.J.R. 338(a).

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**SUBCHAPTER 1. FUND PROVISION****8:57B-1.1 Purpose and scope**

The purpose of this subchapter is to establish a uniform process for allocating the Fund's resources among municipalities in accordance with the priorities set forth in the Act. The Fund shall be used exclusively to reimburse municipalities for expenses incurred in the provision of hepatitis B inoculations of emergency medical technicians—ambulance, firefighters, and police officers. The following rules are established to implement the Hepatitis Inoculation Fund Act, N.J.S.A. 26:4-100.13 et seq. (P.L.1993, c. 227), an Act providing for the payment of the cost of hepatitis inoculations for certain health and safety workers.

**8:57B-1.2 Definitions**

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

“Act” means P.L.1993, c. 227, which establishes the Hepatitis Inoculation Fund.

“Commissioner” means the New Jersey Commissioner of Health and Senior Services.

“Covered individual” means emergency medical technician—ambulance (EMT-A), firefighters, and police officers.

“Department” means the New Jersey Department of Health and Senior Services.

“Division” means the Division of Epidemiology, Environmental, and Occupational Health.

“Emergency medical technician—ambulance” or “EMT-A” means an individual trained and currently certified or recognized by the Commissioner, in accordance with the United States Department of Transportation EMT-A training course, as outlined in the standards established by the Federal Highway Traffic Safety Act of 1966, 23 U.S.C. 401 et seq. (amended) to deliver basic life support services, and who has completed the national standard curriculum, as published by the United States Department of Transportation for Emergency Medical Technician Ambulance.

“Hepatitis Inoculation Fund” or “Fund” means a separate, nonlapsing, revolving account used to reimburse municipalities for expenses incurred in the provision of hepatitis B inoculations to certain emergency services personnel. The Fund shall be administered by the Division of Epidemiology, Environmental, and Occupational Health. The source of this Fund is the statutorily defined percentage of proceeds collected from property forfeiture and cash seizures pursuant to N.J.S.A. 2C:64-6.

“May” means that the action referred to is discretionary.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Reimbursable costs” means the cost of hepatitis B vaccine, equal to, or less than, the cost of the purchase of the vaccine at the prevailing State contract rate, and the cost of such fees for professional medical services for administration of the vaccine.

“Shall” means that the action referred to is mandatory.

“Volunteer” means a person who gives services without any express or implied promise of remuneration.

**8:57B-1.3 General requirements**

(a) The Fund shall provide financial assistance to municipalities in the form of reimbursement of expenses incurred in providing hepatitis B inoculations to certain emergency services personnel.

(b) Each applicant municipality shall appoint a liaison who shall be responsible for preparing and submitting an application to the Division on behalf of all emergency services personnel within its jurisdiction.

1. Applications received by the Division directly from individual first aid and rescue squads, fire companies, departments, and districts, and police departments or their members and/or staffs shall be disallowed.

(c) Funds shall be allocated to municipalities in accordance with the following tiered eligibility schedule of covered individuals:

1. Tier I: Volunteer emergency medical technicians—ambulance and volunteer firefighters;

2. Tier II: All other emergency medical technicians—ambulance, firefighters and police officers in squads or departments with less than 100 members; and

3. Tier III: All other emergency medical technicians—ambulance, firefighters and police officers.

(d) Fund distributions shall commence at Tier I eligibility and shall proceed through Tier I until all eligible applicant municipalities in Tier I have been reimbursed. Upon completion of Tier I reimbursement, Fund distribution will proceed to Tier II and upon completion of Tier II reimbursement, Fund distribution will proceed to Tier III.

(e) A municipality shall not claim expense reimbursement for a covered individual whose medical insurance pays for the full cost of the hepatitis inoculation, but may claim expense reimbursement for any portion of the cost disallowed by such medical insurance.

**8:57B-1.4 Application process by municipalities for reimbursement**

(a) Municipalities shall submit an application for reimbursable costs in the format prescribed at (d) below by a specified deadline date as determined by the Division. This application shall remain valid until all municipalities have been reimbursed.

(b) Reimbursable costs shall include the cost of the hepatitis B vaccine and the cost of fees for professional medical services for administration of the vaccine. Reimbursable cost of the hepatitis B vaccine shall not exceed the cost of the purchase of the vaccine at the prevailing State contract rate.

(c) Only applications for reimbursable costs from municipalities shall be honored. Requests for reimbursement from individual first aid and rescue squads, fire departments, districts, and companies, and police departments or their members and/or staffs shall be disallowed.

(d) Each application for reimbursable costs shall be in the form of a letter and shall include the following information:

1. The name of the municipality;

2. The total amount expended for inoculations of each of the individuals specified in (d)4 below;

3. The amount sought for reimbursement;

4. The composition of the municipality's emergency services personnel, including the number of volunteer emergency medical technicians—ambulance, the number of volunteer firefighters, the number of paid emergency medical technicians—ambulance, the number of paid firefighters, and the number of police officers;

5. Actual reimbursable costs incurred for inoculations of each of the individuals specified in (d)4 above, categorized according to total amount incurred for the hepatitis B vaccine and the cost of fees of professional medical services for administration of the vaccine; and

6. A statement certifying that the reimbursement applied for represents actual costs incurred and that such costs are not eligible for coverage, and have not been covered through any other source.

(e) The municipality shall maintain all records which were relied upon in making applications for reimbursement for five years after receiving reimbursement from the Division.

**8:57B-1.5 Funding and allocation**

(a) The amount available to fund reimbursable costs is contingent upon the total amount collected and deposited into the Fund and designated by the State Treasurer as available for distribution.

(b) The amount of reimbursement per municipality shall not exceed \$5,000 per reimbursement cycle.

(c) All reimbursements shall be made based on the cost of the purchase of vaccine at the prevailing State contract rate.

(d) All reimbursements may include the cost of professional medical services to administer the vaccine which are reasonable and customary in the locality.

**8:57B-1.6 Lottery**

(a) At the close of the application period, all applications shall be reviewed by the Division for eligibility and subsequently sorted into the tiers as specified in the eligibility schedule at N.J.A.C. 8:57B-1.3(c).

1. An applicant municipality which falls into more than one tier on the eligibility schedule, for example, those which have both volunteer and paid EMT-As, shall submit applications for each eligibility category to which they are entitled, pursuant to N.J.A.C. 8:57B-1.3(c).

(b) A lottery shall be held by the Division to determine the order in which eligible applicant municipalities shall receive distribution from the Fund.

1. Within 60 days of the close of an application period, all municipalities which have applied for reimbursement pursuant to N.J.A.C. 8:57B-1.4 and are deemed eligible shall be included in the lottery.

2. Applications from all eligible municipalities shall be sorted into the tiers specified in the eligibility schedule.

3. All eligible municipalities shall be assigned a unique identification number by the Division. This number shall be the County-Municipality Code number as used by the New Jersey Department of the Treasury, Division of Taxation.

4. These numbers shall be written on slips of paper which are identical in size and shape to every other slip of paper.

5. The slips with the code numbers written thereon shall be placed in a suitable container.

6. To ensure random distribution of the slips, the slips shall be mixed by shaking the container, by stirring the contents of the container, or by a combination of both methods.

7. Slips shall be drawn blindly one-at-a-time from the container by staff from the Division.

i. The drawing shall commence with Tier I eligibility and shall proceed through Tier I until all eligible applicant municipalities in Tier I have been selected.

ii. The drawing shall continue with Tier II eligibility and shall proceed through Tier II until all eligible applicant municipalities in Tier II have been selected.

iii. The drawing shall continue with Tier III eligibility and shall proceed through Tier III until all eligible applicant municipalities in Tier III have been selected.

8. Upon being drawn from the container the slip shall be read aloud and another staff member shall determine which municipality was drawn. A list of the results of the lottery shall be constructed and maintained.

9. The lottery shall be witnessed by representatives of the health and safety workers who are affected by the Act

and this subchapter, that is, EMTs, firefighters, and police officers.

(c) The Division shall disclose the lottery outcome, notifying applicant municipalities of their lottery standings by mail within one month of the conclusion of the lottery.

(d) Fund distributions shall be made in accordance with the lottery standings as monies become available for distribution and shall continue until all available funds are distributed.

1. Fund distributions shall commence at Tier I eligibility and shall proceed through Tier I until all eligible applicant municipalities in Tier I have been reimbursed. Upon completion of Tier I reimbursement, Fund distribution shall proceed to Tier II and upon completion of Tier II reimbursement, Fund distribution shall proceed to Tier III.

2. If the Fund is exhausted prior to completion of any tier, distribution shall be suspended pending sufficient deposits into the Fund by the Attorney General.

(e) The lottery standings shall remain in effect until the next succeeding lottery.

#### **8:57B-1.7 Use of hepatitis inoculation funds by municipalities**

Moneys from the Fund which are distributed to the municipalities shall be used exclusively for the purposes specified in the Act and shall not supplant budgeted funding or any other available funding currently in existence.

#### **8:57B-1.8 Accounting and audit**

The State of New Jersey reserves the right to periodically audit any of the records referenced in this subchapter.

#### **8:57B-1.9 Division responsibilities**

(a) The Division shall:

1. Establish specific application periods as necessary;
2. Screen requests for reimbursement from municipal applicants to determine eligibility;
3. Conduct a lottery to determine municipal ranking;
4. Maintain oversight of the program; and
5. Administer the Fund on a day-to-day basis;

(b) Administrative costs of the program shall be paid from the Fund to the Division prior to any distribution to municipalities.